

THE RURAL MUNICIPALITY OF ST. ANDREWS

BY-LAW NO. 4384

“THE PRIVATE APPROACH BY-LAW”

Being a by-law of the Rural Municipality of St. Andrews to establish the requirements for installation of access crossings onto municipal roadways.

WHEREAS the Council of The Rural Municipality of St. Andrews deems it expedient and in the best interests of the public to pass a by-law to establish regulations governing the requirements as to location, construction, workmanship, and other matters in connection with installation, reconstruction, extension or maintenance of access crossings.

NOW THEREFORE, the Council of the R.M. of St. Andrews, in open meeting, duly assembled, enacts as follows:

1.00 INTENT OF BY-LAW

1.01 The intent of this by-law is to establish regulations governing the requirements as to location, construction, workmanship and other matters in connection with installation, reconstruction, extension or maintenance of access crossings in order to minimize:

- (a) Negative impacts to existing land drainage systems;
- (b) Future maintenance upon acquisition by the Municipality.

2.00 DEFINITIONS

Unless the context otherwise requires, where used in this by-law:

- 2.01 “Applicant” means owner, or such other person authorized in writing by the owner to make application for a Private Approach Permit;
- 2.03 “Council” means the Council of The Rural Municipality of St. Andrews;
- 2.04 “Roadway” means any place, property or way owned by the R.M. of St. Andrews, including any structure forming part thereof, which or any of which the public is ordinarily permitted to use for the passage of vehicles or pedestrians, with or without fee or charge therefor, and includes all the space between the boundary lines thereof, whether or not used for vehicular or pedestrian traffic and, without restricting the generality of the foregoing, includes roads, road allowances, streets, lanes, thoroughfares, sidewalks and other means of transportation dedicated to the public use as roadways as defined, and also includes all ditches, drains, bridges, culverts, subways, underpasses, grade separations, piers, wharfs, ferries and squares, and the road improvements thereon dedicated to the public use, but does not include any area designated or intended and primarily used for the parking of vehicles and the necessary passageways thereon;
- 2.05 “Land Drainage Sewer” means a sewer that carries storm water and surface water, street wash, weeping tile water and other wash waters or drainage but excludes domestic wastewater and industrial wastes;
- 2.06 “Lot” means a piece, plot or parcel of land or an assemblage of contiguous

parcels of land in one ownership, having a frontage and/or flankage on a public street;

- 2.07 "Municipality" means The Rural Municipality of St. Andrews;
- 2.08 "Owner" means a person in whose name a subject property is registered;
- 2.09 "Storm Water" means water from rainfall or snowmelt or a combination of the two, and includes weeping tile water;
- 2.10 "Street" means a roadway over which the Municipality has jurisdiction;
- 2.11 "Street Line" means the lateral boundaries of the roadway;
- 2.12 "Swale" means a compacted earth ridge, excavated channel or a combination of ridge and channel designed to direct runoff, with positive drainage slopes, towards a municipal ditch or street.
- 2.13 "Private Approach" means any modification to a Roadway in order to facilitate access to private real property and includes a vehicular drive, road, path, culvert, lane widening or other structure constructed or maintained within a Roadway between private real property and the Street Line for the use or benefit of the owner or occupant of the real property;

3.00 APPLICATION FOR PRIVATE APPROACH PERMIT

All applications for Private Approach Permits shall be made at the offices of the Rural Municipality of St. Andrews.

- 3.01 *Residential and Agricultural Private Approach Permit Application:*
The Applicant shall obtain a Private Approach Permit prior to the construction of a Private Approach providing access to residential or agricultural property. The application shall be accompanied by:
 - (a) one copy of a site plan showing the location of the proposed approach, must include distances from at least two perpendicular property lines and location of any existing structures in relation to the proposed building(s);
 - (b) The desired width (drivable surface) of the Private Approach.
- 3.02 *Commercial, Industrial and Multi-Residential Sites Private Approach Application:*
The Applicant shall obtain a Private Approach Permit prior to the construction of a Private Approach providing access to commercial, industrial, multi-residential. The application shall be accompanied by:
 - (a) two copies of a lot grading plan for the site, prepared by an Engineer. This certified plan where applicable, shall show:
 - (i) private approach location(s)
 - (ii) building location(s)
 - (iii) lot grade elevations in meters, above mean sea level
 - (iv) catch basin locations (if applicable)
 - (v) land drainage sewer sizes and locations (if applicable)
 - (vi) entrances to buildings, basement windows and any other information the Municipality deems to be pertinent to the grading of the lot. In special cases, where applicable, the Municipality may waive some of the requirements of the lot grading plan.
 - (b) The desired width (drivable surface) of the Private Approach.

3.03 *Changes to Existing Private Approach:*

An owner shall obtain a Private Approach permit prior to proceeding with any work involving access from municipal roadways that may alter or otherwise change the crossing, culvert or existing municipal drainage.

4.00 PRIVATE APPROACH REQUIREMENTS

Private Approach installation shall be an integral part of the storm water drainage management system for the Municipality.

4.01 *Private Approach Permit:*

That the Municipality requires a permit from the owner of lands lying adjacent to municipal roads and approval of the application by Public Works Department prior to construction or alteration of any access onto municipal roadways.

That **Schedule "B"** attached hereto be and is hereby adopted to be used as a Private Approach permit and damage deposit form to accompany a completed Private Approach permit. It also contains construction instructions, standards and specifications as they relate to culvert installation in a municipal drain.

4.02 *Private Approach Specifications:*

That **Schedule "A"** attached hereto be and is hereby adopted as the minimum specifications to regulate and control the location, construction, materials, and workmanship for access crossings.

That said Private Approaches and/or culvert(s) shall be constructed and installed in accordance with **Schedule "A" & "B"** specifications as set forth by the Public Works Department.

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).

That said Private Approaches and/or culvert(s) when constructed and installed shall be inspected by the Public Works Department to ensure conformance with approved specifications.

That other than for approaches permitted on a second side for a corner lot, the approach for any property must be constructed to access the road which is identified as the property's civic address.

That **Schedule "A" & "B"** may be amended from time to time by resolution of Council.

4.03 *Municipal Operations*

That when a culvert and/or crossing has been installed in a municipal ditch, the culvert and/or crossing, after receiving inspection and approval of the Public Works Department, shall become the property of the Municipality and can only be removed at the discretion of the Municipality.

The Municipality may direct the owner, at no cost to the Municipality, to remove headwalls or ornamentation in order to facilitate public works by the Municipality.

That in the event the Municipality must dig up or remove an approach to repair, replace or install a culvert, the approach will be reconstructed as per specifications found in **Schedule "A"**. 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. If the owner

had any of the above said materials and would like them replaced, it will be the owner's responsibility and must be approved in writing by the Manager of Public Works.

That no person shall be allowed to alter the level of the ditch without permission of the Public Works Department or the Municipality.

4.04 *Second Private Approach*

That only one (1) approach shall be allowed per property unless otherwise authorized in Sections 4.04 (a) and 4.04 (b);

(a) Corner lots, as well as properties zoned A40, A80, M1, M2, AIP, when approved by the Manager of Public Works, may be permitted to have two (2) approaches. For corner lots the Manager of Public Works may approve the approaches to be on different sides of the lot

(b) All other properties not already identified in Section 4.04 (a) may apply to the Manager of Public Works for a second driveway. Approval shall only be provided where the Manager of Public Works is satisfied the second driveway will not impede drainage and/or cause the Municipality additional work related to spring runoff, snow clearing and grass cutting.

That any owner of or tenant of lands who is not satisfied with the decision or ruling of the Manager of Public Works may appeal the decision or ruling to Council, provided the appeal is submitted to the Municipality within thirty (30) days of the decision or ruling being sent to the owner or tenant.

5.00 PRIVATE APPROACH CONSTRUCTION

5.01 *Marking of Residential Property:*

The Applicant, upon receiving a Private Approach Permit, shall mark the location of the center of the proposed approach with suitable marker stakes and shall ensure adequate visibility of the same.

5.02 *Provision of Private Approach Grade Stakes:*

The Applicant shall request Private Approach grade stakes from the Municipality at least five (5) days prior to the requirement of these stakes.

The Municipality shall:

- (a) Perform a first (1st) inspection which includes the marking of culvert invert elevations on grade stakes located at the street line of the lot, backslope of the municipal ditch or such other suitable location as may be determined and in such a manner that the mark cannot be easily removed and/or tampered with;
- (b) Issue correspondence with the applicant, indicating the required culvert dimensions. The Applicant shall take precautions to ensure that any grade stakes are protected until no longer required. If replacement of any stake(s) is required, subject to the discretion of the Municipality, the Applicant may be required to pay the cost of such replacement.

5.03 *Entering Upon Property:*

A designated officer of the municipality may, pursuant to Section 239(1) of *The Municipal Act of Manitoba, S.M. 1996, c.58*, subsection (a) enter the land or structures at any reasonable time, and carry out the inspection, enforcement or action authorized or required by the Act or by-law.

The Applicant shall ensure that employees of the municipality or its agent are not interfered with in any way in the performance of the duties imposed on them by this by-law.

5.04 *Compliance with Private Approach Permit:*

The Applicant shall ensure that construction of a Private Approach is completed in accordance with the requirements of the Private Approach Permit and this Private Approach By-Law (#4384).

Where the Private Approach has not been installed in accordance with the Private Approach permit, the Municipality shall give written notice by mail or e-mail to the applicant, directing that the Private Approach be completed and/or corrected.

5.05 *Release of Private Approach Damage Deposit:*

The municipality shall, upon request from the Applicant, cause the Private Approach to be inspected as required to determine compliance with the requirements of the Private Approach Permit and this Private Approach By-Law (#4384) and to identify any damage to the Roadway and/or debris or material left on the Roadway caused by the Applicant or any of the Applicants contractors. Subject to the provisions of sections 6.02 and 6.03 herein, the Private Approach Damage Deposit shall be released to the Applicant, or such other person authorized in writing by the Applicant, when the Municipality has determined that the Private Approach is completed in accordance with the requirements of the Private Approach Permit and this Private Approach By-Law (#4384), any damage to the Roadway caused by the Applicant has been appropriately repaired and any debris and/or material left on the Roadway has been cleared by the Applicant.

Inspections will generally be made during the period of May 1st to October 31st of each year, subject to snow cover, ground frost and wet conditions.

When the above provisions are provided for in an existing development agreement, the development agreement shall prevail.

6.00 FEES AND DEPOSITS

6.01 *Fees:*

The Applicant shall be required to pay the municipality the applicable fee for a private approach permit, as set out in **Schedule "B"** attached hereto. This fee shall be paid prior to the issuance of the private approach permit.

6.02 *Private Approach Damage Deposit:*

The Applicant shall be required to deposit with the municipality an applicable sum for a Private Approach Damage Deposit, as set out in **Schedule "B"** hereto. This sum shall be deposited prior to the issuance of a Private Approach permit. This deposit shall be retained by the municipality until such time as the requirements specified under Section 5.05 have been complied with. If any item outlined in Section 5.05 herein is not completed to the satisfaction of the Municipality, the municipality shall be entitled to apply the balance or any portion of the Private Approach Damage Deposit towards the cost of any expenses incurred by the municipality in carrying out the completion of such items.

6.03 *Forfeiture of Private Approach Damage Deposit:*

In the event the subject property has changed in registered ownership before the release of the Private Approach Damage Deposit, or the Applicant neglects and/or refuses to achieve substantial completion and is completed by party(ies) other than the applicant, the Private Approach Damage Deposit shall be forfeited to the Municipality. Any reimbursement,

refund, or use of the Private Approach Damage Deposit will rest solely at the discretion of the Municipality.

6.04 *Added Inspections or Related Services:*

In the event that charges or fees are incurred by and/or owed to the Municipality by the Applicant for inspections or related services over and above the standard three (3) visits to the site which are included as part of the Private Approach permit fee, the Municipality shall be entitled to deduct and retain such additional charges or fee from the Private Approach Damage Deposit referenced in Section 6.02 herein.

7.00 REMEDIAL ACTION

7.01 *Non-Compliance with Private Approach Permit*

That any person who installs a culvert and/or Private Approach not in accordance with the specifications as set forth in Section 4.00, or causes any damage to the municipal ditch, as specified by the Public Works Department, shall be liable for repairs of same. In the event the repairs are not completed within thirty (30) days of receiving notice from the Public Works Department, 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*.

7.02 Where an applicant has been given a notice, order or direction pursuant to Section 5.04 and neglects or refuses to comply with such order or direction within the time specified, the Municipality may cause the work to be carried out and charge the cost of the work against the deposit held by the Municipality. Where the cost of the work exceeds the value of the deposit held, the Municipality may charge the cost of such excess against the applicant, and in default of payment:

- (a) recover the cost as a debt due to the Municipality;
- (b) charge the cost against the land concerned as taxes due and owing in respect to that land, and recover the cost as such.

8.00 GENERAL PENALTIES

8.01 Any person who contravenes or disobeys, or refuses or neglects to obey any provision of this by-law for which no penalty is provided, is guilty of an offence and liable, on summary conviction, to a fine not exceeding \$500.00 in the case of an individual, or \$1,000.00 in the case of a corporation, or, in the case of an individual, to imprisonment for a term not exceeding one (1) month or to both such a fine and such an imprisonment. Where a contravention, refusal, neglect, omission or failure continues for more than one day, the person is guilty of a separate offence for each day that it continues.

9.00 AGRICULTURAL APPROACH WIDENING PROGRAM

The Municipality has initiated a program whereby agricultural approaches are widened by the Public Works Department. This program will support local farmers by improving accessibility to their property.

9.01 The Municipality will include funding in its annual financial plan to support this program. The maximum number of approaches to be widened under this program shall not exceed twelve per year, or until funding in the plan has been fully expended, whichever occurs first.

- 9.02 Funds from the program shall be reduced in accordance with the value of any physical assets being supplied and installed by the Municipality for the program (i.e. culverts, couplers & associated parts).
- 9.03 *Agricultural Approach Widening Application:*
To initiate the widening of an agricultural approach, the Applicant shall obtain a Private Approach Permit:
- (a) This permit shall be subject to a standard application fee, however a damage deposit will not be required;
 - (b) The Applicant shall obtain the permit at least thirty (30) days prior to the requirement of the extension, to provide the Municipality with sufficient time to schedule the work.
- 9.04 This program shall only apply to existing agricultural approaches. All other applications shall be made in accordance with the requirements of the Private Approach Permit and this Private Approach By-Law (#4384).

10.00 EFFECTIVE DATE

- 10.01 All by-laws, resolutions and orders passed relative to the location, construction, workmanship, and other matters in connection with installation, reconstruction, extension or maintenance of access crossings, are hereby repealed upon the date this by-law comes into effect.
- 10.02 That By-Law No. 4313 is hereby repealed.
- 10.02 That this by-law shall be deemed to have come into force and take effect on the day it is passed by Council.

DONE AND PASSED by the Council of the Rural Municipality of St. Andrews, in regular session assembled in Clandeboye, Manitoba, this 9th day of January, A.D., 2024.

THE RURAL MUNICIPALITY OF ST. ANDREWS



Mayor



Chief Administrative Officer

Read a first time this 14th day of November, A.D., 2023

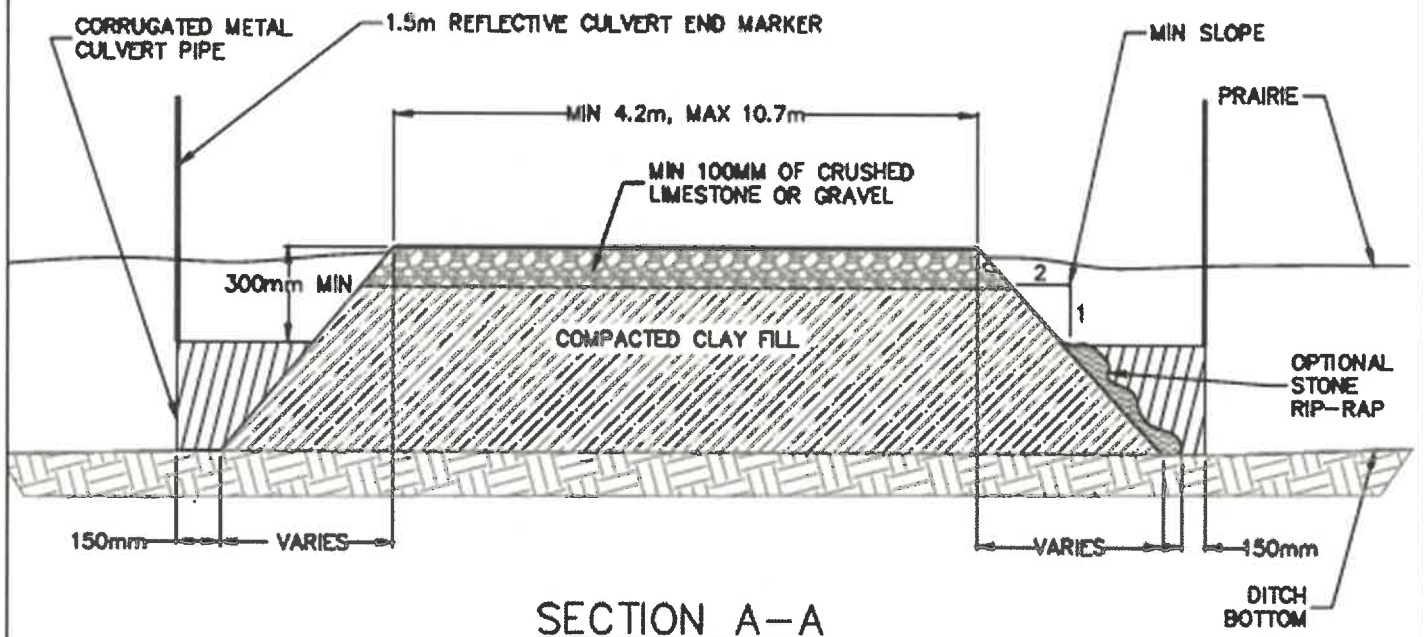
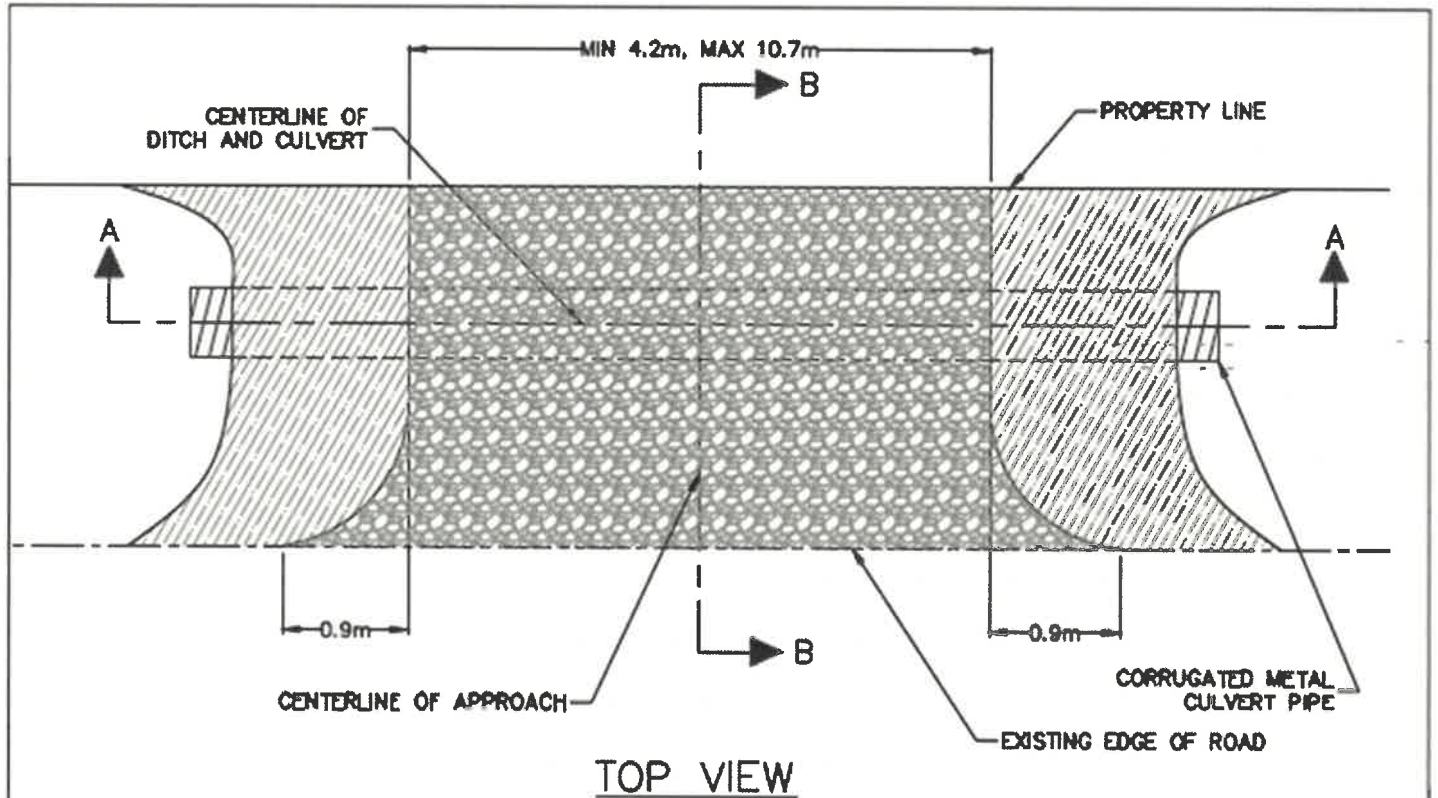
Read a second time this 12th day of December, A.D., 2023

Read third time this 9th day of January, A.D., 2024

SCHEDULE "A" TO BY-LAW NO. 4384

[Schedule "A" Amended by Resolution No. 2025-0194 – May 20, 2025]

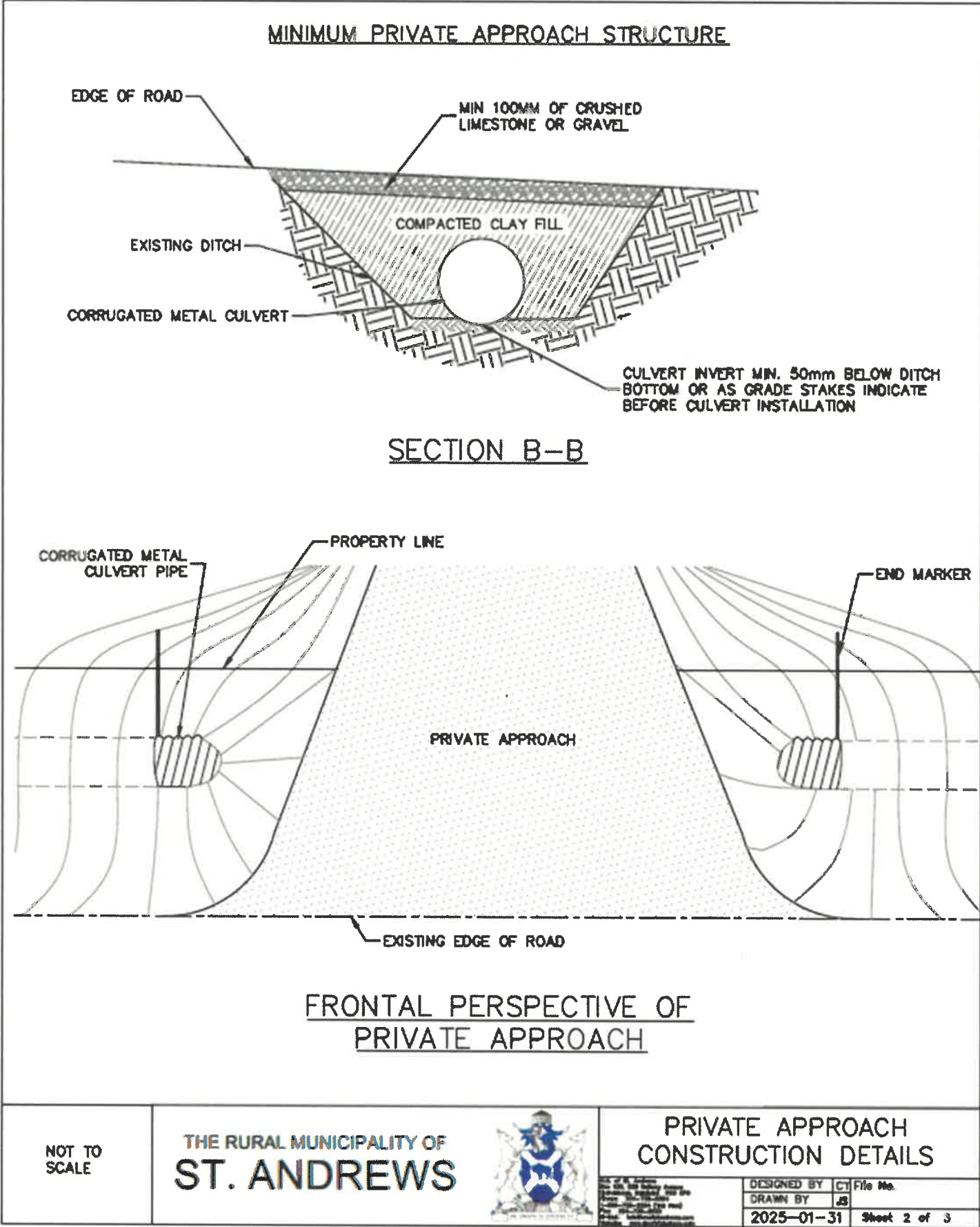
PRIVATE APPROACH CONSTRUCTION DETAILS



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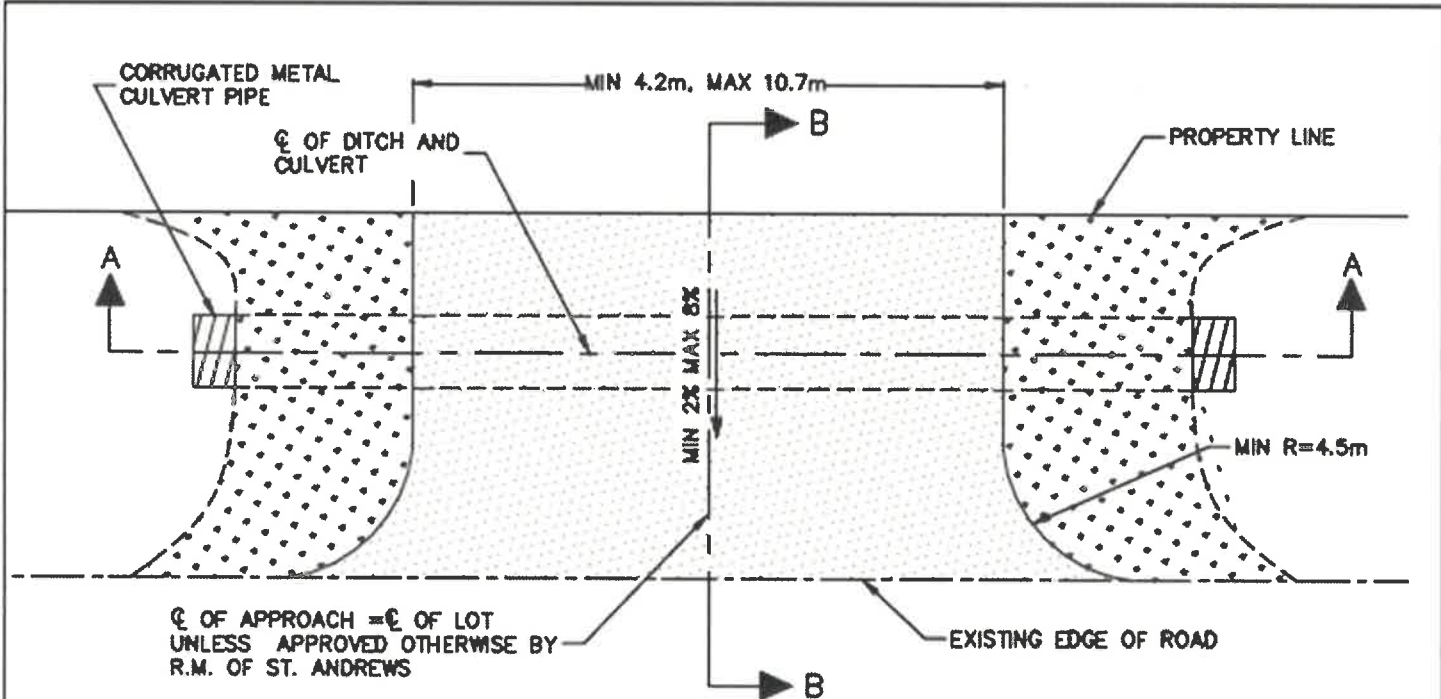
SCHEDULE "A"

PRIVATE APPROACH CONSTRUCTION DETAILS (CONT.)

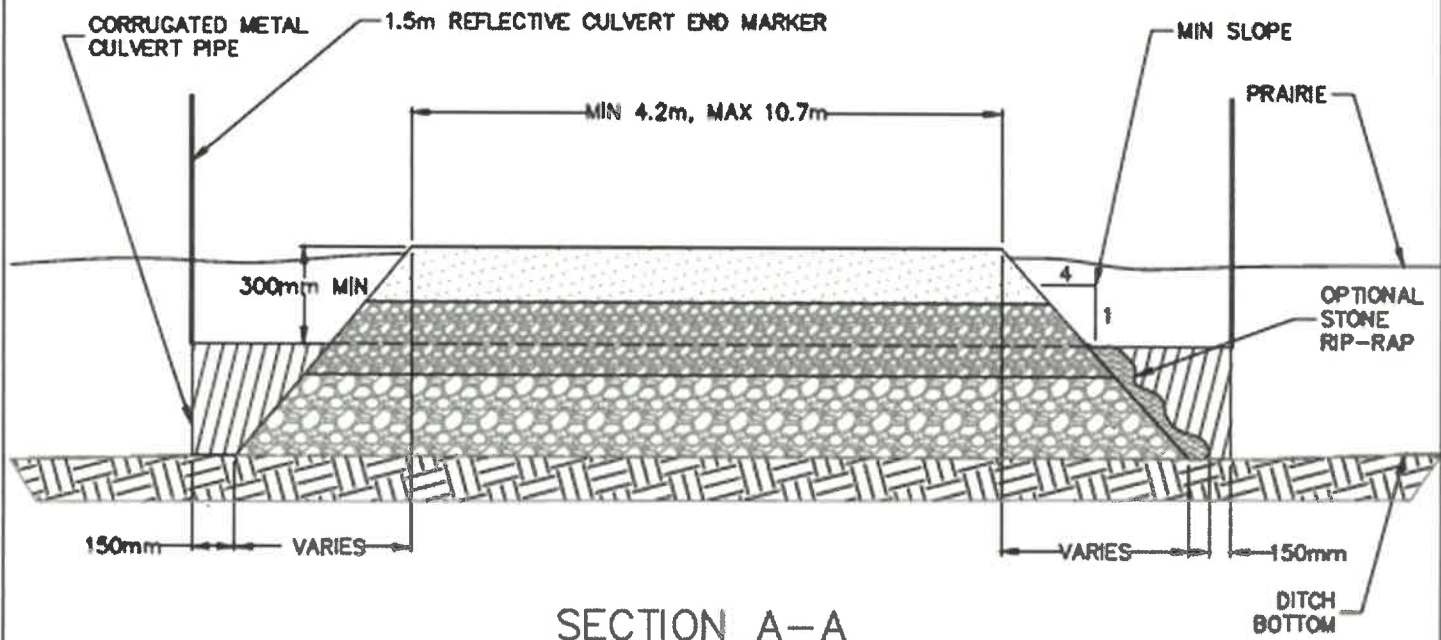


SCHEDULE "A"

INDUSTRIAL PARK PRIVATE APPROACH CONSTRUCTION
DETAILS



TOP VIEW

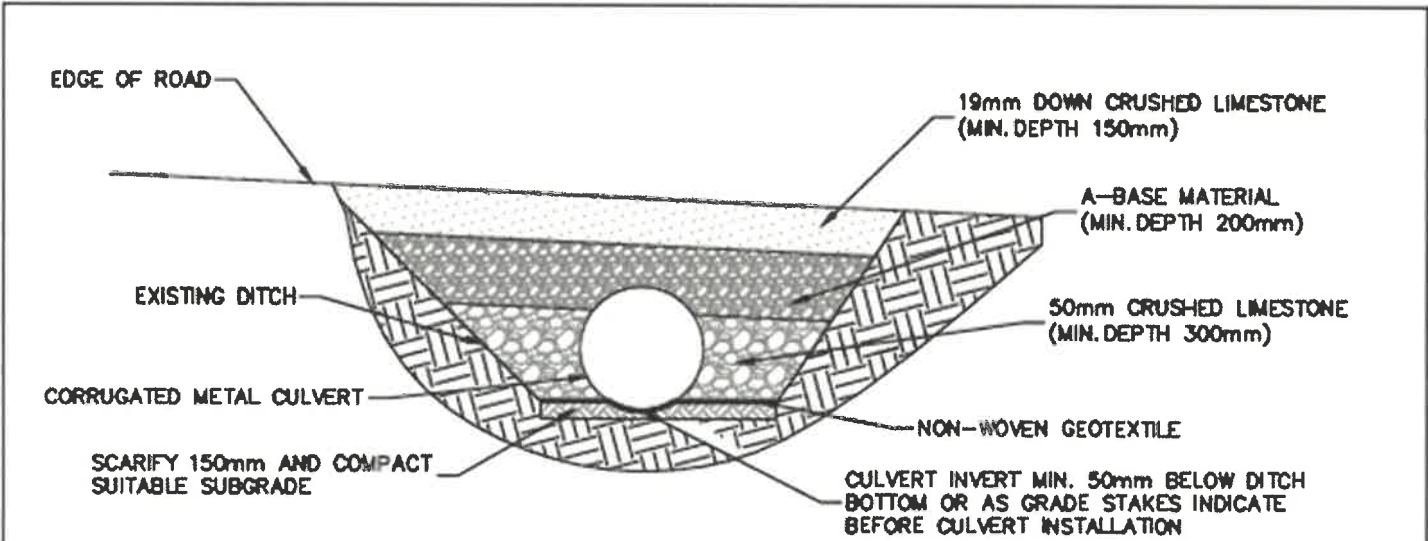


SECTION A-A

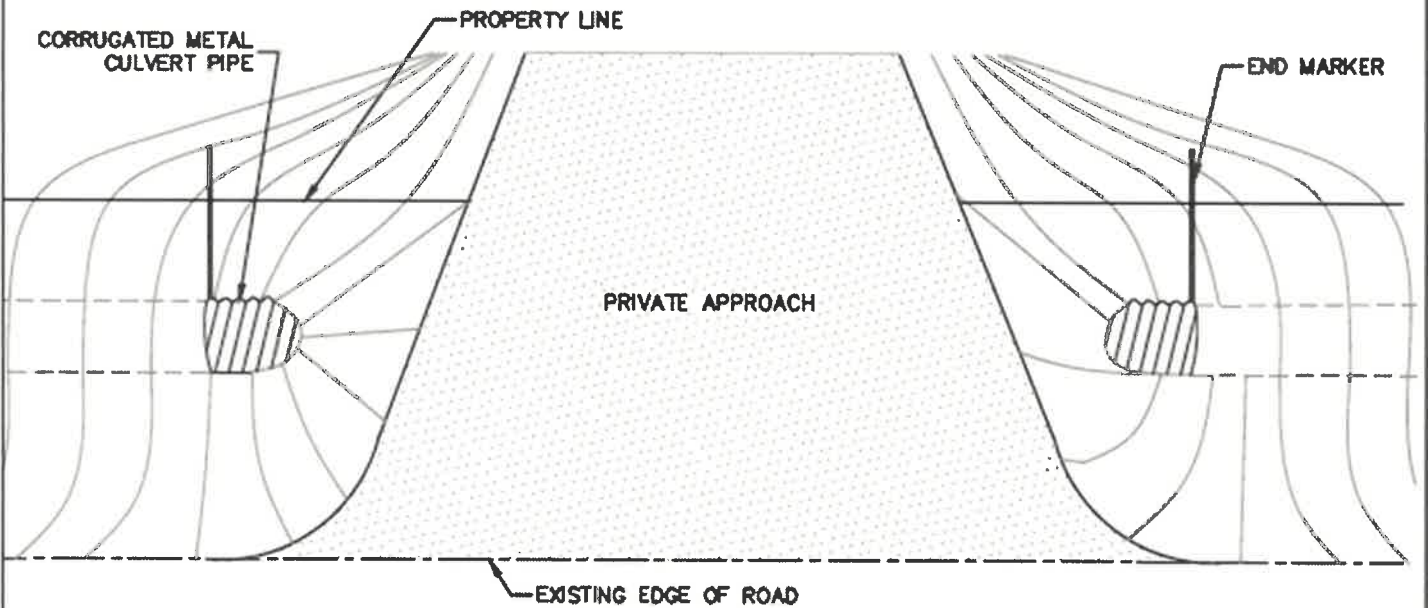
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SCHEDULE "A"

INDUSTRIAL PARK PRIVATE APPROACH CONSTRUCTION
DETAILS (CONT.)



SECTION B-B

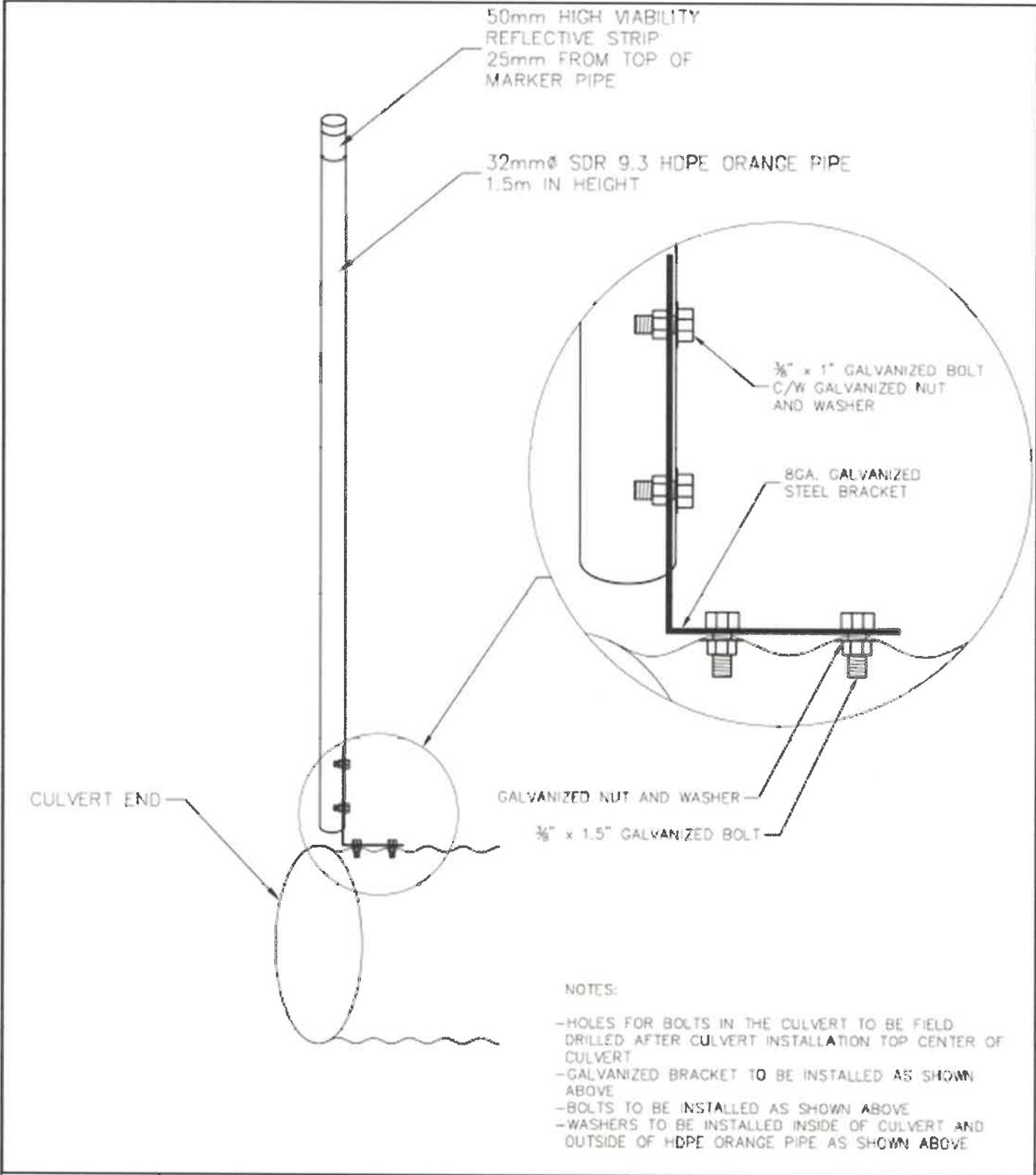


FRONTAL PERSPECTIVE OF
PRIVATE APPROACH

NOT TO SCALE	THE RURAL MUNICIPALITY OF ST. ANDREWS		INDUSTRIAL PARK PRIVATE APPROACH CONSTRUCTION DETAILS		
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SCHEDULE "A"

PRIVATE APPROACH CULVERT END-MARKER DETAIL



NOT TO SCALE	THE RURAL MUNICIPALITY OF ST. ANDREWS	<div data-bbox="808 2072 954 2233"></div> <div data-bbox="1008 2072 1458 2136">PRIVATE APPROACH CULVERT END MARKER</div> <table border="1" data-bbox="963 2166 1515 2244"><tr><td>DESIGNED BY</td><td>CT</td><td>File No.</td></tr><tr><td>DRAWN BY</td><td>CT</td><td>S2014.4227.01</td></tr><tr><td>2025/01/31</td><td></td><td>Sheet 3 of 3</td></tr></table>	DESIGNED BY	CT	File No.	DRAWN BY	CT	S2014.4227.01	2025/01/31		Sheet 3 of 3
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