

MUNICIPALITY OF BRENDA-WASKADA

BY-LAW NO. 32-2019

Being a by-law of The Municipality of Brenda-Waskada for the regulation, control and use of municipal roads within the municipality

WHEREAS a municipality is empowered under Sections 231 and 232(1) of *The Municipal Act* to pass by-laws for municipal purposes, including the management, control, regulation and use of municipal roads within the municipality, particularly in respect to the following matters:

- (d) municipal roads, including naming the roads, posting the names on public or private property, and numbering lots and buildings along the roads;
- (e) private works, on, over, along or under municipal roads;
- (f) property adjacent to highways or municipal roads, whether the property is publicly or privately owned;
- (h) drains and drainage on private or public property;
- (o) the enforcement of by-laws.

As well as those activities as set out in Section 234 of *The Municipal Act*;

AND WHEREAS under Section 232(2)(a) of *The Municipal Act* council may, in a by-law, regulate or prohibit;

AND WHEREAS under Section 236(1) of *The Municipal Act* a municipality has the authority to include provisions within a by-law in order to determine compliance with and to remedy any contraventions of such a by-law;

AND WHEREAS a municipal road is defined under Section 285 of *The Municipal Act*;

AND WHEREAS under Section 287 of *The Municipal Act* a municipality has the direction, control and management of municipal roads within its boundaries;

AND WHEREAS it is deemed necessary and desirable to control and regulate the use of municipal roads within The Municipality of Brenda-Waskada;

NOW THEREFORE, the council of The Municipality of Brenda-Waskada, duly assembled, enacts as follows:

1. **(a)** THAT no person shall or cause another person to throw, place, deposit or leave any animal or vegetable substance, shells, shavings, dirt, rubbish or excrement, filth, manure, slops, unclean or nauseous water, stones or rocks, hay and or bales, straw and or bales, paper, ash cinders, soot, offal, garbage or any other refuse or substance on a municipal road or public place;
- (b)** THAT all bales are to be removed from municipal roads by October 31st unless other arrangements have been made, in advance.
- (c)** THAT no person shall or cause another person to erect any fences on any municipal road within the said municipality without written authorization from the municipality;

- (d)** THAT any person who throws, places, deposits or leaves or causes another person to throw, place, deposit or leave any substance as set out in Paragraph 1(a) on any municipal road or public place shall be required to remove the said substance within twenty-four (24) hours after having been requested to do so by a designated officer of the municipality;
- (e)** THAT in the event the request referred to in Paragraph 1(c) is not completed within 24 hours, the municipality may remove any and/or all of the said substances referred to in Paragraph 1(a) or at the municipality's option arrange for the said removal and in both instances the removal shall be at the expense of the person so requested as set out in Paragraph 1(c);
- (f)** THAT The Municipality of Brenda-Waskada may recover the expenses of the removal referred to in Paragraph 2(d) hereof by levying the costs against the property of the person in contravention of this by-law and recovering the levy in the same manner as a tax may be collected or enforced under *The Municipal Act*.
- 2. (a)** THAT no person shall clear or cause another person to clear any brush or trees, or break or remove any land on or in a municipal road without the written consent of The Municipality of Brenda-Waskada;
- (b)** THAT no person shall cause another person to place, deposit or leave any brush, trees or roots on a municipal road;
- (c)** THAT in the event that the land on or in a municipal road is cleared or broken, or removed without the proper written authority, as set out in Paragraph 2(a), the municipality shall have the authority to:
- i)** prohibit the use of this broken or cleared land, and;
 - ii)** compel persons responsible for clearing and breaking, or removing the land to control weeds on the cleared and broken land by methods approved by the municipality;
- (d)** THAT every operator of a bulldozer or any other land clearing equipment who contravenes Paragraph 2(a) or 2(b) shall be jointly and severally liable and responsible for damages caused, clean-up costs and/or penalties imposed.
- 3. (a)** THAT no person shall or cause another person to clean and/or empty any herbicide or any pesticide from a sprayer on or in a municipal road;
- (b)** THAT every operator of a ground sprayer or aerial sprayer who contravenes Paragraph 3(a) shall be jointly and severally liable for damages caused, clean-up costs and/or penalties imposed.
- 4.** That no person shall deposit or cause to be deposited snow, ice or any other like debris adjacent to the edge of any municipal road with the municipality.
- 5.** THAT no person shall burn or cause to be burned any agricultural crop, hay, grass, brush, weeds, rubbish or other debris, on any municipal road within the municipality without written authorization from the municipality.
- 6.** THAT no person shall obstruct or cause to be obstructed any municipal road without written authorization from the municipality.

7. THAT the Head of Council of the municipality may appoint a committee of three members to decide what action shall be taken under any provisions of this By-Law. The Committee shall appoint a Chairperson unless the Head of Council is on the Committee, at which time the Head of Council shall be the Chairperson.

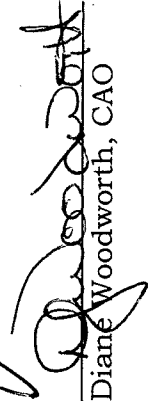
8. (a) THAT any person or persons found guilty of any infraction or violation of any of the provisions of this By-Law shall be liable for a fine or penalty not exceeding \$2,000.00;

(b) THAT where a contravention continues for more than one day, the person or persons are guilty of a separate offence for each day it continues;

(c) THAT the penalties set out in Paragraph 7(a) shall be in addition to and not considered to be part of any expenses to be collected by the municipality as set out in Paragraphs 1(d), 1(e), 2(b), 2(c) and 3(b).

DONE AND PASSED as a by-law of The Municipality of Brenda-Waskada, at Waskada, in the Province of Manitoba, this 2nd day of December 2019.


Jordan Morningstar, Head of Council


Diane Woodworth, CAO

Read a first time this 13th day of November 2019.

Read a second time this 13th day of November 2019.

Read a third time this 2nd day of December 2019.