

CITY OF STEINBACH

By-Law No. 1902

BEING A BY-LAW for the purpose of regulating excavations on, in, or under the streets in the City of Steinbach.

WHEREAS Section 232 of The Municipal Act, RSM 1996, c.M225, and amendments thereto, provides as follows:

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

- (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;

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

- (e) (i) establishing fees, and terms for payment of fees, for inspections, licenses, permits and approvals, including fees related to recovering the costs of regulation.”

AND WHEREAS Council of the City of Steinbach has now deemed it prudent to pass a By-Law regulating excavations in or under the streets in the City of Steinbach.

NOW THEREFORE the City of Steinbach, in Council duly assembled, enacts as follows:

DEFINITIONS

1. In this by-law
 - (a) “Highway” means land that has been opened by the City as a road plan and includes provincial trunk highway as defined in the Highways and Transportation Act.
 - (b) “Person” includes any firm, partnership, association, corporation or company.
 - (c) “Street” means any public highway, lane, thoroughfare, or way or any part thereof.
 - (d) “City” means City of Steinbach, and is the authority having jurisdiction over this by-law.
 - (e) “Utility Structures” means any lines, plant, equipment, machinery, apparatus, pipes, wires or things used for or in connection with the operation of a utility service.

EXCAVATIONS

2.1 Excavations

2.1.1 No person shall cut, break, tear up or remove any street surface or make any excavation in or under a street for any purpose without first having obtained a permit from the City of Steinbach.

No excavation permit shall be issued for the purposes set forth in this section except to a person licensed to do so by the City or any employee for the City for work carried out in the course of his employment by the City.

2.1.2 All work of filling or backfilling an excavation or opening of tunnel or of restoring a street shall be subject to inspection and acceptance by the Public Works Department.

2.1.3 If a permittee fails to restore a street in accordance with the provisions of this by-law, the City may perform such work as is deemed necessary by the Public Works Department, and the cost of that work as certified by the Public Works Department, including additional inspection costs, shall be paid to the City by the permittee forthwith upon demand.

2.1.4 Every permit issued under this part of the by-law shall be null and void unless the work authorized by the permit is commenced within thirty (30) days from the date of granting the permit. A permit fee, once paid, is not refundable.

2.1.5 All works shall be carried out in accordance with the latest revision of the "*City of Steinbach Standard Design and Construction Specifications.*"

2.2 Licensing and Enforcement

2.2.1 Every license referred to in Section 2.1.1 of this by-law shall remain in force, at the pleasure of Council of the City, to the first day of January next succeeding the issue thereof unless said license is suspended as herein provided.

2.2.2 Every person receiving a License referred to in Section 2.1.1 shall submit a Certificate of Liability Insurance in accordance with part 4.

2.2.3. Council of the City may, at its sole discretion, suspend any license granted under Section 2.1 if the licensee owes the City any fees referred to in this by-law or, in the opinion of the Public Works Department, failed to conduct and complete excavation work in a good and workmanlike manner.

DAMAGE DEPOSIT

3. Whenever a permit is required, the permittee may be required to make a deposit, in an amount satisfactory to the City, covering possible damage to any structure in the adjoining streets resulting from the permittee's operations. The City shall retain the deposit until all work on the construction site, including lot grading, has been completed.

LIABILITY INSURANCE

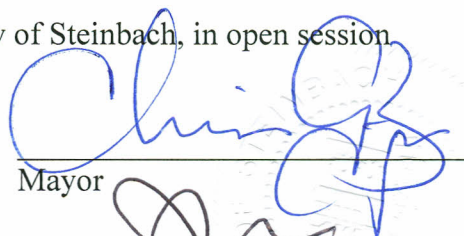
4. Wherever in this by-law, and "Certificate of Liability Insurance" is required to be posted, such certificate shall be filed with the City Manager prior to the issuance of a permit and shall be in a form satisfactory to the City and issued by a surety company authorized to carry out business in the Province of Manitoba in the amount of \$2,000,000.00 covering personal injury, and \$2,000,000.00 covering property damage per incident.

PENALTY and APPEAL

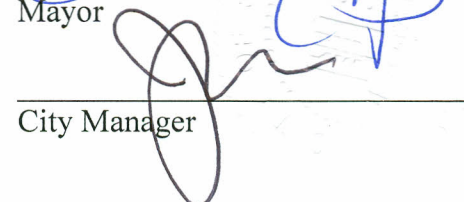
5. Any person who violates any provision of this by-law shall be liable, upon summary conviction, to a minimum fine of One Hundred (\$100.00) Dollars and a maximum fine of One Thousand (\$1,000.00) Dollars plus costs.

6. By-Law No. 1459 is hereby repealed.

DONE and PASSED by Council of the City of Steinbach, in open session assembled, this 6th day of July, 2010.



Mayor



City Manager

Read a first time this 15th day of June, 2010.
Read a second time this 6th day of July, 2010.
Read a third time this 6th day of July, 2010.