

THE RURAL MUNICIPALITY OF ST. CLEMENTS

BY-LAW NO. 4-2008

Being a By-Law of The Rural Municipality of St. Clements providing for the control and removal of certain obstructions on municipal roads, parks and reserves.

WHEREAS the Rural Municipality of St. Clements 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 thereon;

AND WHEREAS the Rural Municipality of St. Clements considers it desirous and expedient to enforce the compliance with the provisions of this by-law;

AND WHEREAS SECTION 232(1)(b), and (f) and 234(b) of The Municipal Act, being chapter 58 of the 1996 Statutes of Manitoba provides:

“Spheres of jurisdiction

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 centres, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from municipal taxation;
- (f) property adjacent to highways or municipal roads, whether the property is publicly or privately owned;

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

234 Without limiting the generality of clause 232(1)(f) (property adjacent to highways or municipal roads), a by-law passed under that clause may include provisions respecting signs, survey monuments, landscaping and setbacks, including:

- (b) the control and removal of trees, shrubs, weeds, grass, snow, ice and obstructions.”

AND WHEREAS section 236(1) thereof further provides:

“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) for procedures, including inspections, for determining whether by-laws are being complied with; and
- (b) remedying contraventions of by-laws, including:
 - (i) creating offences,
 - (ii) subject to the regulations, providing for fines and penalties, including the imposition of a penalty for an offence that is in addition to a fine or imprisonment, so long as

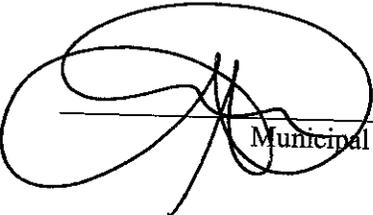
the penalty relates to a fee, rate, toll, charge or cost that is associated with the conduct that gives rise to the offence, or related to enforcing the by-law,

- (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,
- (iv) seizing, removing, impounding, confiscating and selling or otherwise disposing of plants, animals, vehicles, or other things related to a contravention,
- (v) charging and collecting costs incurred in respect of acting under subclause (iv),
- (vi) imposing a sentence of imprisonment for not more than six months for the commission of offences or nonpayment of fines.”

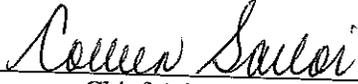
NOW THEREFORE the Rural Municipality of St. Clements in open Council duly assembled enacts:

1. **THAT** no one shall place, plant, grow, deposit, or move onto any municipal road, park or reserve, within the Rural Municipality of St. Clements any snow, ice, trees, shrubs, weeds, grass, leaves, garbage, or obstructions of any kind or nature, unless the Rural Municipality of St. Clements by resolution from time to time, designates otherwise.
2. **THAT** it shall be an offense for any person to remove from any private property, public property, Municipal road, boulevard, street or sidewalk any snow or ice and deposit same on any Municipal road, boulevard, street or sidewalk in such a manner that could create a hazardous condition for either vehicular or pedestrian traffic.
3. **THAT** the Rural Municipality of St. Clements, in addition to or instead of the penalties outlined in Clause 2. above, may remove or cause to be removed and clean up any of the materials or obstructions described above and charge the costs incurred therein directly to the person who has committed the offence.
4. **THAT** any fine levied or costs incurred may be paid directly to the Rural Municipality of St. Clements 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.

DONE AND PASSED in open council assembled at the Council Chambers in the Rural Municipality of St. Clements in Manitoba, this 8th day of April 2008.



Municipal Mayor



Chief Administrative Officer
Acting

Read a first time this 25th day of March, 2008

Read a second time this 8th day of April, 2008

Read a third time this 8th day of April, 2008