

THE RURAL MUNICIPALITY OF TACHÉ

BY-LAW NO. 6-2016

BEING a By-law of The Rural Municipality of Taché to regulate and control the mining and transportation of aggregate in the Rural Municipality of Taché and to be known as the “Aggregate Mining and Transportation By-law”.

WHEREAS The Municipal Act provides as follows:

Section 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;
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- (m) local transportation systems;
- (n) businesses, business activities and persons engaged in business;
- (o) the enforcement of by-laws.

Section 232(2) Without limiting the generality of Subsection (1), a Council may in a By-law passed under this Division;

- (a) regulate or prohibit;
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- (f) subject to the regulations, provide for a system of licenses, permits or approvals, including any or all of the following:

- (i) establishing fees and terms for payment of fees, for inspections, licenses, permits and approvals, including fees related to recovering the costs of regulation;
- (ii) establishing fees for licenses, 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 license, permit or approval is granted;
- (iv) providing that terms and conditions may be imposed on any license, permit or approval, and providing for the nature of the terms and conditions and who may impose them;
- (v) providing for the duration of licenses, 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.

293 A Municipality must maintain

- (a) municipal roads within its boundaries; and
- (b) land within its boundaries that is shown on a plan of subdivision registered by an applicant at a land titles office under *The Planning Act* as dedicated for public use as a municipal road, upon compliance by the applicant with any condition that is related to the road and required for approval of the plan.

294 A Municipality is required to construct or maintain a municipal road only to a standard that is appropriate for the use to which the Municipality expects the road to be put.

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 licensing of aggregate mining and transportation within the Municipality and to set fees payable in connection with such licensing;

NOW THEREFORE the Council of the Rural Municipality of Taché 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 is used as a constituent of concrete other than in the manufacture of cement and includes sand, gravel, clay, crushed stone and crushed rock.

“Aggregate Mining and Transportation License” means a license issued under paragraph 4 of this by-law.

“Mine”, “Mining”, or “Mined” means the removal of a substance to a place outside the boundaries of a parcel or tract of land from which such substance has been extracted by means of digging or excavation.

“Municipality” means The Rural Municipality of Taché.

“Municipal Road” means a municipal road as defined in The Municipal Act and which is located in The Rural Municipality of Taché.

“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 and Transportation License.

“Transport”, “Transporting” or “Transported” means the movement of a substance from one place to another place.

2) APPLICATION:

- 2.1) Unless provided to the contrary herein, this by-law applies to every person mining or transporting 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, except to the extent provided in paragraph 5 hereof.

3) PROHIBITIONS:

- 3.1) No person shall mine aggregate within the Municipality unless:
 - (a) such person has a valid and subsisting Aggregate Mining and Transportation License for the pit location from which such aggregate was mined; or
 - (b) the aggregate was mined from a pit location specified in a valid and subsisting Aggregate Mining and Transportation License issued to a licensee other than such person and such person has provided to the licensee the information specified in paragraph 3.4 hereof
- 3.2) No person shall transport aggregate within the Municipality unless:
 - (a) such aggregate was mined from a pit location specified in a valid and subsisting Aggregate Mining and Transportation License and such person has provided to the licensee the information specified in paragraph 3.4 hereof; or
 - (b) such aggregate was obtained from a pit location outside the Municipality or from a Pit Location owned by the Crown or a Crown Agency or such person pays to the Municipality prior to transporting such aggregate the amount of fees set forth in sub-paragraph 5.1 (b); or
 - (c) such person makes arrangements satisfactory to the Municipality prior to transporting such aggregate for the payment of fees that would be due to the Municipality if sub-paragraph 5.1 (b) were applicable to such person.
- 3.3) No owner shall allow, suffer or permit the mining or transportation of aggregate from any land of the owner unless such land is specified as a pit location in a valid and subsisting Aggregate Mining and Transportation License.
- 3.4) Where a person transports aggregate that was mined from a pit location specified in a valid and subsisting Aggregate Mining and Transportation

License or from a pit location for which such License should have been obtained, such person shall within a reasonable time provide to the Licensee or to the person who should have obtained a license, the following information:

- (a) full name and mailing address; and
- (b) the full name and address of employer, if any; and
- (c) the quantity of aggregate transported by him from the pit location in question; and
- (d) the route over which such aggregate has been or will be transported; and
- (e) any other information necessary to calculate fees due or the party from whom they are due in accordance with sub-paragraph 5.1 (b).

4) LICENSES:

- 4.1) Aggregate Mining & Transportation Licenses shall be in the form attached hereto as Schedule "A".
- 4.2) Aggregate Mining and Transportation Licenses 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 or transported shall obtain an Aggregate Mining and Transportation License prior to allowing any mining or transporting of aggregate from their property unless the person doing the mining or transporting has a valid and subsisting Aggregate Mining and Transportation License.
- 4.4) Every person requiring an Aggregate Mining and Transportation License shall make application for such license at the office of the Municipality and shall pay to the Municipality the fee for such license at the time of application.
- 4.5) The fee for an Aggregate Mining and Transportation License shall be \$150.00 per year.
- 4.6) The holder of an Aggregate Mining and Transportation License shall produce such license to a designated officer of the Municipality forthwith upon demand.

5) ADDITIONAL FEES:

- 5.1) A person required to have an Aggregate Mining and Transportation License shall pay fees to the Municipality as follows:
 - (a) a fee based on the quantity of aggregate mined in the Municipality by that person during the calendar year, which fee shall be the lesser of the amounts calculated as follows:

Year	Rate per cubic metre	Rate per cubic yard	Rate per tonne	Rate per ton
2013 & following	\$0.267	\$0.204	\$0.15	\$0.165

- (b) a fee for the transportation of aggregate for the shortened lifetime of and, maintenance, repair and restoration of municipal roads which fee shall be as determined by the following formula:

A x B in this formula,

A is the number of kilometres of municipal road over which the aggregate is transported;

B is the lesser of

- (a) the number of tonnes of aggregate transported, multiplied by the rate per tonne set out in Column 1 of the following table for the relevant time period; and
- (b) the number of cubic metres of aggregate transported, multiplied by the rate per cubic metre set out in Column 2 for the relevant time period.

Time Period	Column 1 Rate per tonne	Column 2 Rate per cubic metre
After February 2013, during the months of March to November	\$0.0341	\$0.0596
After February 2013, during the month of December, January and February	\$0.0170	\$0.0299

- 5.2) Notwithstanding that this by-law may be inapplicable to a particular person mining aggregate or to a particular pit location from which aggregate is mined, all persons transporting aggregate within the Municipality shall pay to the Municipality as and when due, the fees set forth in Section 5.1, Subsection (b).
- 5.3) Where a person is required to have an Aggregate Mining and Transportation License in any part of a calendar year, such person shall provide to the Municipality on or before February 25th in the next ensuing year, a complete and accurate record in the form attached hereto as Schedule "B".
- 5.4) Where a person is required to have an Aggregate Mining and Transportation License in any part of a calendar year, such person shall maintain a complete and accurate record of all persons transporting aggregate obtained from the pit location specified in such License,

together with the amount and delivery route of such aggregate and such records shall be retained for at least six years.

- 5.5) Fees payable by a person required to have an Aggregate Mining and Transportation License in any part of a calendar year, shall be remitted in full to the Municipality on or before February 25th in the next ensuing year.

6.) AGREEMENT IN LIEU OF FEES:

- 6.1) In lieu of payment of the fees referred to in sub-paragraphs 5.1(b), the Municipality may enter into agreements with persons required by this by-law to have an Aggregate Mining and Transportation License.

- 6.2) Any agreement made under the authority of this paragraph shall be in conformity with Manitoba Regulation 48/97, as amended from time to time and is subject to the approval of the Council of the Municipality.

7.) ENFORCEMENT:

- 7.1) 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.

- 7.2) Where any person contravenes any provision of this by-law for more than one day, such person is guilty of a separate offence for each day such contravention continues.


- 7.3) Upon reasonable notice, a person required to have an Aggregate Mining and Transportation License in any year shall permit a designated officer of the Municipality to enter upon any premises where records required under this by-law are kept, to examine such records and to make copies thereof.

- 7.4) In the event that fees due and owing under this by-law are not paid by an owner or a person acquiring aggregate from an owner as and when due, the Municipality may add the amount thereof to the real property taxes of the owner and collect such fees in the same manner as taxes or take any other remedy available to the Municipality.

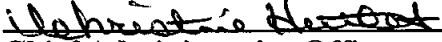
8.) EFFECTIVE DATE:

- 8.1) This By-law takes effect January 1st, 2017.

DONE and PASSED as a by-law of The Rural Municipality of Taché at the Municipal Office in Lorette, Manitoba in the Province of Manitoba this 26th day of April, A.D. 2016.



Mayor



Chief Administrative Officer

READ a First time this 11th day of April, A.D. 2016.
READ a Second time this 11th day of April, A.D. 2016.
READ a Third time and **PASSED** this 26th day of April, A.D. 2016.

Schedule "A" To By-Law No. 6-2016 – Page 1 of 2

RURAL MUNICIPALITY OF TACHÉ
AGGREGATE MINING AND TRANSPORTATION APPLICATION AND
LICENCE

To: R.M. of Taché, Box 100, Lorette, Manitoba, R0A 0Y0

I, Name _____
Address _____ Telephone Number _____

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

Existing Pit _____
New Development _____
Land Use Approval In Place YES NO *

*Land use Approval must be in place before a licence may be issued.

and for the transportation of that aggregate over municipal roads in the Rural Municipality of Taché:

I hereby agree to the following:

- a) to pay all fees and provide all records stipulated in the provisions of By-Law No. 6-2016 and amendments thereto, by February 25 of next year;
- 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 within 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 Taché.
- c) To forthwith surrender the license issued by the Rural Municipality of Taché as a result of this application and payment of the prescribed fee, upon the cancellation of it by the Rural Municipality of Taché for non-compliance with By-Law No. 6-2016; and
- d) My address to which all notices by the Rural Municipality of Taché to me should be sent is as above or:

Dated at the Rural Municipality of Taché this _____ day of 20_____.

Signature of Applicant

Schedule "A" To By-Law No. 6-2016 – Page 2 of 2

LICENSE

This certifies that _____ is granted a licence(s) as described above subject to terms and provisions of the Municipality's By-Laws.

License Fee: \$150.00 Received: _____

Pit Location: _____ ¼ Section _____ Township _____ Range _____

License Expiry Date: _____

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

Rural Municipality of Taché
Box 100
Lorette, Manitoba R0A 0Y0

Schedule "B" to By-Law 6-2016 – Page 1 of 2

RURAL MUNICIPALITY OF TACHÉ AGGREGATE MINING AND TRANSPORTATION FEES

REMITTANCE FOR AGGREGATE MINED AND TRANSPORTED
 BETWEEN _____ and _____, 20_____.

COMPLETE ONE FORM FOR EACH ROUTE OF TRAVEL

LICENCE NO.			
PIT LOCATION	¼ SEC	TWP	RGE

COMPANY NAME			
P.O BOX/STREET		CITY	
POSTAL CODE		CONTACT PERSON	
PHONE		EMAIL	

Calculate payment in either tonnes or cubic metres. Aggregate taken from pits owned by the Crown or a Crown Agency are exempt from fees payable under Box A.

BOX A – FEES FOR THE MINING OF AGGREGATE

AMOUNT OF AGGREGATE	RATE OF PAYMENT	\$ AMOUNT (BOX A)
Tonnes		
Cubic Metres		
\$AMOUNT IN BOX A TO BE MOVED TO BOX D		

BOX B – FEES FOR THE TRANSPORTATION OF AGGREGATE

PERIOD TRANSPORTED	AMOUNT TRANSPORTED	RATE OF PAYMENT	\$ AMOUNT (BOX B)
January and February	Tonnes		
	Cubic Metres		
March to end of November	Tonnes		
	Cubic Metres		
December	Tonnes		
	Cubic Metres		
TOTAL SUM OF AMOUNTS IN BOX B AND MOVE TO BOX C			

Schedule "B" to By-Law 6-2016 – Page 2 of 2

BOX C – CALCULATION OF FEES FOR KILOMETRES TRAVELLED ON MUNICIPAL ROADS

	TOTAL PAYABLE
\$ TOTAL SUM AMOUNT FROM BOX B	\$
NO. OF KMS TRAVELLED	X kms
MULTIPLY \$ AMT BY NO. OF KM TRAVELLED-MOVE PRODUCT TO BOX D	\$

BOX D – TOTAL PAYABLE TO MUNICIPALITY

	TOTAL PAYABLE
AMOUNT FROM BOX A	\$
AMOUNT FROM BOX C	\$
ADD TWO LINES ABOVE TOTAL SUM IS AMOUNT DUE	\$

**UPON COMPLETION, THIS FORM TOGETHER WITH PAYMENT IN
THE AMOUNT FROM BOX D IS TO BE REMITTED TO:**

THE RURAL MUNICIPALITY OF TACHÉ BOX 100 LORETTE, MANITOBA
R0A 0Y0