

BY-LAW #06/25

OF THE

RURAL MUNICIPALITY OF ROCKWOOD

**Being a By-Law of the Rural Municipality of Rockwood
providing for the control and removal of certain obstructions on
municipal roads, ditches, parks and reserves.**

WHEREAS the Rural Municipality of Rockwood wishes to prevent the unwanted placement of snow, ice, trees, shrubs, rocks, weeds, grass, leaves, refuse and other obstructing materials on municipal roads, soil, ditches, parks and reserves within the Municipality in order to ensure safe passage / flow thereon;

AND WHEREAS the Rural Municipality of Rockwood considers it desirable 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

231(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, charges that

By-Law #06/25

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 or acting under subclause (iv);
- (vi) imposing a sentence of imprisonment for not more than six months for the commission of offences or non-payment of fines.”;

NOW THEREFORE the Rural Municipality of Rockwood, in open Council duly assembled, enacts:

DEFINITIONS:

- 1(1) (a) Unless otherwise provided, or unless the context otherwise requires, words and expressions in this By-Law have the same meaning as the same words and expressions in *The Municipal Act*;
- (c) In this By-Law:
- 1) **“Chief Administrative Officer”** shall mean the Chief Administrative Officer (CAO) for the Rural Municipality of Rockwood.
 - 2) **“Concrete”** shall include concrete, asphalt, and concrete based products.
 - 3) **“Council”** shall mean the Council of the Rural Municipality of Rockwood.
 - 4) **“Designated Officer”** shall mean the By-Law Enforcement Officer / Community Safety Officer or such person employed by the Municipality to whom either Council or the Chief Administrative Officer has delegated duties, functions and responsibilities as required by this By-Law, including the Chief Administrative Officer.
 - 5) **“Municipality”** shall mean the Rural Municipality of Rockwood.
 - 6) **“Order to Remedy Breach”** shall mean an Order issued pursuant to Section 3 of this By-Law in the form attached hereto as Schedule “A”.
 - 7) **“Owner”** shall include the registered owner of the property onto which the rubbish, garbage or snow has originated from.
 - 8) **“Person”** shall include a firm or corporation.
 - 9) **“Roadway”** shall include a road open for public use, road allowance, street, lane, thoroughfare, walkway, bridge, and underpass, but does not include departmental roads as defined in *The Highways and Transportation Act*.

By-Law #06/25

- 10) ***“Rubbish”*** shall mean any garbage, trash or junk including, but not limited to, unwanted or discarded household items, waste from building construction, remodelling and repair, tree branches, grass and shrub clippings, leaves or other general yard and garden waste, motor vehicle parts or tires, newspapers, magazines, packaging materials, waste paper or cardboard, dead animal carcasses, and any other unsightly or discarded material which causes or is likely to cause a public hazard or nuisance or is unacceptably offensive to the community standards of cleanliness.
- 11) ***“Snow”*** shall include any form of frozen water, including, but not limited to snow, ice and slush.
- 12) ***“Soil”*** shall include any form of minerals, aggregate or organic based soils.

INTERPRETATION:

- 2 In all parts of this By-Law, any word importing the male gender shall include the female gender and vice versa, and any word importing the singular shall include the plural and vice versa, as applicable unless the context requires a different interpretation.

GENERAL PROVISIONS:

- 3 THAT no person shall place, deposit, or move onto any public road, road allowance, park or reserve or property adjacent thereto, whether publicly or privately owned, within the Rural Municipality of Rockwood, any snow, ice, trees, shrubs, rocks, weeds, grass, leaves, refuse, soil, concrete, rubbish or obstruction of any kind or nature, unless by resolution of Council from time to time, designates otherwise.

ORDER TO REMEDY BREACH:

- 4(1) If the Designated Officer or the Chief Administrative Officer suspects or has reason to believe a person or persons, including the Owner, has breached or is in breach of the terms of this By-Law in any respect, the Designated Officer or the Chief Administrative Officer may forward to the person, an Order in the form attached and marked as Schedule “A”. Such Order shall be forwarded in either of the following methods:
 - a) Personal Service;
 - b) Prepaid registered mail addressed to the last known address as shown on the most recent assessment roll of the Municipality.
- 4(2) From the date of receipt, the person to whom an Order was issued has fourteen (14) days to appeal in writing such Order to the Council of the Municipality.
- 4(3) Upon the Designated Officer forwarding an Order as set forth in 4(1) above, and the person not appealing such Order or the Municipality upholding the appeal of such Order, and fourteen (14) days have expired from the date of service of the Order and the person has not remedied the breach of this By-Law, the Designated Officer, or a person designated by him, shall issue a preset fine, as determined by the Province of Manitoba, and updated from time to time, and take such necessary action to remedy the breach including any necessary attendance on the Owner’s property.

By-Law #06/25

EMERGENCIES:

- 5 If, in the opinion of the Designated Officer or the Chief Administrative Office the breach of the By-Law is of such nature to cause a public safety issue, it will be deemed to be a hazard constituting an emergency and the Designated Officer or a person designated by him, may take such necessary action as he deems necessary to remedy the breach including removal of any snow, ice, soil, concrete, rubbish or obstruction.

PENALTIES:

- 6 A person who contravenes this by-law is guilty of an offence and liable on summary conviction to a fine of not more than \$1000, and a penalty equal to the enforcement costs associated with the conduct giving rise to the offence and enforcing the by-law, which may be collected in the same manner as a tax may be enforced under the Municipal Act.

COSTS:

- 7(1) All costs associated with remedying the breach of the By-Law including cleanup and removal of snow, ice, soil, concrete or rubbish or any other obstruction, shall be the responsibility of the Owner or the person in breach of the By-Law and the liability shall be joint and several.
- 7(2) Any costs associated with actions taken by the Municipality to remedy a breach of the By-Law are an amount owing to the Municipality by Owner or person in breach of the By-Law.
- 7(3) Any costs associated with actions taken to eliminate an emergency obstruction are an amount owing to the Municipality and may be collected by the Municipality in the same manner as a tax may be collect by law.

SEVERABILITY:

- 8 If any provision of this By-Law is held to be invalid by any Court of competent jurisdiction, the remaining provisions of this By-Law shall not be invalidated.

EFFECTIVE DATE:

- 9(1) This By-Law shall come into force and effect on the date of passage thereof.
- 9(2) That By-Law #16/15 is hereby repealed.

DONE AND PASSED by the Council of the Rural Municipality of Rockwood, in meeting duly assembled, at the Town of Stonewall, in the Province of Manitoba, this 9th day of April, A.D. 2025.

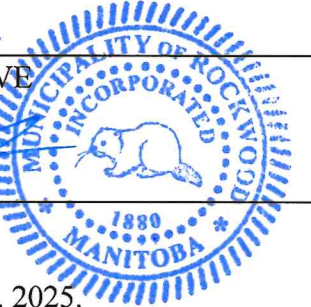
THE RURAL MUNICIPALITY OF ROCKWOOD



J. WESLEY TAPLIN, REEVE



CHRIS LUELLMAN, CAO



GIVEN First Reading this 12th day of March, A.D. 2025.
GIVEN Second Reading this 9th day of April, A.D. 2025.
GIVEN Third Reading this 9th day of April, A.D. 2025.

SCHEDULE "A"

To

BY-LAW #06/25

ORDER TO REMEDY BREACH

Name: _____

Mailing Address: _____ Town _____ Postal Code: _____

Roll Number: _____ Civic Address: _____

THE DESIGNATED OFFICER of the Rural Municipality of Rockwood has inspected your property known as: _____ in _____,

(Civic Address/ Roll Number)

(Town / Municipality)

Manitoba and, in the opinion of the Designated Officer, a contravention of By-Law 06/25 has occurred because:

Contravention:

IT IS HEREBY ORDERED THAT you stop repeating the contravention listed and that you must remove and remedy the existing contravention and in particular _____ within fourteen (14) days from the date of this letter. Your failure to remove and remedy the contravention will result in the Rural Municipality of Rockwood taking steps as are necessary to remove and remedy the contravention on said property and charging you with all costs incurred and associated fines.

Should you wish to appeal the contents of this Order you must do so by filing a written appeal with the Rural Municipality of Rockwood within fourteen (14) days of your receipt of this Order. Please deliver your written appeal to the Rural Municipality of Rockwood, 285 Main Street, Stonewall, MB, or email at info@rockwood.ca or via fax to 204-467-5329.

Dated: _____

DESIGNATED OFFICER