



RURAL MUNICIPALITY OF ROSEDALE
BY-LAW No. 2-2025

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF ROSEDALE TO ESTABLISH THE BY-LAW AND STANDARDS FOR THE CONSTRUCTION OF PRIVATE APPROACHES AND THE INSTALLATION OF CULVERTS IN PRIVATE APPROACHES IN THE RURAL MUNICIPALITY OF ROSEDALE.

WHEREAS the provisions of the Municipal Act, C.C.S.M., cap.M225 provides as follows:

Section 232(1)

“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 centers...;
- (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,”

Section 232(2)

“Without limiting the generality of subsections (1), a council may in a by-law passed under this division:”

- (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 province or a recognized technical or professional organization, and require compliance with the code of standard;
- (e)(i) establishing fees, and terms for payment of fees, for inspections, licenses, permits and approvals, including fees related to recovering the costs of regulation.”
- (iii) prohibiting a devolvement, activity, industry, business or thing until a license, permit or approval is granted.
- (iv) providing that terms and conditions may be imposed on any license, permit or approval, and providing for the nature of the terms of the conditions and who may impose them.
- (v) providing for the duration of licenses, 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 of 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.

AND WHEREAS the Council of the Rural Municipality of Rosedale (herein after call the “Municipality”) deems it expedient and in the public interest to establish policies, requirements, and standards for the location, construction, materials, workmanship, and other matters in connection with the installation, re-construction, or maintenance of Private Approaches and Culverts in Private Approaches;

NOW THEREFORE the council of the Rural Municipality of Rosedale, in Council assembled, enacts as follows:

1.0 DEFINITIONS

1.1 In this by law;

“**culvert**” means a sub-surface pipe with a circular, elliptical or rectangular cross-section of corrugate steel, or any other such material approved by the Municipality, which acts as a conduit for storm water within a ditch;

“**drain**” means a culvert, drain, drainage ditch, dyke or floodway, constructed or maintained by a municipality but does not include a provincial waterway as defined by *The Water Resources Administration Act*;

“**municipal standards**” means the municipality’s construction standards and specifications as may be amended from time to time;

“**private works**” means private roadways, crossings, openings, signs or other advertising devices and other structures constructed, erected, installed or maintained on a municipal road for the use or benefit of owners or occupants of property adjoining or connected therewith.

2.0 GENERAL

2.1 No person, being the land owner(s) or tenant of lands lying adjacent to municipal roads shall erect, maintain, or use a private entrance into, onto, under, or over a municipal road except as herein provided.

2.2 A landowner desiring to have a private approach built, replaced, relocated, widened or restored including private approaches that do not require a culvert, shall obtain a permit from the Municipality.

2.3 The location of every approach must be approved by the Municipality prior to commencement.

2.4 Every approach/culvert installation must be inspected by the public works foreman/authorized municipal employee or an authorized contractor to ensure compliance with specifications outlined herein.

3.0 APPLICATION FEE AND APPROVAL

3.1 A non-refundable application fee of \$250.00 must be submitted along with the completed application and Schedule “A” for all new crossings, extensions or reductions.

3.2 The application will be forwarded to the Public Works Supervisor. The Public Works Supervisor shall visit the proposed approach site, determine the suitability of the site and the minimum size of the culvert required. Culvert minimum size of twelve (12) inches in diameter.

3.3 Construction of private approaches and installation of culverts shall be subject to a final visual, onsite inspection by the Public Works Supervisor and/or designate for conformance with specifications herein.

3.4 Applications must be received in early fall for approaches that will be installed during the winter month to ensure an inspection can take place prior to ground freezing and snowfall.

3.4 Request for final approvals submitted to the Municipal office may require a spring inspection.

4.0 ASSOCIATED COSTS AND APPLICANT RESPONSIBILITIES

4.1 The landowner(s) will be responsible to physically stake each edge of the proposed installation location.

4.2 All owners of private approaches or access crossings shall be required to maintain their approaches and access crossings including without limiting the generality of forgoing all costs for any works on the private approaches or access crossings.

4.3 Culverts and couplers can be purchased from the Municipality at the expense of the ratepayer. Arrangements must be made with the municipal office to obtain current cost and schedule a pick up time from the Municipality shop.

4.4 Landowner shall be responsible for the cost of an application for registration and/or license to construct drainage works as required by Manitoba Drainage and Water Rights. Including all appropriate approvals shall be obtained from all applicable government authorities (ex. Conservation, Department of Highways, the Municipality and Water Stewardship)

4.5 The landowner must apply for clearances from utilities (ex. MTS, and Manitoba Hydro) prior to the work commencing. The municipality accepts no responsibility or liability in respect to obtaining utility clearances.

4.6 All cost related to the construction, re-installation, or re-construction or maintenance of the private approaches or access crossing shall be paid for by the landowner(s) or applicant.

5.0 SPECIFICATIONS

5.1 The requirement for a culvert size shall be determined by the Municipality.

5.1.1 Culverts must comply with CAN/CSA -- G401 corrugated metal pipe (CMP), minimum 16 gauge (1.6 mm total thickness), coated with 2 ounces Zinc per square foot (610 g/m²); joined with annular corrugated couplers.

5.1.2 Culverts for Urban/Residential crossing may be constructed of high density polyethylene pipe (HDPE) complying with CSA B182.8 of minimum 260kPa stiffness, joined with molded fittings or adapters.

5.2 Culverts must be installed with 150 mm compacted gravel bedding below culvert.

5.3 Invert of the culvert to be installed 25 mm for corrugated metal pipe, and 50 mm for high density polyethylene pipe, below proposed ditch bottom elevation

5.4 The private approach shall be constructed with common backfill sufficiently compacted with a minimum of 150 mm of 19 mm gravel to spring line. Back fill may consist of pit run, shale or clay based material, with no material being greater than 6 inches and no frozen materials are to be used for backfill. The minimum depth of cover is one half of the culvert diameter, unless previously approved in writing by the Municipality. Culvert gravel for the base shall be spread uniformly along the full length of the culvert. No black dirt or existing ditch material can be utilized as backfill.

5.5 Upon completion of approach/culvert installation, the surface must be dressed with a minimum of three 100 mm of traffic gravel. Traffic gravel must have no material greater than one 25 mm. Frozen materials can not be used.

5.6 Minimum slope on the sides of crossing to be 3 to 1 or as approved by the Municipality where the minimum cannot be achieved.

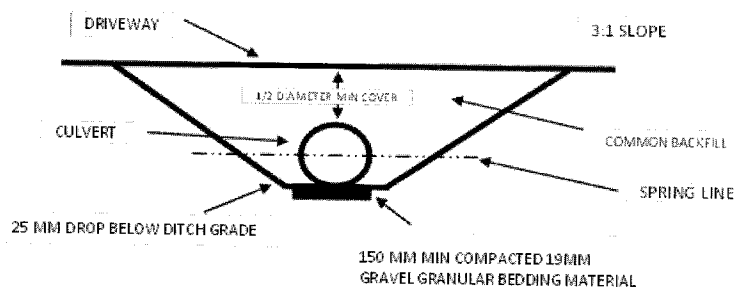
5.7 No part of the crossing shall be higher than road grade.

5.8 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 inches to 18 inches) shall be placed at the culvert ends as well as the side slopes of crossing surrounding culvert to ensure stabilization.

5.9 Culverts of a size of 900mm (36 inches) and below are to have side compaction and gravel fill half way up the culvert with the addition of material that will sustain vegetation. The minimum slope of the sides of the approach is to be no more than 2:1. The side slopes shall be grassed unless other previously approved method of erosion control is suggested by application.

5.10 In urban areas, unless otherwise approved by the Municipality side yard distance to culvert ends shall be a minimum of 2 meters away from a boundary made by straight line continuation of the property lines to the road.

5.11 In developments where ownership of "Services" have not yet been transferred to the Municipality the grade for culvert shall be obtained from the Developer



6.0 NON CONFORMANCE

- 6.1 Any person violating any provision of this by-law shall:
- (a) Be liable to the Municipality for any expense suffered by the Municipality as a result of the violation; and
 - (b) If a person is in default of effecting the repairs, the Municipality of may affect the repairs and charge the cost therefore to the landowner.

6.2 In the event that an approach/culvert is installed incorrectly or does not comply with specifications herein, the landowner(s) will be responsible to correct the nonconformance within fourteen (14) days. Shall the nonconformance remain unchanged past the fourteen (14) days without correction or without an extension approved by Municipality, the Municipality may rectify the non-conformance. All costs incurred shall be charged to the landowner(s).

6.2 If a private approach and/or culvert is installed without a Permit from the Municipality, the landowner(s) may be instructed to remove said approach and/or culvert within fourteen (14) days, and responsible to pay a fine of one thousand (1000) dollars.

6.3 If a private approach and/or culvert is installed without a Permit from the Municipality and based upon inspection by the foreman meets the specification requirements outlined herein”, the approach may be permitted and the landowner will be responsible to pay the application fee of two hundred fifty (250) dollars to obtain a permit and pay of fine of one thousand (1000) dollars.

6.4 Failure to remove the unauthorized approach and/or culvert within fourteen (14) days will result in the Municipality removing said approach and/or culvert. All costs incurred shall be charged to the landowner.

6.5 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.


7.0 EMERGENCY OR EXTRAORDINARY CIRCUMSTANCES

7.1 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.

7.2 Any approach or culvert that has been removed or altered as result of an emergency situation will be returned to their original condition at the sole cost of the Municipality.

7.3 Costs to repair/replace the private approach/culvert shall damage occur due to the negligence of a Municipal employee shall be the cost of the Municipality.

DONE AND PASSED in Council assembled at the Council Chambers of the Rural Municipality of Rosedale, Neepawa, Manitoba this 13th day of June, 2025.


Reeve- Karl Snezyk


Municipal Administrator-Melissa McDonald

Read a first time this 11th day of April, 2025
Read a second time this 11th day of April, 2025
Read a third time this 13th day of June, 2025

For: 6
Against: 0