

**TOWN OF NIVERVILLE**

**By-Law No. 874-25**

A By-law of the Town of Niverville to regulate the maintenance of public property, regulate nuisances or obstructions that impact the safety and ongoing operation and maintenance of municipal roads, boulevards, flankages, drains and public property, and to conserve, prohibit, protect, restrict, and regulate the protection, preservation and removal of trees and vegetation and regulate site alterations on public land, public shorelines and private shorelines within the Town of Niverville.

**WHEREAS** The Municipal Act, C.C.S.M., c. M225 reads in part as follows:

**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;...
- (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 taxations;
- (c) subject to section 233, activities or things in or on private property;
- (d) municipal roads, including naming the roads, posting the names on public or private property, and numbering lots and buildings along the roads;
- (e) private works on, over, 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.

**232(2)** Without limiting the generality of subsection (1), a council may in a by-law passed under this Division...

- (d) establish fees or other charges for services, activities or things provided or done by the municipality or for the use of property under the ownership, direction, management or control of the municipality;... .

**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;...
- (d) activities or things that in the opinion of council are or could become a nuisance, which may include noise, weeds, odors, unsightly property, fumes and vibrations.

**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) providing 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, charge, or cost that 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 sub clause (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 of acting under sub clause (iv),
- (vi) imposing a sentence of imprisonment for not more than six months for the commission of offences or non-payment of fines.

**242(1)** If a designated officer finds that a person is contravening a by-law under this or any other Act that the municipality is authorized to enforce, the designated officer may by written order require the person responsible for the contravention to remedy it if, in the opinion of the officer, the circumstances so require.

**242(2)** The order may

- (a) direct a person to stop doing something, or to change the way in which the person is doing it;
- (b) direct a person to take any action or measure necessary to remedy the contravention of the Act or by-law, including the removal or demolition of a structure that has been erected or placed in contravention of a by-law and, if necessary, to prevent a reoccurrence of the contravention;
- (c) state a time within which the person must comply with the directions; and
- (d) state that if the person does not comply with the directions within a specified time, the municipality will take the action or measure at the expense of the person.

**AND WHEREAS** the Council of the Town of Niverville deems it expedient and in the best interests of the Town to pass a by-law to safeguard public property including the preservation of trees and shrubs and protecting areas adjacent to the shorelines of retention ponds, regulate the maintenance of public property, and regulate nuisances or obstructions that impact the safety and ongoing operation and maintenance of municipal roads, boulevards, flankages, drains and public property;

**NOW THEREFORE** the Town of Niverville in Council assembled, enacts the following by-law which shall govern the inspection, remedy, enforcement or action respecting nuisances and/or obstructions, maintenance of public property, private shorelines of retention ponds, and permits for temporary obstructions and non-standard boulevard treatments:

#### **SHORT TITLE**

**1.0** This By-law may be cited as "**The Public Property Preservation By-law.**"

#### **DEFINITIONS**

**2.0** In this By-law:

**"adjacent"**, when referring to the proximity of boulevards and flankages to private property, includes boulevards that are separated from private property by sidewalks and flankage, and in the case of site alterations and shorelines means abutting or contiguous;

**"alteration or site alteration"** means a change:

- a) in elevation from existing grade or finished grade resulting from:
  - i. the placing or dumping of fill;
  - ii. the removal of topsoil;
  - iii. placing, dumping, removal, or blasting of rock;
  - iv. any other action that alters the grade of land including the altering in any way of a natural drainage course on a site; or
  - v. any combination of the above activities;
- b) from the pre-existing conditions of the property, caused by circumstances such as but not limited to, vehicles crossing the property;

**“basic concrete”** means the same specification as a reinforced sidewalk as detailed in the Town of Niverville Standards For Design and Construction of Public Works;

**“boulevard”** means the section of land between your property line and the back of curb or edge of shoulder and where there is no pavement or curb, the boulevard is the area between your property line and the traveled portion of the road;

**“Council”** means the council, duly elected of the Town of Niverville;

**“Designated Officer”** means the person appointed by the Chief Administrative Officer to enforce or administer all or part of this By-law;

**“destroy”** shall mean the removal of trees, shrubs and ground cover or harm resulting in the death, ruin or removal of trees, shrubs and ground cover by cutting, burning, uprooting, chemical application or other means including irreversible injury that may result from neglect, accident or design and the term **“destruction”** shall have a corresponding meaning; and means the removal of natural vegetation or harm resulting in the death, ruin or removal of natural vegetation by any means that may result from accident or design or site alteration. This definition will also mean the cutting or trimming of vegetation;

**“drain or drainage”** means any ditch, swale or other method of draining surface water this is located on private and/or public property;

**“dumping or dump”** shall mean the depositing of fill in a location other than where the fill was obtained or the movement and depositing of fill from one location on a property to another location;

**“erosion”** shall mean the detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity;

**“fill”** shall mean any type of material capable of being removed from or placed on lands, including, but not limited to soil, stone, sod, turf, concrete, wood, stumps, rock, asphalt, granular material, either singularly or in combination;

**“flankage”** means the length of the property line abutting a public street or lot corner that is not considered to be the frontage as determined by the Province of Manitoba;

**“grade”** shall mean the elevation of the ground surface;

**“land (lot)”** shall mean a parcel of land, the boundaries of which are defined in the last registered instrument by which legal or equitable title to the said parcel was lawfully and effectively conveyed or which is a whole lot as shown on a Registered Plan of Subdivision subject to the provisions of the Planning Act;

**“municipality”** means the Town of Niverville;

**“municipal road”** means land that has been opened, dedicated or reserved under any Act as a road for public use and includes a road allowance, street, lane, thoroughfare, walkway, bridge and underpass for which the municipality is the owner and/or traffic authority as defined in The Highway Traffic Act, C.C.S.M., cap H60;

**“non-standard treatment”** means the use of an alternate material or a Designated Officer-approved material other than turf on a boulevard, flankage, median, traffic island, and public or private shoreline, and includes aggregate, objects, solid materials or vegetation;

**“occupant”** means a person who, with respect to a piece of land, is a lessee, licensee, invitee, permittee, purchaser, homesteader, pre-emption entrant or squatter and includes a party claiming through or under such person;



**“order”** shall mean a directive requiring a person to stop the injuring or destruction of trees and vegetation, rehabilitate the land or plant or replant trees, shrubs, ground cover and vegetation in such a manner and within such a period as the Officer considers appropriate, including any treatment necessary to re-establish the trees, shrubs and ground cover and the natural vegetation of the shoreline;

**“owner”** includes:

- a) The person who, for the time being, receives the rent of, or manages or pays the Municipal taxes on the property in question whether on their own account or as agent or trustee of any other person; or
- b) Any person, firm or corporation having control over any portion of the building or property under consideration and includes the persons in the building or property; or
- c) A purchaser of such land under an agreement for sale who has paid any Municipal taxes thereon after the date of execution of the agreement by both the vendor and purchaser; or
- d) A lessee, tenant or other occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property;

**“permit (permitted, permitting) (verb)”** shall mean to allow (an activity) without opposing or prohibiting;

**“person”** shall mean any human being, association, firm, partnership, commercial enterprise, private club, incorporated company, corporation, contractor, agent, or trustee and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law, and the singular shall include the plural;

**“placing (place or placed)”** shall mean the distribution of fill on lands;

**“private shoreline”** shall include land which is owned by a Developer and where ownership is designed to transfer to the Town at a future date, including a retention pond and its shoreline;

**“proposed grade”** shall mean the proposed elevation of ground surface of land upon which fill is proposed to be placed or dumped, the grade altered, topsoil or rock removed;

**“property”** means real property as defined in The Municipal Assessment Act within the Town of Niverville whether or not there is situated thereon a dwelling house or any other building;

**“public land or property”** shall include land which is owned or under the control of the Town, including a retention pond and its shoreline;

**“remove”** means

- a) to move from a place or position occupied; or
- b) to transfer or convey from one place to another; or
- c) to take off; or
- d) to take away; withdraw; or
- e) to do away with; eliminate; or
- f) to mow down;

Note: “Removing” in reference to site alteration means any type of material extracted and taken away from lands and includes, but is not limited to, sand, soil, rock, stone, granular material, concrete, asphalt, either singularly or in combination;

**“retention pond”** shall mean a natural or human-made drainage or irrigation channel;

**“rubbish”** means any garbage, trash, or junk including, but not limited to unwanted or discarded household items, waste from building construction, remodeling 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 in light of community standards of cleanliness or generally accepted neighborhood aesthetics;

**"shoreline"** means the land surrounding a retention pond with landscaped banks and/or vegetation, designed to provide additional storage capacity during rainfall events;

**"shrub"** means a woody plant smaller than a tree and having a very short stem with low branches;

**"site"** shall mean the area of land located within a shoreline:

- a) containing any trees, shrubs and ground cover proposed to be injured; Containing natural or native vegetation; and/or
- b) where alteration will occur;

**"soil"** shall mean material commonly known as earth, topsoil, loam, clay, subsoil, sand or gravel;

**"standard treatment"** means sodded or seeded;

**"structure"** means anything constructed, built or erected with a fixed location on or below the ground, or attached to something having a fixed location on the ground and includes buildings, walls, fences, signs, billboards, poster panels, light standards, and similar items;

**"Town"** means the Town of Niverville;

**"Town property"** means public property owned by the Town;

**"tree"** means any species of woody plant which, at maturity, is usually 3 or more metres in height, having one or more self-supporting trunks and includes the roots, branches, trunk, crown and all parts thereof.;

**"turf"** means grass and the surface layer of earth held together by its roots.

**"vegetation"** means plants, trees, and flowers and includes plants such as bulrushes, cattails and natural grasses growing around the perimeter of retention ponds.

#### **APPLICATION**

**3.0** This By-law shall apply to all public property (except municipal roads and Town improved back lanes) and includes private shorelines and retention ponds within the Town that are owned by the Town or designed to have ownership transfer to the Town at a future date.

#### **STANDARDS**

**4.0** No person shall:

- a) obstruct, encumber, injure or foul any municipal road, boulevard, flankage, drain or public place including public and private shorelines in the Town unless a Temporary permit has been obtained from the Designated Officer as per Section 10;
- b) remove snow or other material from their property or the property they are occupying by any means and deposit such snow or other material or any part thereof upon a municipal road, boulevard, flankage, drain or public place;
- c) gain access to private property across public property including public or private shorelines (excluding the use of a municipal road or Town improved back lane), by means of a motorized vehicle or depositing of materials on said public property or private shorelines unless a Temporary permit has been obtained from the Designated Officer as per Section 10;

- d) throw, place, deposit or leave any domestic animal excrement, rubbish or other debris, hazardous objects or any other refuse or substance whatsoever on a municipal road, boulevard, flankage, drain, public property including public or private shorelines;
- e) erect any fences on any municipal road, boulevard, flankage, drain or public place within the Town, without the prior written authority of the Designated Officer;
- f) remove, damage or destroy any trees or shrubs, or forms of vegetation or permit or cause any other person to damage or destroy any forms of vegetation growing around the perimeter of retention ponds unless exempt by Section 6.0 of this By-law;
- g) carry out or conduct development or permit another person to carry out or conduct development within a vegetative buffer;
- h) place or remove fill, or cause or permit any site alteration on lands defined in this By-law, including any areas designed as Wetlands in the Town, unless exempt under Section 6, a permit has been obtained under Sections 8 or 10, or authorization has been obtained from the Designated Officer;
- i) continue to engage in any type of activity prohibited by this By-law when directed to stop by a Designated Officer;
- j) obstruct, hinder or otherwise interfere with a Designated Officer while carrying out an investigation, making inquiries, or performing an inspection for the purposes of enforcing this By-law;
- k) fail to comply with an Order issued under this By-law; and
- l) remove or deface an Order posted under this By-law;

#### **RESPONSIBILITY TO MAINTAIN BOULEVARD AND FLANKAGE**

**5.0** Every owner or occupant of a property shall maintain the grassy portion of the boulevard and flankage that is adjacent to their property and are each guilty of an offense under this By-law for failing to do so.

**5.1** The obligation imposed in Subsection 5.0 includes the obligation to

- a) keep turf and any vegetation that has not been planted pursuant to this By-law or the Designated Officer's authorization, trimmed to a maximum height of 20.32 cm (8 in);
- b) ensure that vegetation that has been planted, other than turf, is no more than 1.0 m (39 inches) in height and ensure that the boulevard and flankages are kept clean and free from:
  - i. hazardous objects or materials,
  - ii. domestic animal excrement,
  - iii. rubbish or other debris,
  - iv. anything that may attract or harbour rodents or insects,
- c) ensure that aggregate materials are located such that effective positive drainage adjacent to the curb or other public hard surfacing such as a sidewalk, is maintained leading up to public drainage ditches, swales or other public land drainage systems.

**5.2** The obligations imposed in this Section apply whether or not a non-standard boulevard and flankage treatment has been applied to the boulevard or flankage but does not include the responsibility to maintain trees within the boulevard and flankage unless a separate agreement has been entered into with the property owner and the Town regarding tree maintenance.

#### **EXCEPTIONS**

**6.0** The obligation under Subsection 5.0 does not apply to the boulevards and flankages shown in Schedule "A".

**6.1.** The provisions of Section 5.0 of this By-law do not apply to:

- a) activities or matters undertaken by the Town;
- b) activities or matters authorized by the Town;
- c) the destruction or injury of trees required in the exercise of the rights or powers of a hydroelectric corporation or any public utility board or commission;



- d) activities or matters undertaken by the provincial government or federal government or their authorized agents; and
- e) activities or matters authorized by the provincial government or federal government or their authorized agents.

#### **NON-STANDARD BOULEVARD AND FLANKAGE TREATMENTS**

**7.0** Without restricting the obligation imposed under Section 5 and subject to the provisions of this Section and Section 8, the owner or occupant of private property may apply a non-standard treatment to that portion of the boulevard and flankage that is adjacent to their property.

**7.1** The owner or occupant of property need not obtain a permit under this Section to apply a non-standard boulevard or flankage treatment if the non-standard boulevard or flankage treatment:

- a) does not interfere with the movement of vehicular or pedestrian traffic upon the right of way;
- b) does not obscure the sightlines of pedestrians or drivers of vehicles;
- c) does not obscure or obstruct access to
  - i. fire hydrants;
  - ii. installations belonging to the Town of Niverville, other authorized utilities (Bell, Shaw, XploreNet, Valley Fiber, Manitoba Hydro, etc.); or
  - iii. post office boxes located on the boulevard;
- d) does not inhibit or obstruct snow removal operations, including the storage of snow removed from the roadway or sidewalk;
- e) does not include any object weighing more than 10 kilograms;
- f) does not include vegetation that is or will be more than 1.0 m in height when fully grown;
- g) does not include a shrub or shrubs;
- h) does not include noxious weeds as defined in The Noxious Weeds Act;
- i) does not include a plant that is a fruit or vegetable;
- j) does not include vegetation other than turf located within 3.0 m from the curb;
- k) does not include vegetation other than turf within 0.5 m from the public sidewalk;
- l) does not harm a tree planted in the boulevard or flankage;
- m) does not result in trees planted or removed except to the extent authorized by the Designated Officer;
- n) does not result in the placement of decorative stones (granite or river stone) smaller than 6.35 mm (1/4 inch) or greater than 50.08 mm (2 inches) on the boulevard;
- o) does not result in the placement of aggregate to a depth of more than 75 mm (3 in);
- p) with the exception of concrete paving stones that are installed flush to grade, does not result in the placement of asphalt or concrete on the boulevard or flankage (other than for an approved driveway);
- q) does not create or widen a private access unless a permit has been obtained from the Designated Officer;
- r) ensures that the boulevard and flankage are graded so that water flows from the edge of the street right of way onto the street or into the drainage ditch, swale or other public land drainage systems;
- s) in the absence of an agreement with the owner of neighbouring property, does not allow non-standard vegetation to spread beyond that portion of the boulevard and flankage that is adjacent to their property;
- t) is fully landscaped (no bare earth) such that the ground is protected from erosion; and
- u) does not include lamp posts, basketball hoops, bridges or other objects protruding beyond the surrounding grade within 3 meters of the street shoulder or back of the curb.

**7.2** Prior to making any excavation deeper than 0.3 meters in a boulevard, flankage or any Town property, a person must contact the owners of utilities and other underground structures and ensure that no underground structures will be disturbed or damaged by the proposed excavation. Ditching, swales, or other public land drainage systems must not be altered as a result of the excavations, unless permitted by the Designated Officer.

**7.3** Where an unapproved non-standard boulevard and flankage treatment results in the undermining or failure of the adjacent roadway, the occupant and/or owner of the property adjacent to the boulevard and flankage to which a non-standard treatment has been applied must pay a fee equal to the reasonable costs of replacing the non-standard boulevard and flankage treatment with turf when required by the Designated Officer.

**7.4** Where an unapproved non-standard boulevard and flankage treatment hinders the Town's street maintenance and snow-clearing efforts, the occupant and/or owner of the property adjacent to the boulevard and flankage to which a non-standard treatment has been applied must upon notice from the Town, remove the non-standard boulevard treatment and replace it with a standard boulevard treatment or other approved boulevard and flankage treatment as required by the Designated Officer.

**7.5** Where an unapproved non-standard treatment has been applied to a median or traffic island and the treatment results in the undermining or failure of the adjacent roadway or hindering of the Town's street maintenance and snow-clearing efforts, the person responsible for the non-standard treatment must when required by the Designated Officer remove the non-standard treatment and may be required to pay a fee equal to the reasonable costs of replacing the non-standard treatment with the pre-existing surface material.

#### **AUTHORIZATION FOR OTHER NON-STANDARD TREATMENTS**

**8.0** Except as authorized in Section 7, a person must not apply a non-standard treatment to Town property including public and private shorelines in the Town without a permit issued by the Designated Officer.

**8.1** A person must not apply a non-standard treatment to a median or traffic island without a permit issued by the Designated Officer.

**8.2** The Designated Officer may issue a permit for a non-standard treatment only if they are satisfied that the non-standard treatment:

- a) will comply with applicable by-laws;
- b) will not
  - i. interfere with the movement of vehicular or pedestrian traffic upon the right of way;
  - ii. obscure the sightlines of drivers of vehicles or of pedestrians;
  - iii. obscure or obstruct access to fire hydrants or installations belonging to the Town of Niverville, other authorized utility (Bell, Shaw, Xplornet, Valley Fiber, etc.);
  - iv. inhibit or obstruct snow removal operations, including the storage;
  - v. is located no closer than 1 meter (in all directions) from a fire hydrant; and
  - vi. cause damage to the roadway or any installation of the Town; and
  - vii. be contrary to the public interest.

#### **ITEMS PLACED IN OR ON TOWN PROPERTY BECOME TOWN PROPERTY**

**9.0** Where a person applies a non-standard treatment to a portion of Town property, a median or traffic island, public or private shorelines, whether or not authorization has been granted, any

- a) vegetation planted on;
- b) items placed on and affixed to; or
- c) any improvements made;

becomes the property of the Town and is subject to removal or destruction by the Town, or with the authorization of the Town, without any obligation on the Town to replace or repair them or to compensate the person responsible for their loss or destruction. Examples include but are not limited to the following: flowers, lighting fixtures, decorative stones, aggregate materials, footbridges, etc.

**9.1** In instances where Town equipment damages boulevards or flankages, at the discretion of the Designated Officer, restoration of that damaged area may occur with topsoil and seed or sod,



subject to the timing and degree/type of restoration being at the discretion of the Designated Officer, and if the property owner does not wish this form of restoration, the property owner assumes full responsibility to restore the damaged area with no reimbursement provided by the Town.

**9.2** Existing non-conforming uses at the time of passing this By-law, where no permission was given by a Designated Officer for non-standard boulevard and flankage treatments, will be subject to the provisions of this By-law.

**9.3** If the Town needs to repair or modify any infrastructure within the municipal right-of-way that disrupts the surface of a private driveway, the restoration standard will be to replace the affected surface area with a similar product to what was pre-existing but not exceeding basic concrete. For driveways that feature upgraded surfaces beyond basic concrete, the property owner may choose to repair their driveway using their preferred material. In this case, the Town will reimburse the property owner up to the maximum value equivalent of what the repairs would cost if basic concrete had been used, with reimbursement subject to completion of the repairs and submission of a copy of the invoice detailing the driveway repairs to the Town for reimbursement within 2 years of the Town completing the work.

#### **PERMIT FOR TEMPORARY USE OF PUBLIC PROPERTY**

**10.0** A permit for temporary use of public property to obstruct a municipal road, boulevard, flankage, drain or public property, including public or private shorelines, and / or to gain access to private property across public property including public or private shorelines (excluding the use of a municipal road or Town improved back lane), by means of a motorized vehicle or depositing of materials on said property, may be granted by the Designated Officer.

**10.1** No permit referred to in Subsection 10.0 shall be issued to anyone who:

- a) at the time of their application, fails to furnish subject to the satisfaction of the Designated Officer, a certificate of qualification, evidence of current liability insurance, or a certified copy of their indemnity bond in an amount acceptable to the Town and showing the Town to be an additional named insured or covered in the bond, if the Designated Officer requires such.
- b) has not paid the required fees as set by resolution of Council nor signed any agreement required by the Designated Officer;

**10.2** The Designated Officer may rescind any permit issued if they determine that the permit holder is not performing the work in a good and workmanlike manner, is not satisfactorily complying with the requirements of this By-law or any other By-laws or policies of the Town, or if there is a safety hazard to the public. Where a permit has been rescinded by the Designated Officer, the permit holder will not be entitled to any refund of the permit fees.

**10.3** Permit extensions may be granted at the discretion of the Designated Officer.

**10.4** A permit holder must guarantee to the Town that they will replace and restore the public property (or private shoreline) that they used to a condition satisfactory to the Designated Officer, that they will take all necessary actions to protect the public against any and all hazards, that they will assume liability for any incidents arising from their use of public property and that they will conform in all respects to the rules, regulations and by-laws of the Town and to any applicable statute of the Province of Manitoba pertaining to municipal roads or works done therein.

**10.5** The Designated Officer may issue a permit for the activities referred to in this Section after taking into account:

- a) the possibility of damage to public property or private shoreline, or anything located in or under public property as a result of the proposed activity;
- b) the safety of the applicant, motorists, pedestrians and others while the activity takes place; and
- c) other relevant facts; and may impose reasonable conditions on the authorization.

### **OBSTRUCT OR DAMAGE TOWN PROPERTY**

**11.0** Any person, owner or occupant who does or causes another person to obstruct in whole or in part a municipal road, boulevard, flankage, drain or public property, including public or private shorelines, shall, in addition to any other provision(s) of this By-law, be under a duty to remove the said obstruction within the time frame given in writing by the Designated Officer. In the event the request referred to above is not undertaken within the given time frame, or if in the opinion of the Designated Officer, there exists an immediate safety risk to the public, the Town may enter upon the land where the obstruction is located and remove the said obstruction or at the Town's option arrange for the said removal and in both instances the removal shall be at the expense of the person so requested. The Town may recover the expenses of the removal referred to above by levying against the property respecting which the matter or thing was done and recover the levy in like manner as taxes in arrears or as a debt due to the Town.

**11.1** Where a person has carried out a site alteration activity contrary to this By-law, that person or the owner shall be responsible for, and/or each be jointly responsible for either obtaining the required permit from the Designated Officer and/or the restoration of the site to the pre-existing conditions to the satisfaction of the Designated Officer, or to provide payment to the Town to cover the cost of restoration in an amount satisfactory to the Designated Officer.

### **DESIGNATED OFFICER MAY ENTER INTO AGREEMENTS**

**12.0** The Designated Officer of the Town may enter into and execute agreements with individuals, businesses, organizations or groups that are consistent with other by-laws and policies for non-standard treatments to Town property and temporary permits as noted in Section 10.

### **OTHER**

**13.0** All schedules attached to this By-law may be amended from time to time by resolution of Council.

### **INSPECTION AND ENFORCEMENT**

**14.0** In accordance with the conditions set out in Sections 252(1) of The Municipal Act, a Designated Officer may enter on a property at any reasonable time for the purpose of carrying out an inspection to determine whether the following are being complied with:

- a) this By-law;
- b) any permits issued under this By-law;
- c) a direction, requirement or Order made under this By-law; or
- d) an Order made under Section 242(1) of The Municipal Act in respect of a contravention of this By-law.

**14.1** The Town is authorized to enforce this By-law as per the Town's By-law Enforcement By-law.

### **REPEAL AND EFFECTIVE DATE**

**15.0** By-laws 685-10 and 857-23 are hereby repealed upon the passing of this By-law.

**15.1** This By-law comes into force on the day it is passed by Council.


### **PENALTIES**

**16.0** Any person guilty of a breach of this by-law shall be liable for a penalty, the fees of which are outlined in the Niverville Fees & Fines Schedule. Response to the issued Offence Notice, payment or contestation, shall be made in accordance with directions provided on the issued Offence Notice. Voluntary payment of the set penalty may also be made at the Niverville Town Office. If the penalty



remains unpaid, the Town may add the cost to the property taxes of that person whether they are the registered owner or the occupant and collect those property taxes in the same manner as other property taxes.

DONE AND PASSED as a by-law of the Town of Niverville at Niverville in the Province of Manitoba this 4<sup>th</sup> day of February 2025.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Chief Administrative Officer

Read a first time this 21<sup>st</sup> day of January A.D. 2025.  
Read a second time this 4<sup>th</sup> day of February A.D. 2025.  
Read a third time this 4<sup>th</sup> day of February A.D. 2025.

By-law 875-25  
Schedule "A"  
Exception Areas Shown in Orange

