

RURAL MUNICIPALITY OF STANLEY

BY-LAW NO. 6-14

BEING A By-Law to amend its By-Law No. 13-08.

AND BEING a By-Law of the Rural Municipality of Stanley to regulate and control the mining of aggregate in the Rural Municipality of Stanley and to be known as the “Aggregate Mining By-Law”.

WHEREAS *The Municipal Act* provides 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 taxation;
- (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;
- ...
- (m) local transportation systems;
- (n) businesses, business activities and persons engaged in business;
- (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;

- (a) regulate or prohibit;
- ...
- (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;
 - ...
 - (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;
 - ...

239(1) If this or any other Act or a by-law authorizes or requires anything to be inspected, remedied, enforced or done by a Municipality, a designated officer of the Municipality may, after giving reasonable notice to the owner or occupier of land or the building or other structure to be entered to carry out the inspection, remedy, enforcement or action;

- (a) enter the land or structure at any reasonable time, and carry out the inspection, enforcement or action authorized or required by the Act or by-law;
- (b) request that anything be produced to assist in the inspection, remedy, enforcement or action; and
- (c) make copies of anything related to the inspection, remedy, enforcement or action.

AND WHEREAS the Lieutenant Governor in Council has made Regulation No. 48/97 under Section 232(2)(e) of *The Municipal Act* for the purpose of regulating aggregate mining and transportation fees and agreements;

AND WHEREAS the Municipality wishes to provide for the licencing of aggregate mining within the Municipality and to set fees payable in connection with such licencing;

NOW THEREFORE the Council of the Rural Municipality of Stanley in Council duly assembled enacts as a By-Law the following:

1) **DEFINITIONS:**

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

“Municipality” means The Rural Municipality of Stanley;

“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 every person mining aggregate within the Municipality.

2.2) This by-law does not apply to the Municipality.

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) **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 application for such licence at the office of the Municipality 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 \$50.00.
- 4.6) The holder of an Aggregate Mining Licence shall produce such licence to a designated officer of the Municipality forthwith upon demand.
- 5) **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 tonne; or
 - ii) 26.7 cents per cubic meter; or
 - iii) 20.4 cents per cubic yard; or
 - iv) 16.5 cents per ton.
- 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 with the record (on or before December 31st in the year in which the Licence has been issued.
- 6) **ENFORCEMENT:**
- 6.1) Any person who contravenes any provision of this by-law is guilty of an offence and is liable to a fine of not less than \$100.00 or more than \$500.00 or to imprisonment for a term not exceeding three months, or both. Each day the offence continues is a separate offence.
- 7) **COMING INTO FORCE:**
- 7.1) This by-law comes into force and effect on January 1, 2015.

DONE AND PASSED in Council assembled at the Council Chambers of the Rural Municipality of Stanley this 7th day of August, A.D. 2014.

THE RURAL MUNICIPALITY OF STANLEY

Reeve

Chief Administrative Officer

Read a first time this 24th day of July, A.D. 2014.
Read a second time this 7th day of August, A.D. 2014.
Read a third time this 7th day of August, A.D. 2014.

RURAL MUNICIPALITY OF STANLEY
SCHEDULE "A" to BY-LAW NO. 6-14

AGGREGATE MINING APPLICATION AND LICENCE

NAME: _____
ADDRESS: _____
POSTAL CODE: _____ **TELEPHONE NO.** _____

hereby make application for a licence for the mining of aggregate at the following mining activity location:

EXISTING PIT NEW DEVELOPMENT
_____ 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 thereto, by December 31st in the year in which the License has been issued;
- b) to provide the Municipality through its officers, servants or agents, the right of entry to inspect and determine the weight and volumes of aggregate removed from land with the Municipality and 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 Stanley;
- c) to forthwith surrender the licence issued by the Rural Municipality of Stanley as a result of this Application and payment of the prescribed fee, upon the cancellation of it by the Rural Municipality of Stanley for non-compliance with the Aggregate Mining By-Law;
- d) my address to which all notices by the Rural Municipality of Stanley to me should is:

DATED at the Rural Municipality of Stanley this _____ day of _____, 20____.

Signature of Applicant

LICENCE

This Certifies that _____ is granted a license(s) as described above, subject to the terms and provisions of the Municipality's By-Law.

Licence Fee: \$50.00 Receipt No. _____

Pit Location: _____ ¼ Sec. _____ Twp. _____ Rge. _____

Licence Expiry Date: _____

Dated at the Rural Municipality of Stanley, in the Province of Manitoba, this _____ day of _____, 20____.

Per: _____
Rural Municipality of Stanley