

**Municipality of Clanwilliam-Erickson**  
**BY-LAW NO. 37/17**

**Being a By-law to regulate the maintenance of Boulevards and Drains.**

**WHEREAS**, subsection 232(1) of *The Municipal Act*, S.M. 1996 c.58 (the “Act”) provides in relevant part as follows:

**Spheres of jurisdiction**

**232(1)** A Council may pass by-laws for municipal purposes respecting the following matters:

- (a) the safety, health, protection and well-being of people, and the safety and protection of property;
- (c) subject to Section 233, activities or things in or on private property;
- (e) private works on, along or under municipal roads;
- (f) property adjacent to highways or municipal roads, whether the property is publicly or privately owned;
- (h) drains and drainage on private or public property;
- (o) the enforcement of by-laws;

**AND WHEREAS** Section 233 of the “Act” provides as follows:

**Content of by-laws under clause 232(1)(c)**

**233** A by-law under clause 232(1)(c) (activities or things in or on private property) may contain provisions only in respect of

- (a) the requirement that land and improvements be kept and maintained in a safe and clean condition;
- (b) the parking and storing of vehicles, including the number and type of vehicles that may be kept or stored and the manner of parking and storing;
- (c) the removal of top soil; and
- (d) activities or things that in the opinion of the Council are or could become a nuisance, which may include noise, weeds, odours, unsightly property, fumes and vibrations;

**AND WHEREAS** Section 234 of the “Act” provides as follows:

**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

- (a) the growing of trees and shrubs and the construction of improvements;
- (b) the control and removal of trees, shrubs, weeds, grass, snow, ice and obstructions; and
- (c) the construction repair and removal of fences and snow fences;

**AND WHEREAS** the Council deems it in the best interest to establish, regulate and maintain boulevards, including trees, shrubs, and flowers, on the highways of the municipality;

**AND WHEREAS** the Council deems it in the best interest to require each owner of property to maintain and care for any boulevard established on a highway adjoining the property, and on the side of the highway on which the property is situated;

**AND WHEREAS** the Council deems it in the best interest to establish, regulate and maintain of municipal drains;

**NOW THEREFORE BE IT** and it is hereby enacted as a by-law of the Municipality of Clanwilliam-Erickson in Council duly assembled as follows:

1. **THAT** this by-law may be referred to as the “*boulevard and drainage maintenance By-law*”.

2. **Definitions:**

In this By-law, unless the context otherwise requires,

“**boulevard**” means that portion of a highway, on either side or in the center thereof, that is adjacent to the traveled portion thereof and is leveled and maintained, for the purpose of improving the appearance of the highway,

- (i) by the planting thereon of grass, flowers, trees, or shrubs, or all of any of those things; or
  - (ii) by paving or otherwise surfacing it; or
  - (iii) by treating part thereof as stated in sub-clause (I), and part thereof as stated in sub-clause (ii);
- and by regularly cutting the grass thereon, if any, and trimming, pruning, or otherwise

caring for the trees, shrubs, and flowers;

**“Council”** means the Council for the Municipality of Clanwilliam-Erickson;

**“designated officer”** shall mean the Chief Administrative Officer for the Municipality of Clanwilliam-Erickson;

**“drains”** means any drain, drainage ditch floodway, or dyke under the jurisdiction of the Municipality of Clanwilliam-Erickson but does not include a provincial waterway;

**“municipality”** means the Municipality of Clanwilliam-Erickson.

- 3 (a). **THAT** each owner of property is hereby required to maintain and care for any boulevard established on a highway adjoining his/her property and on the side of the highway on which the property is situated by:
- (a) cutting the grass; and
  - (b) maintenance of weeds; and
  - (c) maintenance of trees, shrubs and flowers; and
  - (d) cleaning up of leaves and debris.
- 3 (b). **THAT** the municipality will assume no responsibility or liability of damage caused by excavation of private lanes situated on municipal boulevards or property which the property owner has improved with asphalt paving or any other materials.
4. **THAT** each owner of property is hereby required to maintain and care for any municipal drain adjoining his/her property by:
- (a) cutting the grass; and
  - (b) maintenance of weeds; and
  - (c) cleaning up of leaves and debris.
5. **THAT** where any owner who is required under this By-law to maintain and care for a boulevard or municipal drain fails or neglects to comply with the provisions of the By-law, the designated officer, after giving seven days written notice to that owner requiring him/her to remedy the default, may
- (a) cause such work to be done as is necessary to maintain and care for the boulevard or municipal drain properly; and
  - (b) recover, by action or distress, the cost of the work done together with the costs of the action or distress, or charge the cost against the land of the owner that adjoins the highway on which the boulevard or municipal drain is situated, and levy and collect the amount thereof from the owner in any manner in which taxes in arrears are collectable.

**DONE AND PASSED** as a By-law of the Municipality of Clanwilliam-Erickson at the Municipal Office in Erickson, in the Province of Manitoba this 10<sup>th</sup>, day of May, 2017, A.D.

## **Municipality of Clanwilliam-Erickson**

---

**Mayor**

---

**Chief Administrative Officer**

Read a first time this 19<sup>th</sup>, day of April, 2017;  
Read a second time this 19<sup>th</sup>, day of April, 2017;  
Read a third time this 10<sup>th</sup>, day of May, 2017.