

THE RURAL MUNICIPALITY OF ARMSTRONG

BY-LAW NO. 1-2022

BEING a By-law of The Rural Municipality of Armstrong to regulate the construction and maintenance of private crossings and driveways within Municipal Right of Ways.

WHEREAS Section 232 (1) of the Municipal Act, C.C.S.M., cap.M225 provides as follows:

A council may pass by-laws for municipal purposes respecting the following matters:

- (b) people, activities and things in, on, or near a public place or a place open to the public, including parks, municipal roads, recreation centres.....
- (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.

AND WHEREAS the Council of the Rural Municipality of Armstrong (hereinafter called the "Municipality") deems it necessary and in the best interest of the Municipality to regulate the installation, maintenance or use of private work in, under or over any municipal road;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Rural Municipality of Armstrong enact as follows;

1) GENERAL

- a) This by-law applies to all property and to all owners and occupiers of property within the Municipality.
- b) No person shall excavate for, construct or use any right of way crossing for the purpose of entering onto private property without approval from the Municipality. All private crossings and driveway culverts will require Municipal approval by Council resolution before installation.
- c) Any person desiring to excavate for, construct or use any right of way crossing for the purpose of a driveway or property access shall submit by application to the Municipality together with plans and specifications showing the detail of the installation as required.
- d) Only one private crossing per parcel shall be allowed unless approved by the Municipality. Approval shall only be provided where the municipality is satisfied the second driveway will not further impede drainage and/or cause the Municipality more work related to spring runoff.
- e) The Municipality will re-grade, replace or repair the culvert under the following circumstances:
 - 1: to establish elevation which would allow proper drainage,
 - 2: any culvert failures,

- 3: all blockages found within the culvert,
- 4: any other circumstance the Municipality feels would be necessary to improve the drainage in the area.

The Municipality will not be responsible for the culvert if any alterations are made to the original culvert or if the culvert is damaged by the owner, tenant or any invitees onto the lands in which case the owner will repair the culvert at their own cost when demanded by the Municipality.

- f) That said private crossings/driveways and/or culverts(s) installed shall be inspected by the Municipality or its representative to ensure conformance with approved specifications.
- g) That when a culvert has been installed in a municipal ditch, the crossing/driveway after receiving inspection and approval by the Municipality shall become the property of the Municipality and can only be removed by the Municipality.
- h) Whenever the Municipality reconstructs a municipal roadway or performs work within the municipal rights-of way, the municipality will be responsible for repairing the primary private crossing/driveway only up to and including gravel. 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.
- i) That any person who installs the culvert and crossing/driveway not in accordance with specifications or causes any damage to the municipal ditch, as specified by the Municipality, shall be liable for repairs for same. In the event the repairs are not completed within thirty (30) days of receiving notice from the Municipality, 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.

2) APPLICATION FEES

- a) A non-refundable application fee of \$ 25.00 must be submitted along with the completed application for all new crossings, extensions or reductions.

3) ASSOCIATED COSTS

The cost of installation and maintenance of all private crossings shall be the sole responsibility of the owner/applicant subject to the following:

- a) Crossings to unsubdivided quarter sections of land the Municipality will provide one access culvert at its costs to a maximum length of 32 ft (10 metres) per unsubdivided quarter section of land providing there is no existing culvert access to the unsubdivided quarter section.
- b) All culvert installation costs for new, extensions or reductions are the responsibility of the applicant.
- c) All costs for the culvert and installation for crossing extensions will be the sole responsibility of the property owner/lessee regardless of the pre-existing length of the culvert.

4) SPECIFICATIONS

- a) Culverts shall be NEW galvanized (or better quality) corrugated steel pipe minimum 16 gauge (1.6mm total thickness) joined with annular corrugated couplers. PVC plastic culverts may be approved by the Municipality depending on the location.
- b) NO culvert shall be smaller than 450 millimetres (18 in) in diameter unless otherwise approved by the Municipality.
- c) No culvert shall be smaller than 10 meters (32 ft) in length unless otherwise approved by the Municipality.
- d) Minimum top width of crossings shall be 4.2 meters (14 ft) in length unless otherwise approved by the Municipality.
- e) No culvert shall be longer than 10 meters (32 ft) in length unless otherwise approved by the Municipality. Culvert length will be dependant on culvert diameter, ditch depth, slopes etc. in order to achieve minimum top width.
- f) Recommended minimum slope on the sides of the crossing to be 3 to 1 or as approved by the Municipality where the minimum can't be achieved.
- g) Culvert shall be properly aligned with the ditch channel and match its existing slope.
- h) The culvert shall extend a minimum of 1 foot beyond the base of the driveway/access at the bottom of the ditch on both sides of the private crossing,
- i) Minimum side yard clearance of culvert ends to be 3.0 m (10 feet). Culvert must be 10 feet away from the property side yard lot lines unless otherwise approved by the Municipality.
- j) NO part of the crossing shall be higher than road grade.
- k) Bottom of the culvert is to be installed 25 mm (1 inch) for corrugated metal pipe, and 50 mm (2 inch) for PVC plastic culvert, below proposed ditch bottom elevation.
- l) The private approach shall be constructed of clay backfill sufficiently compacted with a minimum of 100 mm (4 inches) of $\frac{3}{4}$ inch limestone or gravel finish throughout the entire crossing. There should be no larger material than $\frac{3}{4}$ " in diameter and no frozen materials are to be used for backfill. The minimum depth of cover is one half of the culverts diameter. Culvert gravel for the base shall be spread uniformly along the full length of the culvert.
- m) 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).
- n) Culverts of a size of 900 mm (36 inches) and greater are to have 2 meters of ends wrapped in filter cloth before installation. Installation includes gravel base, side compaction and gravel fill half way up the culvert. Erosion control in the form of clean rip rap (6 inch to 18 inch) shall be placed at the culvert ends as well as the side slopes of crossings surrounding culverts to ensure stabilization.

- o) That said private approaches and/or culvert(s) shall be constructed as specified and illustrated in Appendix A (Typical Culvert Installation).

5) NON-CONFORMANCE

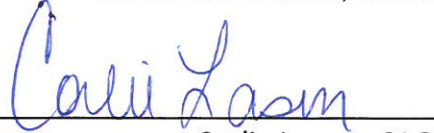
- a) The work performed by the owner or their representative shall meet the specifications as required by the Municipality, otherwise the owner will be required to repair and alter the private access to the satisfaction of the Municipality or their authorized designate at the owners sole cost.
- b) In the event that the situation is not rectified, the Municipality may rectify the situation at the owner's expense. In situations where the owner refuses to pay the costs, the municipality will add the outstanding costs with interest to the tax roll and collected in the same manner as general municipal taxes.
- c) In the event that a property owner does not comply with this by-law, the municipality will order the property owner to rectify the situation, or the municipality may remove the crossing at the owner's expense.
- d) Culverts supplied by the municipality must be installed within 30 days of receipt of the culvert. Property owners/lessees' will be invoiced for the cost of the culvert for failure to comply. The amount of the invoice will be added to the owners property taxes or to the lessees' home quarter property taxes for failure to pay the invoice.

6) EMERGENCY OR EXTRAORDINARY CIRCUMSTANCE

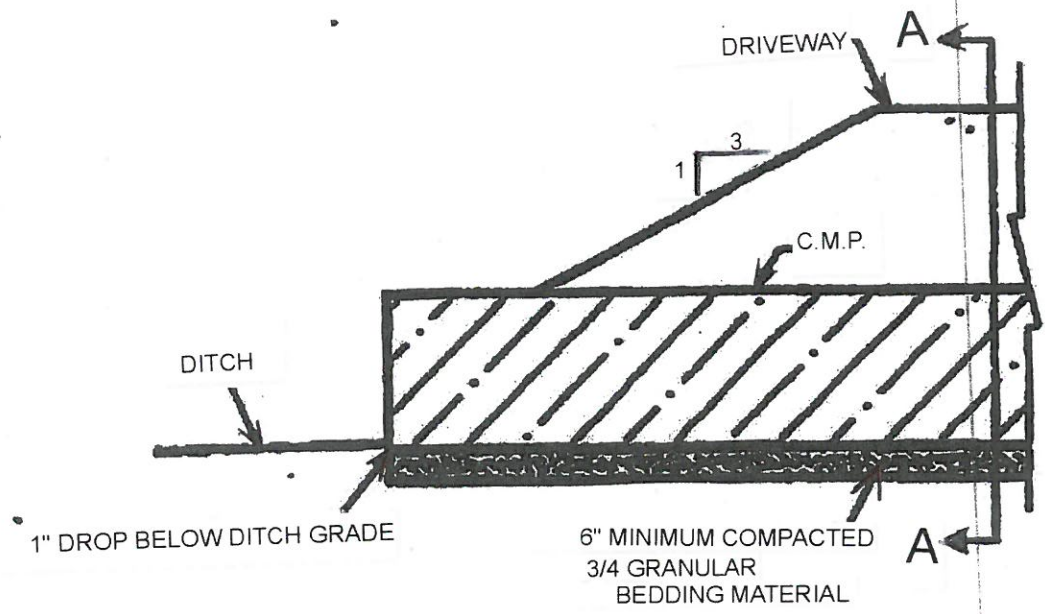
Notwithstanding anything stated in this by-law, the Municipality may take whatever actions or measures are necessary to eliminate or mitigate an emergency situation that may be perceived or arise.

DONE AND PASSED IN COUNCIL ASSEMBLED at the Council Chambers of the Rural Municipality of Armstrong at Inwood, in Manitoba, this 12th day of April, 2022.

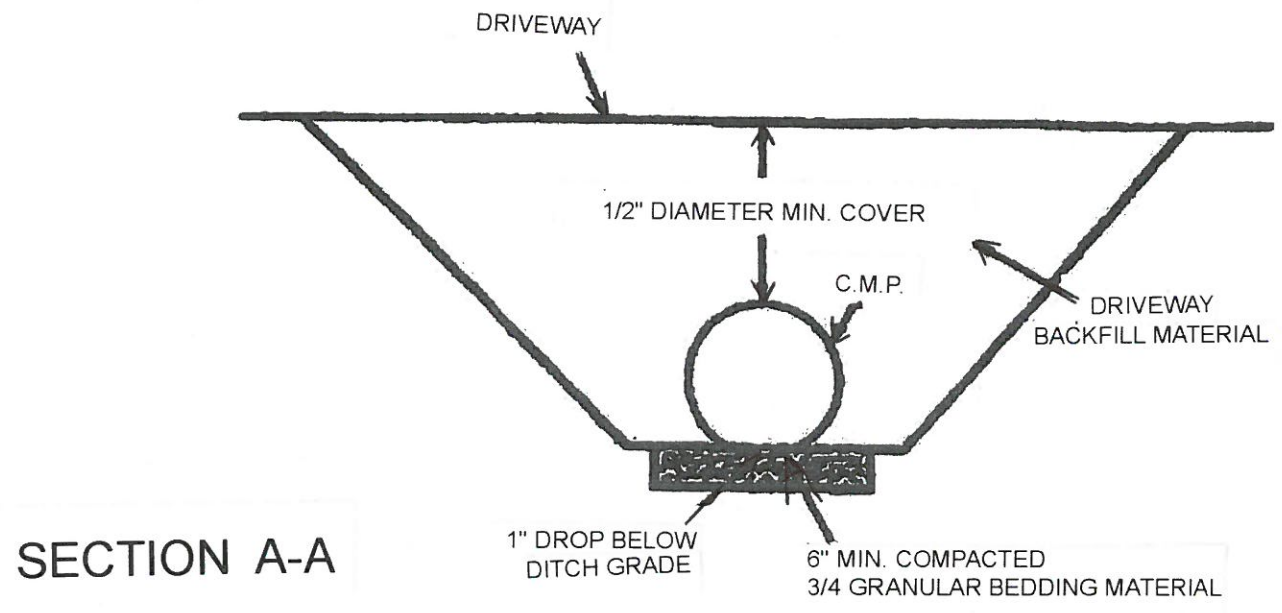

Susan Smerchanski, Reeve


Corlie Larsen, CAO

Read a first time this 8th day of March, 2022.
Read a second time this 12th day of April, 2022.
Read a third time this 12th day of April, 2022.



TYPICAL CULVERT INSTALLATION



APPENDIX A