

RURAL MUNICIPALITY OF WOODLANDS

BY-LAW NO. 2658/15

Being a By-Law to regulate and control mining and transporting of Aggregate within the Municipality and the issuance of licenses and the charging of fees

WHEREAS, The Municipal Act, S.M. 1996, c.58 – Chap. M225 provides, in part, as follows:

- “232 (2)(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, licenses, permits and approvals, . . . ,
 - (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 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 conditions or with the by-law or for any other reason specified in the by-law”;

AND WHEREAS, Regulation No. 48/97 *Aggregate Mining and Transportation Fees and Agreements Regulation*” and amendments thereto establishes specific fees and provisions for regulating mining and transportation fees and agreements;

AND WHEREAS, the Rural Municipality of Woodlands deems it expedient and in the best interest of the Municipality to license Aggregate mining and transportation activities within the Municipality and to establish fees payable in connection with such licensing;

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

1.0 DEFINITIONS:

1.1 In this By-Law, the following definitions are used:

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

“**Aggregate Mining License**” shall mean a license permitting the mining of Aggregate upon a particular property;

“**Aggregate Transport License**” shall mean a license permitting the transportation of Aggregate upon a Highway within the Municipality;

“**Highway**” means a right-of-way over which the Rural Municipality of Woodlands has jurisdiction;

“**Municipality**” shall mean the Rural Municipality of Woodlands;

“Owner” shall mean 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” shall mean a natural person, a partnership, a firm, a business, an association, a cooperative; or a corporation.

2.0 APPLICATION:

2.1 Unless otherwise stated, 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 4 hereof.

3.0 LICENSES:

3.1 Every owner mining Aggregate from land shall obtain an Aggregate Mining License in the form and substance hereto attached as Schedule A prior to allowing any mining of Aggregate on their property.

3.2 Every Person transporting Aggregate on a Highway shall be required to obtain an Aggregate Transportation License in the form and substance here attached as Schedule B, prior to allowing any Aggregate to be transported from their property.

3.3 If a person does transport Aggregate from an Owner’s property without an Aggregate Transportation License then not only is the person transporting Aggregate in breach of this By-law, but also the Owner of the property is in breach of this By-law and subject to the penalty provisions set forth herein.

3.4 The annual license fee for an Aggregate Mining License or an Aggregate Transportation License is \$100.00 for each license per annum.

3.5 The Aggregate Mining License and Aggregate Transportation License are valid for a calendar year or the balance thereof and must be renewed on or before January 1st of the following calendar year. There is no discount in fee if the license is purchased partway through the year.

4.0 ADDITIONAL FEES:

4.1 The Person holding an Aggregate Mining License shall pay a fee to the Municipality based on the quantity of aggregated mined and calculated in accordance with Schedule C, hereto attached.

4.2 Any Person who transports Aggregate upon a Highway shall pay a fee to the Municipality for the shortened lifetime of, maintenance, repair and restoration of, Highways calculated in accordance with the formula set out in Schedule D.

4.3 For the purposes of calculating the funds required to be paid the minimum number of kilometers travelled shall be one kilometer and thereafter any partial kilometers traveled which are half of a kilometer or greater shall be rounded up to the next highest kilometer and anything less than half a kilometer shall be rounded down to the next lowest kilometer.

4.4 That any Person who is required to remit a fee pursuant to this By-law shall remit as follows:

- i.) For the period March 1st through November 30th of each year shall be due and payable by the end of December of the same year
- ii.) For the period December 1st through the end of February of the following year shall be due and payable by March 31st of the same year.

5.0 AGREEMENT IN LIEU OF FEES:

- 5.1 The Municipality may enter into agreements with a holder of an Aggregate Transportation License in lieu of payment of the fees referred to in clause 4.2.
- 5.2 Any agreement made under authority of this clause 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.

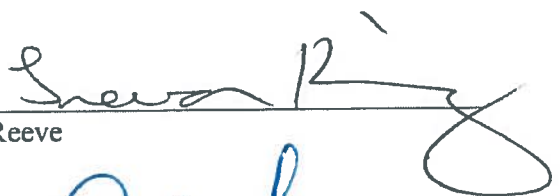
6.0 ENFORCEMENT:

- 6.1 Any Person who is in breach of any provision of this By-law is guilty of an offence and is liable to a fine not exceeding FIVE HUNDRED DOLLARS (\$500.00) or to imprisonment for a term not exceeding THREE (3) months, or to both. Where this contravention, refusal, neglect, omission or failure continues for more than one (1) day, the person, firm or corporation is guilty of a separate offence for each day that it continues.
- 6.2 In addition to any such fine, the Person is still responsible to pay any fees required to be paid pursuant to this By-law.
- 6.3 In the event that fees due and owing under this By-law are not paid by an Owner or by a Person acquiring Aggregate from an Owner, the Municipality may add the amount owing to the property taxes of the Owner and collect such fees in the same manner as taxes or take any other remedy available to the Municipality.


7.0 REPEALED:

- 7.1 That By-law No. 2441/01 is hereby repealed

DONE AND PASSED in Council duly assembled at the Municipal Office in Woodlands, in the Province of Manitoba, this 23rd day of September, 2015.



Reeve



Chief Administrative Officer

Read a first time, this 8th day of September, 2015
Read a second time, this 8th day of September, 2015
Read a third time, this 23rd day of September, 2015

SCHEDULE A
to
BY-LAW NO. 2658/15
of the
RURAL MUNICIPALITY OF WOODLANDS
AGGREGATE MINING LICENSE

(Name and Address of Person)

is hereby licensed, pursuant to the provisions of By-Law No. 2658/15 of the Rural Municipality of Woodlands, for the purposes of mining Aggregate within the Municipality.

License Expiry Date: _____

License Fee: **\$100.00**

Dated in Woodlands, in the Province of Manitoba this _____ day of _____, _____

Rural Municipality of Woodlands

Chief Administrative Officer

SCHEDULE B

to

BY-LAW NO. 2658/15

of the

RURAL MUNICIPALITY OF WOODLANDS

AGGREGATE TRANSPORTATION LICENSE

(Name and Address of Person or Owner)

is hereby licensed, pursuant to the provisions of By-Law No. 2658/15 of the Rural Municipality of Woodlands, for the purposes of transporting Aggregate within the Municipality.

License Expiry Date: _____

License Fee: **\$100.00**

Dated in Woodlands Manitoba, this _____ day of _____, _____

Rural Municipality of Woodlands

Chief Administrative Officer

SCHEDULE C

to

BY-LAW No. 2658/15

of the

RURAL MUNICIPALITY OF WOODLANDS

RATES

PURSUANT TO REGULATIONS 48/97, AS AMENDED 46/2009

FEES FOR MINING AGGREGATE:

Fee for mining of aggregate shall be based on:

- i) Per cubic metre; or
- ii) Per cubic yard; or
- iii) Per tonne; or
- iv) Per ton

Calculated for each applicable year as follows:

Column 1 Rate per Cubic Metre	Column 2 Rate per Cubic Yard	Column 3 Rate per Tonne	Column 4 Rate per Ton
\$0.267	\$0.204	\$0.15	\$0.165

SCHEDULE "D"

to

BY-LAW NO. 2658/15

of the

RURAL MUNICIPALITY OF WOODLANDS

RATES

PURSUANT TO REGULATION 48/97, AS AMENDED 46/2009

TRANSPORTING AGGREGATE:

- i) Column 1 x No. of kilometres transporting aggregate on municipal highways = Fee for Transportation of Aggregate; or
- ii) Column 2 x No. of kilometres transporting aggregate on municipal highways = Fee for Transporting of Aggregate.

Time Period	Column 1 Rate per Tonne	Column 2 Rate per Cubic Metre
During the months of March to November	\$0.0341	\$0.0596
During the months of December, January and February	\$0.0170	\$0.0299

