

THE CORPORATION OF THE MUNICIPALITY OF RED LAKE

BY-LAW NO. 1765-13

BEING A BY-LAW TO REGULATE THE INSTALLATION OF CULVERTS PLACED ON MUNICIPAL ROAD ALLOWANCES AND TO PROVIDE ACCESS THEREFROM TO PRIVATE ABUTTING LANDS.

WHEREAS pursuant to Section 8(3) of the Municipal Act, 2001, as amended, states without limiting the generality of subsection (1) and (2), a by-law under Section 10 respecting a matter may regulate or prohibit the matter and require persons to do things respecting the matter; and

WHEREAS pursuant to Section 9 of the Municipal Act, 2001, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

WHEREAS pursuant to Section 10(1) of the Municipal Act, 2001, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

WHEREAS pursuant to Section 10(2)(7) of the Municipal Act, 2001, as amended, a single-tier municipal may pass by-laws respecting services and things that the municipal is authorized to provided under subsection (1); and

WHEREAS pursuant to Section 10(2)(8) of the Municipal Act, 2001, as amended, a single-tier municipally may pass by-laws respecting the protection of persons and property; and

WHEREAS pursuant to Section 128(1) of the Municipal Act, 2001, as amended, a local municipality may prohibit and regulate with respect to public nuisances, including matters that in the opinion of council, are or could become or cause public nuisance; and

WHEREAS it is deemed expedient for the purpose of uniform installation of all such culverts and that certain regulations be established by the Municipality;

NOW THEREFORE the Council of The Corporation of the Municipality of Red Lake hereby **ENACTS AS FOLLOWS:**

1. Definitions

- 1.1 Land Owner shall mean the registered owner of the land.
- 1.2 Municipality of Red Lake shall mean The Corporation of the Municipality of Red Lake.
- 1.3 Operations Superintendent shall mean the Operations Superintendent appointed by the Municipality of Red Lake or their designate.

2. Entrances

- 2.1 Land owner(s) requiring an entrance within the Municipal right of way must have approval of the Operations Superintendent, prior to installation.

2. Entrances - Continued

2.2 An entrance shall conform to the following standards:

- i. The entrance shall be a minimum of 6.0 meters (19.685 feet) wide, less the requirements of Schedule "A", section 3;
- ii. If two entrances are located on one lot there must be a minimum of 8.0 meters (26.246 feet) between the two entrances.
- iii. If an entrance is adjacent to an intersection there must be a minimum of 8.0 meters (26.246 feet) between the entrance and the intersection.

2.3 The location of the entrance is to be determined by the Operations Superintendent and marked on the Entrance Permit.

2.4 If a second entrance is permitted it must meet the requirements as stated in section 2.2.

2.5 There will be no entrance permit required or fee payable for an entrance onto a provincial highway. A copy of the Ministry of Transportation permit must be submitted to the Operations Superintendent.

2.6 Entranceways shall be constructed to a uniform standard as per the surrounding area.

2.7 The Municipality shall retain ownership of entranceway once installation is completed to the satisfaction of the Operations Superintendent.

3. Culverts

3.1 The Operations Superintendent will determine the need for a culvert.

3.2 Should a culvert be deemed necessary, it shall conform to the following Municipal standard as follows:

- i. The culvert must be new;
- ii. Culverts must have a minimum diameter of 381mm unless otherwise agreed upon;
- iii. Culvert length must be a minimum of twenty (20) feet;
- iv. The Operations Superintendent may demand a larger and/or longer culvert if he/she feels it is warranted;
- v. The culvert must be new dual wall corrugated HDPE pipe (smooth inner wall);
- vi. Culverts shall be installed in accordance with the attached "Schedule A". Driveways should be sloped to the edge of the roadway;

3. Culverts – Continued

- viii. The Entrance Permit attached to and forming part of Schedule “Q” of the User Fees and Charges By-Law shall be completed; and
 - ix. No deviation of any of the above standards shall occur without the written permission of the Operations Superintendent.
- 3.3 The land owner(s) is responsible for the purchase and installation of the culvert under the supervision of the Operations Superintendent.
- 3.4 No Occupancy Permit shall be issued by the Municipality for any building on private land, the access to which, in the opinion of the Operations Superintendent, requires the installation of a culvert; and until such time the culvert has been installed.

4. Standard Provisions

- 4.1 When restoring entrances the Municipality of Red Lake will not finish beyond a granular “A” surface within the Municipal right of way due to culvert replacement or maintenance of entrance.
- 4.2 The Municipality reserves the right to change or alter any entrance at any time. Any finished work, i.e. interlocking brick, paving, clear stone will be the responsibility of the land owner.
- 4.3 If any damage is done to a municipal road during the construction of an entranceway, the road shall be repaired to the satisfaction of the Municipality at the cost of the land owner.
- 4.4 If approved, entrances that do not meet the site line requirements will be required to pay for hidden entrance signs and their placement.
- 4.5 The site line requirements referred to in section 4.4 are set out in the Geometric Guidelines for Municipal Roads (OGRA) which may be amended from time to time.
- 4.6 Prior to constructing an entranceway, it is the responsibility of the land owner to have all buried infrastructure located.
- 4.7 Prior to constructing an entranceway, it is the responsibility of the land owner to ensure proper clearance from all suspended infrastructure is maintained.
- 4.8 Consultation with applicable Ministries is the responsibility of the land owner, if required.

5. Enforcement

- 5.1 It is the land owner’s responsibility to assure compliance with this By-Law.
- 5.2 Failure to comply within fifteen (15) days after written notification of any deficiencies identified will result in the Municipality contracting to do the work at the expense of the land owner.

6. Validity

- 6.1 If a court of competent jurisdiction declares any provision, any part of a provision, in this By-Law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-Law that each and every provision in this By-Law authorized by By-Law be applied and enforced in accordance with the terms to the extent possible according to law.

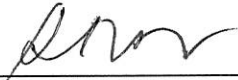
7. Short Title

- 7.1 This By-Law may be cited as the Municipality of Red Lake "Entrance and Culvert By-Law".


8. Implementation

- 8.1 This By-Law shall come into force and take effect on the final passing hereof.

READ a FIRST TIME and a SECOND TIME this 21st day of May, 2013.



Phil T. Vinet, Mayor

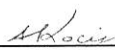


Shelly L. Kocis, Clerk

READ a THIRD TIME and FINALLY PASSED this 21st day of May, 2013.



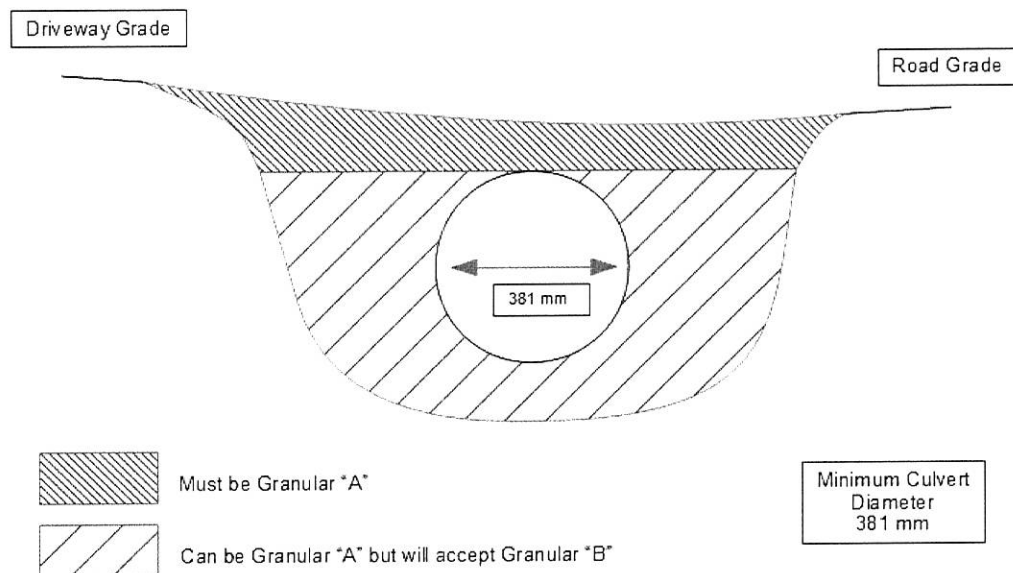
Phil T. Vinet, Mayor



Shelly L. Kocis, Clerk

cc: OPS, OP ✓

CULVERT INSTALLATION



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1. Must be a minimum of 300 mm of specified material all around pipe including underneath in order to prevent frost action.
 2. Minimum of 150mm (5.905 inches) Granular "A" above pipe.
 3. Head walls or fabricated head walls are allowed at ends of culvert. Culvert must be exposed a minimum of 300mm (11.811 inches) at both ends.
 4. Entranceway must be sloped from centerline to culvert ends and shall not be higher in elevation than the grade of municipal road where they meet as, this will result in damage to driveway during grading operations. The Municipality will not assume responsibility for damage caused as a result of this.
 5. Entranceway shall be developed in such a manner that drainage from Municipal roads cannot accumulate on private property.
 6. All new or altered entrances must be approved prior to installation.
 7. All lengthening of existing culverts must be installed at the same standards as a new entrance.
 8. Secondary entrances must have a minimum distance of separation of 8 meters (26.246 feet).