

RURAL MUNICIPALITY OF ST. ANDREWS
PRIVATE APPROACH BY-LAW
BY-LAW NO. 4313

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF ST. ANDREWS TO ESTABLISH THE REQUIREMENTS FOR INSTALLATION OF ACCESS CROSSINGS ONTO MUNICIPAL ROADWAYS.

WHEREAS the provisions of *The Municipal Act*, C.C.S.M. c. M225, provides in part as follows:

Spheres of jurisdiction

232(1) A council may pass by-laws for municipal purposes respecting the following matters:

(e) private works on, over, along or under municipal roads;

Exercising by-law-making powers

232(2) Without limiting the generality of subsection (1), a council may in a by-law passed under this Division

(a) regulate or prohibit;

(b) adopt by reference in whole or in part, with any changes the council considers necessary or advisable, a code or standard made or recommended by the Government of Canada or a province or a recognized technical or professional organization, and require compliance with the code or standard;

(c) deal with any development, activity, industry, business, or thing in different ways, or divide any of them into classes and deal with each class in different ways;

(d) establish fees or other charges for services, activities or things provided or done by the municipality or for the use of property under the ownership, direction, management or control of the municipality;

(e) subject to the regulations, provide for a system of licences, permits or approvals, including any or all of the following:

(i) establishing fees, and terms for payment of fees, for inspections, licences, permits and approvals, including fees related to recovering the costs of regulation,

(iii) prohibiting a development, activity, industry, business or thing until a licence, permit or approval is granted,

(iv) providing that terms and conditions may be imposed on any licence, permit or approval, and providing for the nature of the terms and conditions and who may impose them,

(v) providing for the duration of licences, permits and approvals and their suspension or cancellation or any other remedy, including undertaking remedial action, and charging and collecting the costs of such action, for failure to pay a fee or to comply with a term or condition or with the by-law or for any other reason specified in the by-law, and

(vi) providing for the posting of a bond or other security to ensure compliance with a term or condition;

(f) except where a right of appeal is already provided in this or any other Act, provide for an appeal and the body that is to decide the appeal, and related matters;

Definition of "municipal road"

285 In this Division, "**municipal road**" means land that

(a) has been opened under section 289, or opened, dedicated or reserved under any other Act, as a road for public use; and

(b) has not been closed under section 290 or any other Act;

and includes a road allowance, street, lane, thoroughfare, walkway, bridge and underpass, but does not include a departmental road as defined in *The Transportation Infrastructure Act*.

AND WHEREAS the Council of the Rural Municipality of St. Andrews deems it expedient and in the public interest to establish the requirements as to location, construction, materials, workmanship, and other matters in connection with installation, re-construction, or maintenance of access crossings;

NOW THEREFORE, the Council of the Rural Municipality of St. Andrews, in Council assembled, enacts as follows:

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1. That the Municipality requires a permit from the owner of lands lying adjacent to municipal roads and approval of the application by Public Works Department prior to construction or alteration of an access onto municipal roadways.
2. That Schedule "A" attached hereto be and is hereby adopted as the minimum specifications to regulate and control the location, construction, materials, and workmanship for access crossings.
3. That Schedule "B" attached hereto be and is hereby adopted to be used as a private approach permit and damage deposit form to accompany a completed private approach permit. It also contains construction instructions, standards and specifications as they relate to culvert installation in a municipal drain.
4. That said private approaches and/or culvert(s) shall be constructed in accordance with Schedule "A" & "B" specifications as set forth by the Public Works Department.
5. That said private approaches and/or culvert(s) when installed shall be inspected by the Public Works Department to ensure conformance with approved specifications.
6. That when a culvert has been installed in a municipal ditch, the culvert, after receiving inspection and approval of the Public Works Department, shall become the property of the Municipality and can only be removed by the Municipality.
7. That any person who installs the culvert and private approach not in accordance with specifications or causes any damage to the municipal ditch, as specified by the Public Works Department, shall be liable for repairs of same. In the event the repairs are not completed within thirty (30) days of receiving notice from the Public Works Department, the Municipality will undertake the repairs and place the costs of same upon the property's tax under section 222(3) of *The Municipal Act*.
8. That no owner, tenant, person, firm or corporation shall be allowed to construct any headwall or decorative addition to the inlet/outlet ends of the said culvert(s).
9. That the Municipality may direct the owner, at no cost to the Municipality, to remove headwalls or ornamentation in order to facilitate public works by the Municipality.
10. That in the event the Municipality must dig up or remove an approach to repair, replace or install a culvert, the approach will be reconstructed as per specifications found in Schedule "A". The Municipality will not be responsible to replace any asphalt, concrete or other material (not in the specifications) that were on the driving surface of the approach. If the owner had any of the above said materials and would like them replaced, it will be the owner's responsibility and must be approved in writing by the Manager of Public Works.
11. That no person shall be allowed to alter the level of the ditch without permission of the Public Works Department.
12. That other than for approaches permitted on a second side for a corner lot, the approach for any property must be constructed to access the road which is identified as the property's civic address.
13. That only one (1) approach shall be allowed per property unless otherwise authorized in 14 and 15.
14. Corner lots, as well as properties zoned A40, A80, M1, M2, AIP, when approved by the Manager of Public Works, may be permitted to have two (2) approaches. For corner lots the Manager of Public Works may approve the approaches to be on different sides of the lot.

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15. All other properties not already identified in 14. may apply to the Manager of Public Works for a second driveway. Approval shall only be provided where the Manager of Public Works is satisfied the second driveway will not further impede drainage and/or cause the Municipality more work related to spring runoff.
16. That any owner of or tenant of lands who is not satisfied with the decision or ruling of the Manager of Public Works may appeal the decision or ruling to Council, provided the appeal is submitted to the Municipality within thirty (30) days of the decision or ruling being sent to the owner or tenant.
17. The Municipality may initiate a program whereby agricultural approaches are widened under a cost sharing format with the property owner the approach services where the Municipality includes funding in its annual financial plan for the program. The maximum number of approaches to be widened under this program shall not exceed twelve per year, or until the funding in the financial plan is fully expended, whichever occurs first.
18. Where the private approach has not been installed in accordance with the private approach permit, the Municipality shall give written notice by certified mail to the applicant, directing that the private approach be completed and/or corrected.
19. Where an applicant has been given a notice, order or direction pursuant to Item 17. neglects or refuses to comply with such order or direction within the time specified, the Municipality may cause the work to be carried out and charge the cost of the work against the deposit held by the Municipality. Where the cost of the work exceeds the value of the deposit held, the Municipality may charge the cost of such excess against the applicant, and in default of payment:
 - (a) recover the cost as a debt due to the Municipality;
 - (b) charge the cost against the land concerned as taxes due and owing in respect to that land, and recover the cost as such.
20. Any person who contravenes or disobeys, or refuses or neglects to obey any provision of this by-law for which no penalty is provided, is guilty of an offence and liable, on summary conviction, to a fine not exceeding \$500.00 in the case of an individual, or \$1,000.00 in the case of a corporation, or, in the case of an individual, to imprisonment for a term not exceeding one (1) month or to both such a fine and such an imprisonment. Where a contravention, refusal, neglect, omission or failure continues for more than one day, the person is guilty of a separate offence for each day that it continues.
21. That By-Law #4296 is hereby repealed.
22. That Schedules "A" & "B" may be amended from time to time by resolution of Council.

DONE AND PASSED IN COUNCIL ASSEMBLED at the Council Chambers of the Rural Municipality of St. Andrews in the Municipal Office, Clandeboye, Manitoba this 10th day of September, 2019.

RURAL MUNICIPALITY OF ST. ANDREWS

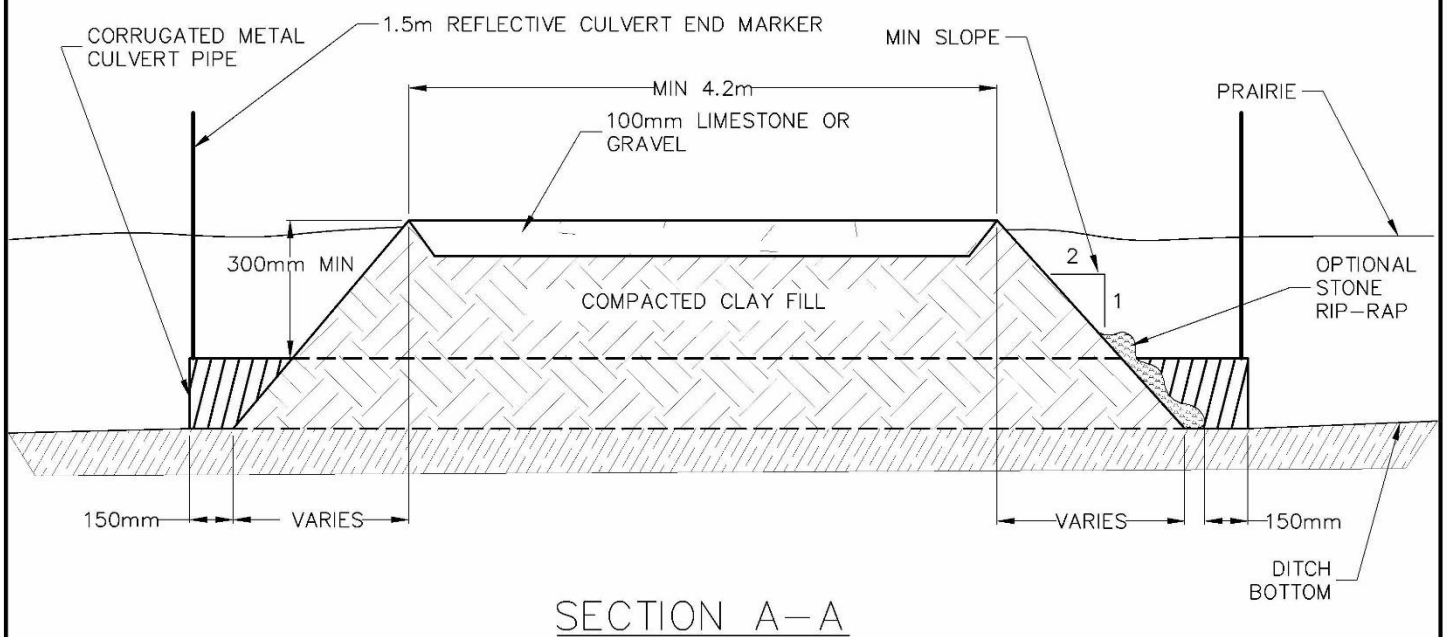
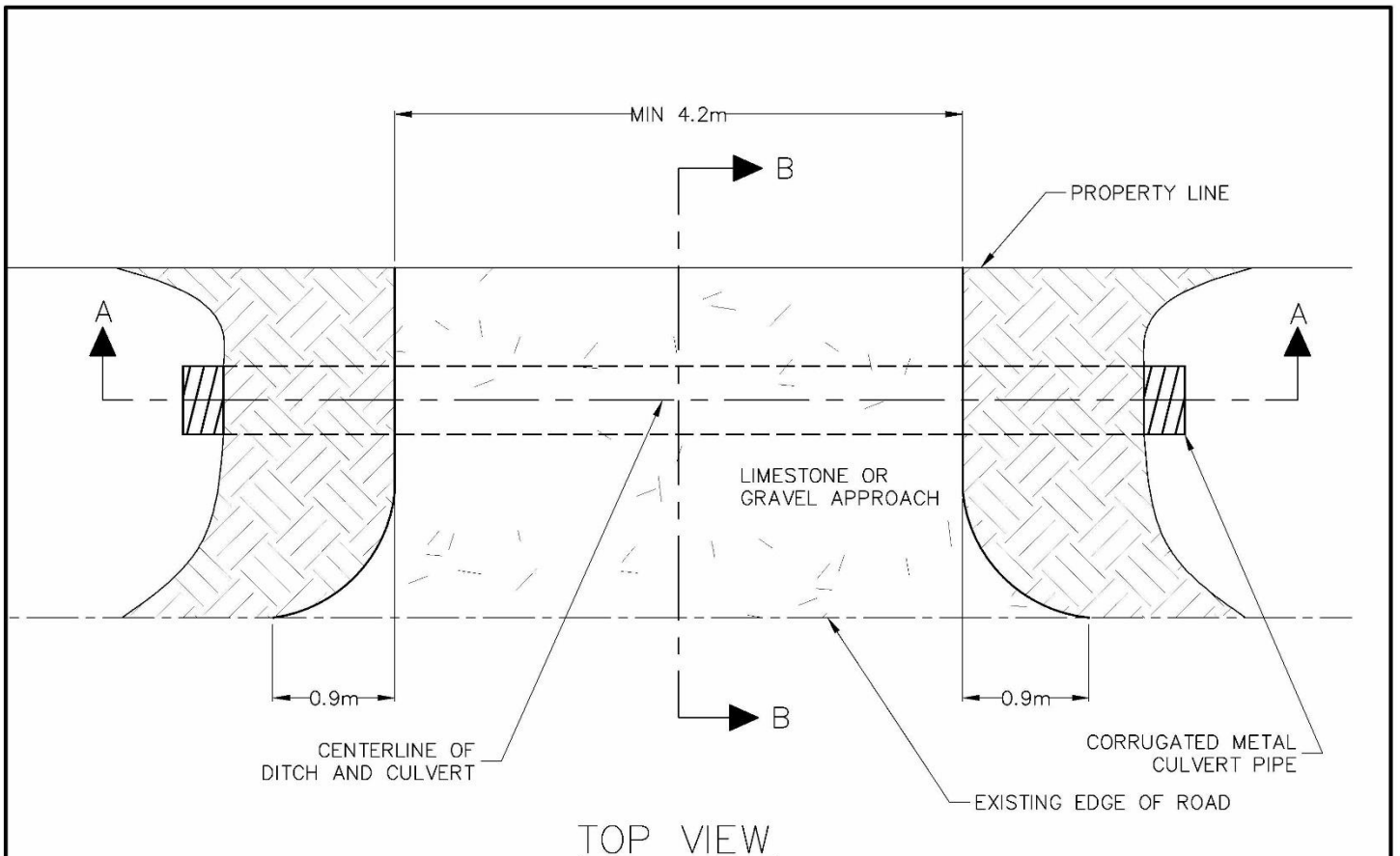
Mayor


Chief Administrative Officer

Read a first time this 9th day of July, 2019.
Read a second time this 10th day of September, 2019.
Read a third time this 10th day of September, 2019.

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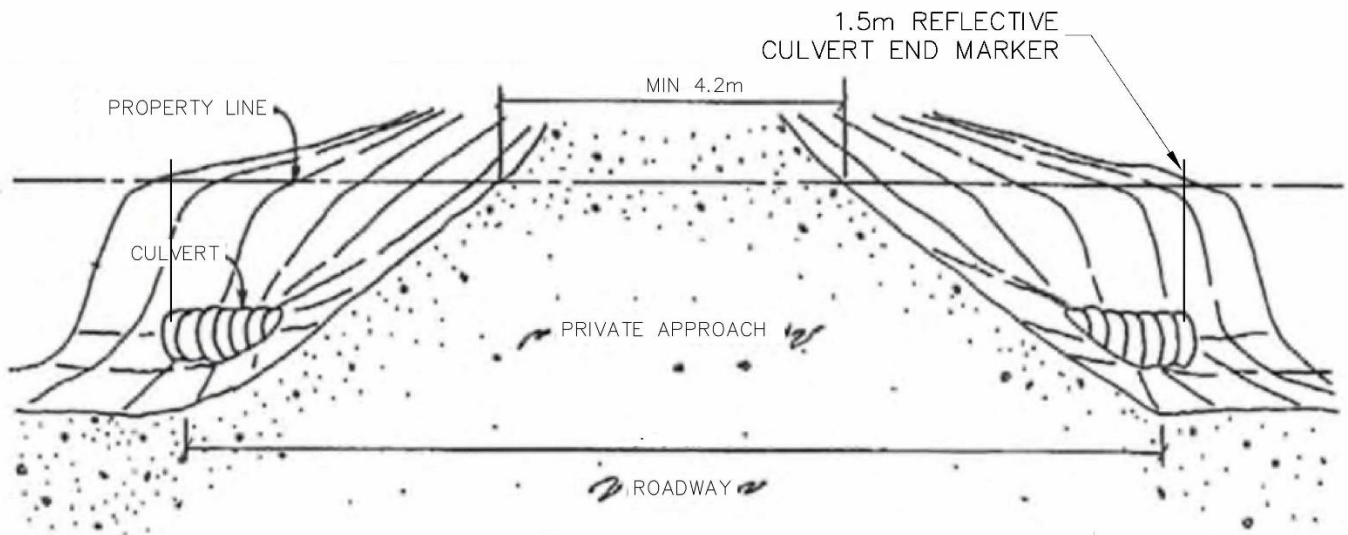
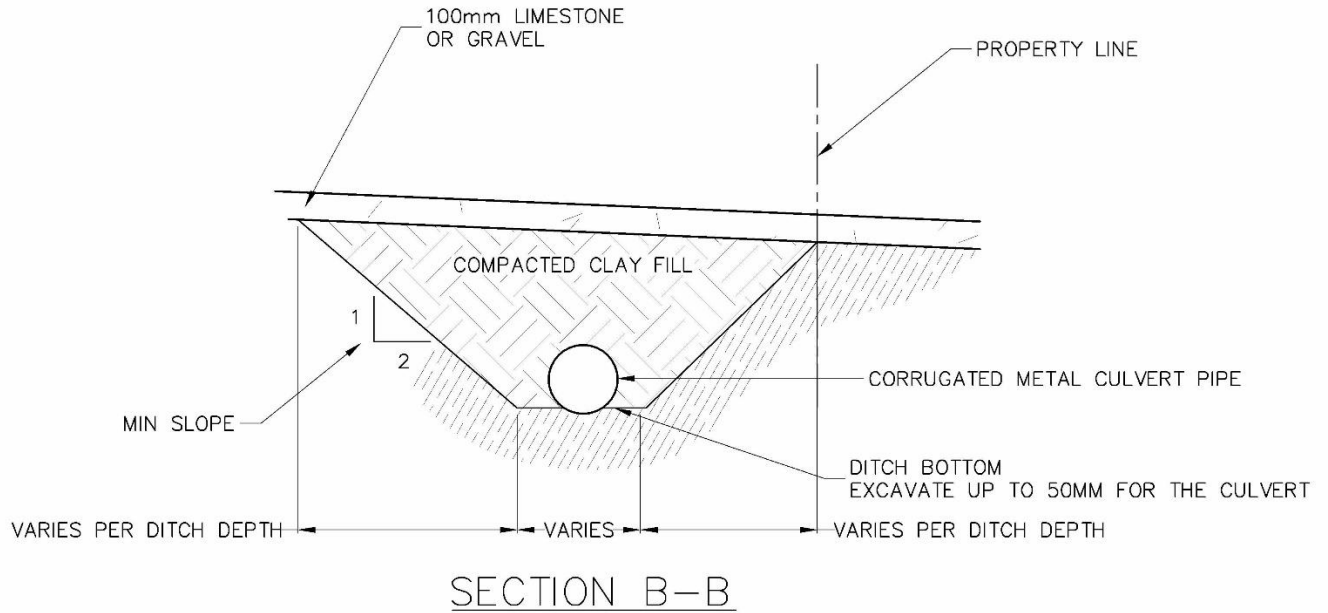
SCHEDULE "A"



NOT TO SCALE	<p>THE RURAL MUNICIPALITY OF ST. ANDREWS</p>		<p>PRIVATE APPROACH CONSTRUCTION DETAILS</p>
		R.M. of St. Andrews Box 130, 500 Railway Avenue Grandbois, Manitoba R0C 0P0 Phone: 204-738-2284 1-888-738-2284 (Toll Free) Fax: 204-738-2500 E-Mail: office@rmo.standrews.com Website: www.rmo.standrews.com	DESIGNED BY: CT File No. DRAWN BY: CT S2014.4227.01 2019-08-21 Sheet 1 of 3

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SCHEDULE "A" (Continued)



FRONTAL PERSPECTIVE OF
PRIVATE APPROACH

NOT TO
SCALE

THE RURAL MUNICIPALITY OF
ST. ANDREWS



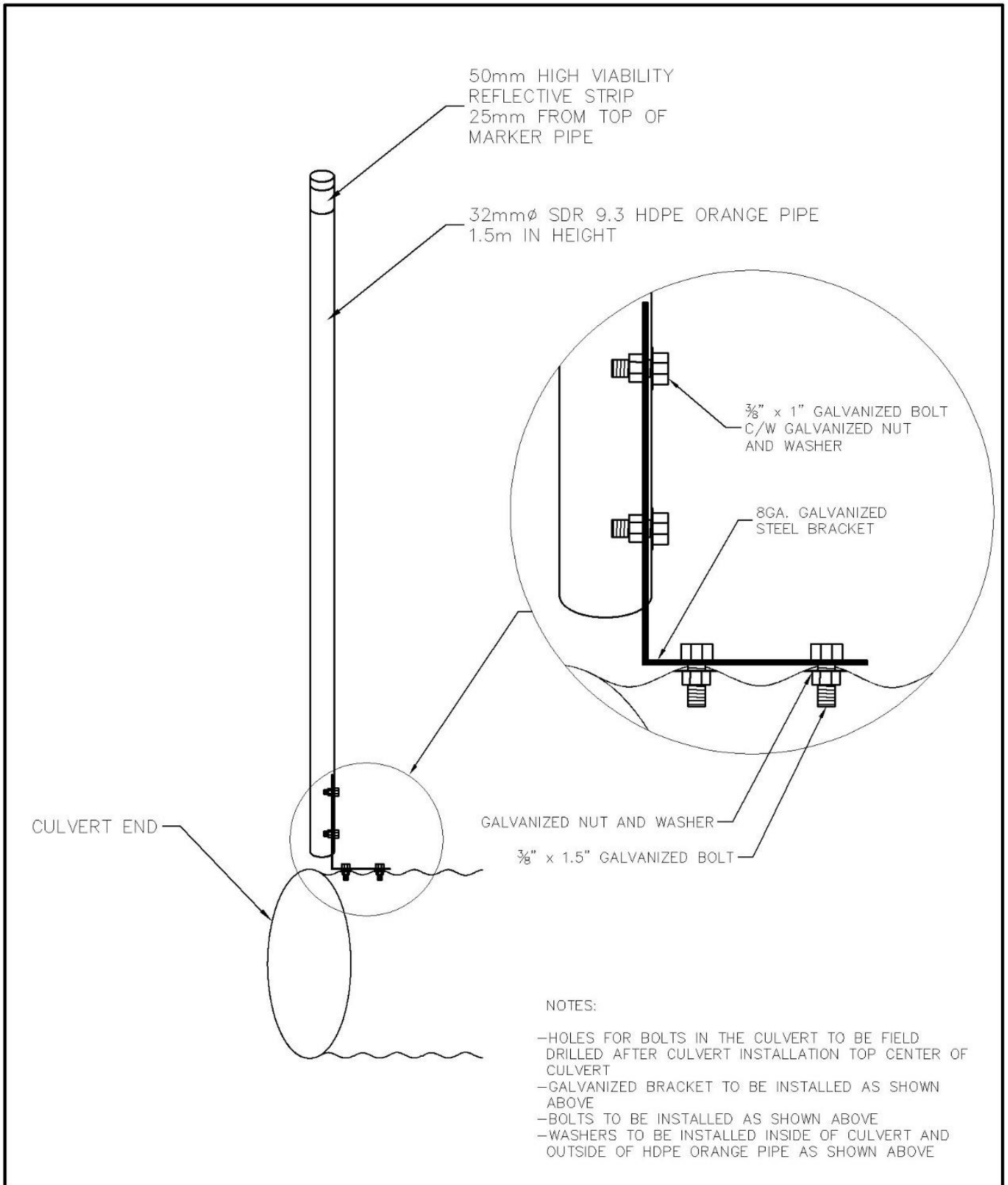
PRIVATE APPROACH
CONSTRUCTION DETAILS

R.M. of St. Andrews
Box 130, 500 Railway Avenue
Dundee, Manitoba R0C 0P0
Phone: 204-738-2264
1-866-738-2264 (Toll Free)
Fax: 204-738-2000
E-Mail: office@rmoftandrews.com
Website: www.rmoftandrews.com

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2019-08-21		Sheet 2 of 3

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SCHEDULE "A" (Continued)



NOT TO SCALE

THE RURAL MUNICIPALITY OF ST. ANDREWS



PRIVATE APPROACH
CULVERT END MARKER

R.M. of St. Andrews
Box 133, 500 Highway Avenue
Clonaboy, Manitoba R0C 0P0
Phone: 204-739-2284
1-800-739-2284 (Toll Free)
Fax: 204-739-2300
E-Mail: office@standrews.com
Website: www.rmofstandrews.com

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SCHEDULE "B"

RURAL MUNICIPALITY OF ST. ANDREWS

PRIVATE APPROACH PERMIT

PERMIT NO. _____

AG NO. _____

APPLICATION FEE - \$100.00

DAMAGE DEPOSIT - \$350.00

- Private Approach (\$450.00)
- 2nd Approach (\$450.00) (Written approval is required from the Public Works Manager)
- AG Extension (Application Fee is \$100.00)

Issued under the authority of By-Law No. 4313 of the Rural Municipality of St. Andrews.

Date: _____

Name of Applicant: _____

Address: _____

Phone: _____

Legal Description of Property for which Property Approach requested:

Civic Address: _____

Lot _____ **Block** _____ **Plan** _____ **Roll #** _____ **or**

1/4 Section _____ **Range** _____ **Township** _____ **River Lot No.** _____

Applicant's Signature: _____

Permission is hereby granted to the above named to construct a **CROSSING** to the above described property in accordance with specifications as illustrated on Schedule "A" attached and subject to the following inspection and installation process:

1. APPLICANT INSTRUCTIONS

- a. Stake out the centre of the approach where the culvert is to be installed, to be no less than 5.1 metres from the side yard property line. In order to maintain a proper slope, the Engineering Aide may indicate the approach needs to be moved away from the side yard property line, depending on the length of the culvert to be installed.
- b. The Engineering Aide will contact you to schedule a survey date and to obtain the name of your contractor if applicable.
- c. A grade stake(s) will be placed at the time of survey to provide information regarding culvert invert elevation and culvert length and diameter. The Engineering Aide will also contact the applicant's contractor to provide them with the culvert invert elevation and culvert length and diameter and record the information on the permit.

- d. The size of the culvert to be installed will be determined at survey time depending on the depth of the ditch and size of neighbouring culverts or other information the R.M. has (subdivision plans, proposed ditch work, etc.).
- e. Contact the Engineering Aide to schedule a final inspection once the approach construction has been completed and meets the construction standards.
- f. The damage deposit will be refunded after the final inspection of the private approach construction is approved. The Public Works Department will need at least 5 working days' notice to schedule a time for the final inspection.
- g. Should the approach construction not pass the final inspection, a written notice identifying the deficiencies will be sent out and the culvert may need to be dug out and re-installed according to Schedule "A" and "B" instructions.

2. PRIVATE APPROACH MINIMUM CONSTRUCTION STANDARDS

- a. The private approach shall be constructed of clay backfill sufficiently compacted with a minimum of 100mm (4 inches) of limestone or gravel finish. There should be no material larger than 3/4" in diameter and no frozen materials are to be used for backfill.
- b. No part of the crossing to be higher than the shoulder of the road.
- c. Minimum cover over the culvert to be 0.3 m (1 foot) unless approved by the municipality.
- d. Minimum slope on the sides of the crossing to be 2 to 1.
- e. Minimum side yard clearance of culvert ends to be 3.0 m (10 feet).
- f. The portion of ditch where the culvert is to be installed is to be scraped away at least 50 mm (2 inches) to remove all built-up vegetation before the culvert is placed in the centre of the ditch bottom.
- g. All culverts should be placed in the centre of the ditch bottom and secured by 2" x 2" upright pegs to prevent culvert movement during backfilling. The culvert should be placed at the proper ditch elevation and location according to the grade stake instructions.
- h. All culvert ends to be marked with a STEELCOR CSP Culvert Marker or approved equal, bolted to the culvert as shown in the CULVERT END MARKER detail (see Appendix "A" page 3)

3. CULVERT SPECIFICATIONS

- a. Minimum length and diameter to be determined by the Engineering Aide upon completion of survey.
- b. No culvert shall be smaller than 450 millimetres in diameter and 8 meters in length.
- c. Minimum gauge of culvert material to be used is:
 - i. 900 mm or smaller, to be minimum 16 gauge
 - ii. 900 mm & up to 1200 mm, to be minimum 14 gauge.
- d. Material to be used is new galvanized metal (or better quality) corrugated culvert pipe with:
 - i. 68 mm (crest to crest) x 13mm corrugation (depth)
 - ii. Use appropriate CSP corrugation connectors with 3 bolt fasteners. Corrugations to match that of culvert.
- e. Any crossings requiring arch pipes (culverts) or oversize culverts to be determined according to the specific site requirements.

4. CURB OR DECORATIVE END TREATMENT SPECIFICATIONS

BY-LAW NO. 4313 Section 8 states “That no owner, tenant, person, firm or corporation shall be allowed to construct any headwall or decorative addition to the inlet/ outlet ends of the said culvert(s).”

- a. If any headwalls or decorative additions are found, the owner will be notified and given ten (10) working days to have the headwall or decorative addition removed. If not removed within that time, the municipality will have the headwall or decorative addition removed at the expense of the owner.

5. DAMAGES AND MAINTENANCE

The approach driving surface shall be a minimum thickness of 100 mm of limestone or gravel (as specified in Schedule “A”). If asphalt, concrete or another material is used, it will not be fixed or replaced by the municipality if damage occurs by any public works related activity.

PRIVATE APPROACH CULVERT SURVEY COMPLETED AND GRADE STAKES

INSTALLED ON _____, 20_____.

CULVERT REQUIREMENTS;

DIAMETER_____mm, THICKNESS_____mm, LENGTH_____m

PRIVATE APPROACH AND CULVERT APPROVED BY PUBLIC WORKS

DEPARTMENT ON _____, 20_____.

SIGNATURE: _____

PUBLIC WORKS DEPARTMENT