

RURAL MUNICIPALITY OF CORNWALLIS
BY-LAW NO. 1602/05/2007

WHEREAS:

- A. The Municipal Act ("Act") authorizes a council to pass by-laws for municipal purposes respecting: the safety, health, protection and well-being of people and the safety and protection of property; activities and things in or on private property; property adjacent to municipal roads; drainage; business activities; and the enforcement of by-laws;
- B. The City of Brandon operates a snow disposal facility for the City's snow removal purposes. People carrying out private snow removal within the City may not use the City's facility and must therefore find alternate sites for depositing snow, which may include sites within the Municipality;
- C. Depositing snow on land from which the snow did not originate raises a number of serious concerns including impacts on drainage patterns, adverse environmental effects on people and property and associated traffic and nuisance issues;
- D. Council of the Municipality has determined it is advisable and in the public interest to regulate the depositing of snow within the Municipality.

NOW THEREFORE, Council of the Rural Municipality of Cornwallis enacts as a by-law the following:

Prohibition

1. No person shall deposit snow on land, and no owner of land shall permit another person to deposit snow on land, unless on the same parcel of land from which the snow originated or on an adjacent parcel of land in the same ownership.
2. This prohibition applies to all land within the Municipality including land owned by the Governments of Canada and Manitoba, the Municipality, municipal roads, lands identified in the Dominion Government Survey as a road allowance and privately owned land.
3. This prohibition does not apply to snow removal carried out by or on behalf of the Province of Manitoba or the Municipality relating to a highway or municipal road.
4. In this By-law parcel of land means the aggregate of all land described in any manner in a certificate of title.

Enforcement Officer

5. The position of Enforcement Officer is established as a designated officer for the purposes of this By-law ("Officer"). The Officer shall be the person appointed by municipal resolution.
6. The Officer has all the powers, duties, discretions and functions of a designated officer set out in the Act, and is authorized to administer and enforce this By-law and to act as a designated officer for the purposes of this By-law.
7. The Officer may carry out inspections of land to determine whether this By-law or an order is being complied with, what actions or measures a person needs to take in connection with this By-law or an order, and whether the actions or measures set out in an order have been taken. The Officer may enter land to remedy a contravention of this By-law and to prevent the re-occurrence of a contravention.
8. An order of the Officer will be given in writing, and may provide that if the person does not comply with the order within the specified time, the Municipality will take the actions or measures at the expense of that person.
9. A person served with an order may request Council to review the order, by written notice to Council within 14 days after the date of receipt of the order.
10. Upon receiving a request for review, the Chief Administrative Officer of the Municipality shall set a date and time for the review of the order and notify the person of the date of the review.

11. At the time and place set out in the notice, Council shall consider the request for review, and the person may appear in person or by counsel. After reviewing the order, Council may confirm, vary, substitute or cancel the order.
12. The time specified in an order made under section 8 is suspended from the date of receipt of a request for review to the date upon which Council makes its decision.
13. The Municipality may take whatever actions or measures are necessary to remedy a contravention of this By-law, including performing any work required, if the person to whom an order was directed did not comply with the order within the time specified, and the time for requesting a review of the order has passed or the person requested that Council review the order and Council did so and confirmed that the Municipality can take the ordered actions or measures. If the order of the Officer so provided, the actions or measures will be taken at the person's expense. The costs of the actions or measures taken will be an amount owing by the person to the Municipality and may be collected in any manner in which a tax may be collected or enforced under the Act.

Offence and costs

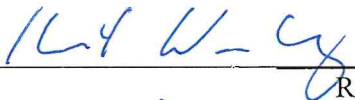
14. A person who contravenes this By-law is guilty of an offence and is liable on summary conviction to a fine of not more than \$1000.00. Any costs associated with or resulting from enforcing this By-law are in addition to any such fine, and are an amount owing to the Municipality and may be collected in any manner in which a tax may be collected or enforced under the Act.

Transitional

15. By-law 1523/08/97 is repealed.

DONE AND PASSED, in Council this 18th day of December, 2007

THE RURAL MUNICIPALITY OF CORNWALLIS
Per



Reeve



Chief Administrative Officer

READ A FIRST TIME this 20th day of November, 2007
READ A SECOND TIME this 18th day of December, 2007
READ A THIRD TIME this 18th day of December, 2007