

RURAL MUNICIPALITY OF GRAHAMDALE

BY-LAW NO. 1004-2018

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF GRAHAMDALE TO REGULATE AND CONTROL THE MINING AND TRANSPORTING OF AGGREGATE IN THE RURAL MUNICIPALITY OF GRAHAMDALE AND TO BE KNOWN AS THE "AGGREGATE MINING AND TRANSPORTING BY-LAW".

WHEREAS the provisions of The Municipal Act, L.M. 1996, c.58 – Chap. M225, Section 232(2)(e) provides are follows:

(e) subject to the regulations, provide for a system of licences, permits or approvals, including any or all of the following:

(i) establishing fees, and terms for payment of fees, for inspections, licences, permits and approvals, including fees related to recovering the costs of regulation,

(ii) establishing fees for licences, permits and approvals that are higher for persons or businesses who do not reside or maintain a place of business in the municipality,

(iii) prohibiting a development, activity, industry, business or thing until a licence, permit or approval is granted,

(iv) providing that terms and conditions may be imposed on any licence, permit or approval, and providing for the nature of the terms and conditions and who may impose them,

(v) providing for the duration of licences, permits and approvals and their suspension or cancellation or any other remedy, including undertaking remedial action, and charging and collecting the costs of such action, for failure to pay a fee or to comply with a term or condition or with the by-law or for any other reason specified in the by-law, and

(vi) providing for the posting of a bond or other security to ensure compliance with a term or condition;

NOW THEREFORE the Council of the Rural Municipality of Grahamdale, in Council duly assembled, enacts as follows:

1. DEFINITIONS

"Aggregate" shall mean a quarry mineral that is used solely for construction purposes or as a constituent of concrete other than in the manufacture of cement that includes sand, gravel and crushed stone or rock;

"Municipality" shall mean The Rural Municipality of Grahamdale;

"Owner" means the person having the right to remove and dispose of aggregate in, under or upon a parcel or tract of land or, where such right cannot be conveniently determined, the legal owner of such parcel or tract;

"Person" means a natural person, a partnership, a firm, a business, an association, a credit union, a cooperative, a corporation or a Municipality;

"Pit Location" means the parcel or tract of land from which aggregate is mined and includes a pit location specified in an Aggregate Mining Licence;

2. APPLICATION:

2.1 Unless provided to the contrary herein, this by-law applies to any person mining aggregate from land within the Municipality.

2.2 Unless provided to the contrary herein, this by-law applies to any person transporting aggregate within the Municipality.

2.2 This by-law does not apply to the Municipality

RURAL MUNICIPALITY OF GRAHAMDALE

BY-LAW NO. 1004-2018

2.3 This by-law does not apply to the Crown or a Crown Agency.

3. PROHIBITIONS:

3.1 No person shall mine aggregate within the Municipality unless such person has a valid and subsisting Aggregate Mining Licence for the pit location from which such aggregate was mined.

4. MINING LICENCES:

4.1 Aggregate Mining Licences shall be in the form attached hereto as Schedule "A".

4.2 Aggregate Mining Licences shall be valid and subsisting for a period of one year, commencing January 1 and ending December 31, notwithstanding the time of issuance.

4.3 Every owner of property from which aggregate is mined shall obtain an Aggregate Mining Licence prior to allowing any mining of aggregate from their property unless the person doing the mining has a valid and subsisting Aggregate Mining Licence.

4.4 Every person requiring an Aggregate Mining Licence shall make an application for such licence at the Municipal Office and shall pay to the Municipality the fee for such licence at the time of application.

4.5 The fee for an Aggregate Mining Licence shall be \$100.00.

4.6 The holder of an Aggregate Mining Licence shall produce such licence to a designated officer of the Municipality forthwith upon demand.

5. MINING LICENCES – ADDITIONAL FEES:

5.1 A person required to have an Aggregate Mining Licence shall pay fees to the Municipality based on the quantity of aggregate mined in the Municipality by that person which fee shall be the amount calculated as follows:

- i. 15 cents per ton; or
- ii. 26.7 cents per cubic meter; or
- iii. 20.4 cents per cubic yard; or
- iv. 16.5 cents per tonne.

5.2 Where a person is required to have an Aggregate Mining Licence, such person shall provide the Municipality on or before December 31st in the year in which the Licence has been issued, a complete and accurate record in the form attached hereto as Schedule "B".

5.3 Fees payable by a person required to have an Aggregate Mining Licence shall be remitted in full to the Municipality on or before December 31st in the year in which the Licence has been issued.

6. TRANSPORTING AGGREGATE:

6.1 Subject to the terms set forth in regulation 48/97 clauses 3(1) and 3(2) of The Municipal Act, every person transporting aggregate within the Municipality, regardless of the origins of the aggregate, is required to enter in to a Haul Road Agreement with the R.M. of Grahamdale, respecting the maintenance, repair and restoration of any municipal road used or to be used, attached hereto as Schedule "C".

RURAL MUNICIPALITY OF GRAHAMDALE

BY-LAW NO. 1004-2018

8. ENFORCEMENT:

- 8.1 Any person who contravenes any provision of this by-law is guilty of an offense and is liable to a fine of not less than \$500.00 or more than \$1,000.00 or to imprisonment for a term not exceeding three months, or both. Each day the offense continues is a separate offense.
- 8.2 Council reserves the right to immediately cancel and not renew the Mining Licence of any person who contravenes any provision of this by-law.

9. COMING INTO FORCE:

- 9.1 This by-law comes into force and effect on July 26, 2018.

DONE AND PASSED AS A BY-LAW OF THE RURAL MUNICIPALITY OF GRAHAMDALE
AT MOOSEHORN, IN MANITOBA, THIS 26th DAY OF JULY, 2018.



Reeve



Chief Administrative Officer

Read a first time this 12th day of July, 2018.

Read a second time this 12th day of July, 2018.

Read a third time this 26th day of July, 2018.



Rural Municipality of
GRAHAMDALE

www.Grahamdale.ca

“Schedule A”

2018 Aggregate Mining Licence

(NAME)
(ADDRESS)
(PHONE/CELL NUMBERS)

Licence Expiry Date: December 31, 2018.

Licence Number: _____

PIT LOCATION: _____ ¼ SEC. _____ TWP _____ RGE. _____

OWNER OF PIT: _____

I hereby agree to the following:

- a) to pay all fees and provide all records stipulated in the provisions of the Aggregate Mining By-Law and amendments hereto, by December 31st in the year in which the Licence has been issued;
- b) to provide proof of the Aggregate Mining Licence issued as a result of this Application and payment of the prescribed fee, upon request of any officer, servant or agent of the Rural Municipality of Grahamdale;
- c) to forthwith surrender the licence issued by the Rural Municipality of Grahamdale as a result of this Application and payment of the prescribed fee, upon the cancellation of it by the Rural Municipality of Grahamdale for non-compliance with the Aggregate Mining By-Law
- d) my address to which all notices and invoice by the Rural Municipality of Grahamdale to me is:

Dated at Moosehorn, in Manitoba, this _____ day of _____, 2018.

Shelly Schwitek, CMMA
Chief Administrative Officer

This certifies that _____ is granted a licence as described above, subject to the terms and provisions of the Municipality’s By-Law.

Licence Fee: \$100.00

Receipt Number: _____



Rural Municipality of
GRAHAMDALE

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“Schedule B”

Aggregate Mining Fees

Remittance Year: _____

Complete one form for each site.

PIT LOCATION: _____ ¼ SEC. _____ TWP _____ RGE. _____

(NAME)
(ADDRESS)
(PHONE/CELL NUMBERS)

Payment may be calculated using any of these four methods, it is not necessary to calculate each.

Aggregate Measurement	Rate of Payment	Amount
Ton	At \$0.15 per ton	
Cubic Meter	At \$0.267 per cubic meter	
Cubic Yard	At \$0.204 per cubic yard	
Tonne	At \$0.165 per tonne	

Upon completion, this form together with payment is to be remitted to:

The Rural Municipality of Grahamdale

PO Box 160, 23 Government Rd.

Moosehorn, MB R0C 2E0

Date received: _____

Receipt number: _____



Rural Municipality of
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“Schedule C”

HAUL ROAD AGREEMENT

Company Name: _____

Primary Contact: _____

Address: _____

Primary Contact Phone Number: _____

_____ (Contractor) and the Rural Municipality of Grahamdale agree to the following conditions regarding the travelling of specific Municipal roads for the purpose of hauling _____ (e.g. material/aggregate/buildings) to the following location: _____

1. The following roads, as set out on the attached map, will be the only roads allowed to be used to haul the said material to and from the above noted locations (referred to as the haul route) – _____

2. The Contractor will be responsible for Dust Control at designated sites along the haul route as determined by the Municipality.

3. The haul route is to be left in satisfactory condition to the Municipality.

4. The Municipality’s Public Works Foreman, the Ward Councillor and the Contractor will inspect and assess the haul route (set out in condition “1”) before, during and upon completion of the hauling to determine if any repairs and/or maintenance are required.

5. The contractor shall be responsible to pay for all works and materials necessary to restore the haul route back to the original state at their own cost;

6. Should the Contractor not comply, the Municipality will have to complete all works necessary to restore the haul route back to original state and that all costs (reshaping, gravelling etc.) are to be borne by the Contractor.

7. The Contractor shall pay a damage deposit to the Municipality in the amount of _____ at the time of signing this Agreement. Once the repairs are complete, the Municipality shall refund the balance of the damage deposit left, if any.

8. That no hauling will be allowed during the spring break up unless approved by the Municipality.
9. All vehicles hauling aggregate on behalf of the Contactor must have their licence plates registered with the Municipality at a rate of \$25.00 per licence plate.

Licence Plate Registration

9. This Agreement is valid from the _____ day of _____, 20__ to the _____ day of _____, 20__. Renewal of this Agreement shall be reviewed on or before _____.
10. The fee for a Haul Road Agreement is \$100.00 per agreement, per year, to be paid at the time the Haul Road Agreement is issued.

Dated: _____ 20__.

Contractor

Chief Administrative Officer

Reeve/Councillor