RURAL MUNICIPALITY OF STANLEY

BY-LAW NO. 21-20

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

WHEREAS *The Municipal Act* (Manitoba) provides 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 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; and
(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;
...
(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;

287 Subject to this and any other Act, a municipality has the direction, control and management of municipal roads within its boundaries.

AND WHEREAS *The Highway Traffic Act* (Manitoba) provides in part as follows:

90(1) A traffic authority may classify vehicles according to dimensions, design, weight, kind of weight carried or otherwise, for any class or all classes of vehicles and may make rules or by-laws supplementary to, or in addition to, but

not contrary to, any provision of this Act, *The Drivers and Vehicles Act* or the regulations under either Act and applicable on highways over which the traffic authority has jurisdiction or within any area over which the traffic authority has jurisdiction, with respect to:

...

(d) prescribing routes of travel, including prohibiting certain traffic from travelling on certain routes of travel or requiring certain traffic to travel only on certain routes of travel;

...

and may impose penalties for a violation of any such rule or by-law.

86(9) With or without conditions and in accordance with subsection (10), a traffic authority other than the minister may, in respect of a highway under its authority or a structure forming part of the highway,

...

(a) prohibit drivers from using, or restrict their use of, the highway or structure; or

...

(c) restrict the permissible weights of vehicles that use the highway or structure.

86(10) When a municipality, a local government district or the council of a band, as traffic authority of a highway, imposes a prohibition or restriction under subsection (9), it must

(a) if the prohibition or restriction is for two years or less, impose it by resolution; and
(b) if the prohibition or restriction is for longer than two years, impose it by by-law.

86(15) A regulation, order, by-law or resolution made under this section

(a) may be general or particular in its application;
(b) may apply in whole or in part to one or more classes or types of vehicles or classes of persons to the exclusion of others; and
(c) in the case of

...

(ii) a by-law or resolution, may apply to all or any part of the area over which the maker of the by-law or resolution has local government authority and to all or any portion of a highway or structure forming part of a highway.

AND WHEREAS the Lieutenant Governor in Council has made Regulation No. 48/97 under Section 232(2)(e) of *The Municipal Act* (Manitoba) 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;

AND WHEREAS Council for the Rural Municipality of Stanley deems it advisable and in the public interest to control the movement of aggregate vehicles over and upon those highways or portions of highways for which the Municipality is the traffic authority;

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

1. DEFINITIONS:

1.1. "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;

7.2. All Aggregate Mining Licencees will be required to pay a monthly fee based on the volume of Aggregate removed from each Pit Location which fee will be the lessor of the maximum permitted fee pursuant to the Aggregate Mining and Transportation Fees and Agreements Regulation, as amended from time to time, or the following:

7.2.1. 15 cents per tonne; or
7.2.2. 26.7 cents per cubic meter; or
7.2.3. 20.4 cents per cubic yard; or
7.2.4. 16.5 cents per ton.

7.3. Each Aggregate Mining Licencee is required to keep records, in the format attached hereto as Schedule "C", that are sufficiently accurate and complete to permit the calculation of the fees established hereunder. A completed record for the month, together will all accrued fees, must be submitted to the Municipality within thirty days after the end of any month. The Aggregate Mining Licencee will, within thirty days, after written demand by the Designated Officer, submit any supplementary proof requested by the Designated Officer as to the volume of Aggregate removed from each Pit Location.

7.4. As permitted in Section 3(1) and (2) of the Aggregate Mining and Transportation Fees and Agreements Regulation, as a condition of approving an application for an Aggregate Mining Licence, and in lieu of requiring the payment of fees, the Municipality may require a Licencee to enter into an agreement with respect to the maintenance, repair, and restoration of Municipal Roads over which Aggregate is transported.

8. PROHIBITIONS:

8.1. No person may mine Aggregate for Commercial purposes within the Municipality unless such person has a valid and subsisting Aggregate Mining Licence for the Pit Location from which such Aggregate was mined.

9. CONDITIONAL USE ORDERS:

9.1. If no Aggregate is mined, processed, or removed on or from a pit for a period of twenty-four consecutive months, and/or any Aggregate is mined, processed, or removed on or from a pit for a period of twenty-four consecutive months is not reported to the Municipality pursuant to Article 7, then any Conditional Use Order granted by the Municipality under its Zoning By-law with respect to said pit will automatically lapse without further notice from the Municipality, notwithstanding that the owner of such pit may have a valid and subsisting Aggregate Mining Licence.

10. ENFORCEMENT:

10.1. Every person who contravenes, or refuses, neglects, omits, or fails to obey or observe any provision of this By-law for which a penalty is not prescribed by provincial statute, will upon summary conviction, be liable to a fine of $250.00 for the first offence, $500.00 for the second offence, and $1,000.00 for the third offence, and each subsequent offence in any given calendar year.

10.2. Where the contravention, refusal, neglect, omission, or failure to comply continues for more than one day, the person is guilty of a separate offence for each day that it continues.

11. COMING INTO FORCE:

11.1. This By-law comes into force and effect on April 1, 2021.

11.2. By-law 6-14 is hereby repealed.

DONE AND PASSED in Council assembled at the Council Chambers of the Rural Municipality of Stanley this 3rd day of December, A.D. 2020.

THE RURAL MUNICIPALITY OF STANLEY

Reeve

Chief Administrative Officer

Read a first time this 5th day of November A.D. 2020.
Read a second time this 3rd day of December, A.D. 2020.
Read a third time this 3rd day of December, A.D. 2020.

RURAL MUNICIPALITY OF STANLEY
SCHEDULE "A" to BY-LAW NO. 21-20

AGGREGATE MINING APPLICATION

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

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, within 30 days after the end of any month which material is removed from the property.

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) to ensure haulers comply with required haul routes and road use agreements which may be required by the Municipality;

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

SCHEDULE "B" to BY-LAW NO. 21-20

AGGREGATE MINING 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

RURAL MUNICIPALITY OF STANLEY
SCHEDULE "C" to BY-LAW NO. 21-20

RURAL MUNICIPALITY OF STANLEY

AGGREGATE MINING FEES

REMITTANCE MONTH/YEAR _____

*COMPLETE ONE FORM FOR EACH SITE.

LICENCE NO.	
PIT LOCATION (Sec./Twp./Range)	

COMPANY NAME:	
MAILING ADDRESS:	
TELEPHONE:	
CONTACT PERSON:	

Payment may be calculated using either Tonnes or Cubic Meters, it is not necessary to calculate both.

NO. OF TONNES OF AGGREGATE	**RATE OF PAYMENT (Rates in effect)**	**$Amount**
Tonnes (or)	at **15 cents** per tonne	
Cubic meter	at **26.7 cents** per cu. meter	
Cubic yard	at **20.4** cents per cu. yard	
Ton	at **16.5** cents per ton	

UPON COMPLETION, THIS FORM TOGETHER WITH PAYMENT IS TO BE REMITTED TO:

THE RURAL MUNICIPALITY OF STANLEY
BOX 1600
WINKLER, MB
R6W 4B5

Date Received _____

RURAL MUNICIPALITY OF STANLEY
SCHEDULE "D" to Bylaw 21-20

COMMERCIAL HAULING PERMIT

SOURCE: _____ LEGAL LOCATION:
_____

HAULER:_____DESTINATION:_____
_____

APPROVED ROUTE FROM SOURCE:
_____
_____
_____
_____
_____
_____

RETURN TRIP (IF DIFFERENT)
_____
_____
_____
_____
_____
_____

HAUL HOUR RESTRICTIONS (IF ANY)
_____
_____
_____

OTHER STIPULATIONS:
_____
_____
_____
_____

THIS PERMIT IS VALID FROM ____,____,_____ TO ____,____,_____

APPROVING SIGNATURE:
_____DATE:____,____,_____