



STE. ANNE MUNICIPALITY

BY-LAW #2023-17

BEING A BY-LAW for the prevention and management of obstructions on municipal property.

WHEREAS the Rural Municipality of Ste. Anne ("Municipality") wishes to prevent the unwanted placement of snow, ice, trees, shrubs, weeds, grass, leaves, refuse, and other obstructing materials on municipal roads, parks, and reserves within the Municipality, in order to ensure safe passage and prevention of damage;

AND WHEREAS Section 232(1)(a) of *The Municipal Act* provides that Council may pass By-Laws for the safety, health, protection, and well-being of people, and the safety and proportion of property;

AND WHEREAS Section 232(2) of *The Municipal Act* provides that Council may pass a By-Law to regulate or prohibit certain activities;

AND WHEREAS Section 234 of *The Municipal Act* states that without limiting Section 232(1)(f) of *The Municipal Act* (property adjacent to highways and municipal roads), Council may pass a By-Law to include provisions respecting signs, survey monuments, landscaping and setbacks, including control and removal of trees, shrubs, weeds, grass, snow, ice and obstructions.

AND WHEREAS Section 232(1)(o) and 236(1) of *The Municipal Act* states that a Municipality may pass an enforcement By-Law, which may include provisions for procedures, remedying, creating offences, providing fines and penalties, seizing and removing and charging costs related to enforcement.

AND WHEREAS Section 285 of *The Municipal Act* defines a Municipal Road as 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.

NOW THEREFORE the Rural Municipality of Ste. Anne in open Council duly assembled enacts:

1. **THAT** no one shall place, plant, grow, deposit, or move onto any municipal road, park, or reserve, within the Rural Municipality of Ste. Anne, any snow, ice, trees, shrubs, weeds, grass, leaves, garbage, or obstructions of any kind or nature, or damage any municipal road, park, or reserve, or damage or remove anything from any municipal road, park, or reserve, unless approved by the Municipality.
2. **THAT** anyone who places, plants, grows, deposits, or moves onto any municipal road, park or reserve any snow, ice, trees, shrubs, weeds, grass, or leaves refuse, garbage, or any other obstructions of any kind or nature, or who damages any municipal road, park, or reserve, or damages or removes anything from any municipal road, park, or reserve, shall commit and be guilty of an offence pursuant to the Municipality's General
3. Enforcement By-Law, as amended from time to time.



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4. **THAT** the Municipality, in addition to or instead of the penalties outlined in Section 2 above, may remove or cause to be removed and clean up any of the materials or obstructions described above, may repair any damages to the municipal road, park, or reserve, may repair any damages or replace anything on the municipal road, park, or reserve, and charge the costs incurred directly to the person who has committed the offence.
5. This By-law shall be enforced pursuant to the Municipality's General Enforcement By-law, as amended from time to time.
 - a. Note that under Section 6.1.f) of the Municipal General Enforcement By-law, a warning must be included in this Notice of Contravention stating that failure to comply will result in an Order to Remedy being issued, among other details;
 - b. Note that under section 7.1.b)ix) of the Municipal General Enforcement By-law, a warning stating that fines may be imposed must be included in the Order to Remedy, should the person fail to comply.
6. Any person found to be in contravention of any of the provisions of this By-Law, and at the discretion of the Designated Officer, may be subject to one or both of following:
 - a. A penalty of not less than:
 - \$100.00 for a first offence;
 - \$250.00 for a second offence;
 - \$500.00 for a third offence; and
 - b. The recovery of costs incurred for any response taken by the Rural Municipality of Ste. Anne, or any other Municipality responding on behalf of the same, which is a result of the contravention of this by-law.
7. Any fine levied or costs incurred in relation to Section 2 to 5 of this By-Law shall be paid directly to the Municipality by the person who has committed the offence, or collected in the manner by which a tax may be collected or enforced under *The Municipal Act of Manitoba* and the Municipality's General Enforcement By-Law, as amended from time to time.

DONE AND PASSED by the Council of the Rural Municipality of Ste. Anne in open Council assembled in Ste. Anne, in the Province of Manitoba this *23rd* day of *August*, 2023.

Reeve
Richard Pelletier

Chief Administrative Officer
Mike McLennan

Read a first time this 26th day of July, 2023, by Resolution #2023-387.
Read a second time this 23rd day of August, 2023, by Resolution #2023-409.
Read a third time this 23rd day of August, 2023, by Resolution #2023-410.