



RURAL MUNICIPALITY OF ROSEDALE
BY-LAW NO. 3-2019

**BEING A BY-LAW FOR THE REGULATION AND CONTROL OF SNOW
FENCING AND SNOW TRAPPING WITHIN THE RURAL MUNICIPALITY
OF ROSEDALE.**

WHEREAS subsection 232(1) of The Municipal Act, S.M. 1996, c. 58 (the "Act") provides, in relevant part, as follows:

Spheres of jurisdiction

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

- (a) the safety, health, protection and well-being of people and the safety and protection of property;
- (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;

AND WHEREAS subsection 232(2) of the Act provides, in relevant part, as follows:

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;

AND WHEREAS, subsection 236(1) of the Act provides, in relevant part, as follows:

Content of by-laws under clause 232 (1)(o)

236(1) Without limiting the generality of clause 232(1)(o) (enforcement of by-laws), a by-law passed under that clause may include provisions

- (a) providing for procedures, including inspections, for determining whether by-laws are being complied with; and
- (b) remedying contravention of by-laws, including
 - (i) creating offenses,
 - (ii) subject to the regulations, providing for fines and penalties, including the imposition of a penalty for an offense that is in addition to a fine or imprisonment, so long as the penalty relates to a fee, rate, toll, charge or cost that is associated with the conduct that gives rise to the offense, or related to enforcing the by-law,
 - (iii) providing that an amount owing under subclause (ii) may be collected in any manner in which a tax may be collected or enforced under this Act,

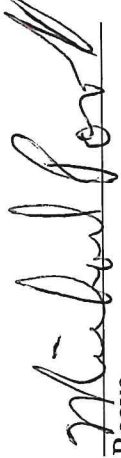
(vi) imposing a sentence of imprisonment for not more than six months for the commission of offenses or nonpayment of fines.

NOW THEREFORE BE IT RESOLVED that the council of the Rural Municipality of Rosedale in Council duly assembled as follows:

1. The Council, or its designated agent, is hereby authorized to enter upon land adjoining and road allowance or other public highway for the purpose of making snow ridges or erecting snow fences as a measure to prevent the blocking of roads by snow drifts during winter months.
2. The agent authorized by Council to perform the work as herein provided shall have the right of entry on private property for such purpose only.
3. Any person who obstructs or interferes with an agent or servant of the Municipality engaged in carrying out the provisions of this by-law, or who destroys, pull down, alters or interferes with any works carried out or thing done under the authority of this by-law is guilty of an offense and is liable:
 - (a) to a fine of not less than \$50.00 and not more than \$500.00, plus all applicable costs and penalties for the first offense;
 - (b) to a fine of not less than \$100.00 and not more than \$1,000.00, or to imprisonment for not more than thirty (30) days, or both, plus all applicable costs and penalties for the second offense and for each subsequent offense within twelve (12) months of the first offense;

By enacting this By-law, all prior snow fencing and snow trapping by-laws are hereby repealed.

DONE AND PASSED in Council assembled at the Rural Municipality of Rosedale Administration Office, Neepawa, Manitoba this 13th day of February, A.D. 2019.


Reeve


CAO

Read a first time this 8th day of February, 2019

Read a second time this 8th day of February, 2019

Read a third time this 13th day of February, 2019

For: 

Against: *NONE*