



RURAL MUNICIPALITY OF ROSEDALE
BY-LAW NO. 5-2022

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF ROSEDALE TO AMEND BY-LAW 2-2019 BEING A BY-LAW TO GOVERN THE MINING AND TRANSPORTATION OF AGGREGATE WITHIN THE RURAL MUNICIPALITY OF ROSEDALE.

WHEREAS Section 232(1) of The Municipal Act 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;
- (m) local transportation systems;
- (n) businesses, business activities and persons engaged in business;
- (o) the enforcement of by-laws.

WHEREAS Section 232(2)) of The Municipal Act provides in part as follows:

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 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 cost of regulation;

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;

NOW THEREFORE BE IT RESOLVED THAT the Council of the R.M. of Rosedale in Council duly assembled enacts as a by-law the following:

1.0 DEFINITIONS

1.1 In this by-law:

“**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 and crushed stone or rock.

“**Aggregate Transport License**” means a license issued under clause 4.3 of this by-law.

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

“**Municipality**” means the Rural Municipality of Rosedale.

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

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

3.0 PROHIBITIONS

- 3.1** No person shall mine aggregate within the Municipality unless:
- (a) such aggregate was mined from a pit location specified in a valid and subsisting Aggregate Transport Licence and such person has provided to the licensee the information specified in Schedule “A”; or
 - (b) such aggregate was obtained from a pit location outside the Municipality or from a Pit Location owned by the Crown of a Crown agency and such person pays to the Municipality prior to transporting such aggregate the amount of fees set forth in Schedule “B”
 - (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 Schedule “B” were applicable to such person.

4.0 LICENCES

- 4.1** Aggregate Transport Licences shall be in the form attached hereto as Schedule “A”.
- 4.2** Aggregate Transport 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** Any person, firm or corporation transporting more than 5 cubic yards of aggregate on a municipal road, unless transporting aggregate to the municipality shall be required to obtain an aggregate Transport Licence attached as Schedule “A” prior to the transporting of aggregate unless the person doing the transporting has a valid and subsisting Aggregate Transport Licence.
- 4.4** Every person requiring an Aggregate Transport 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 and Transportation Licence shall be \$50.00 and there is no discount in fee if the License is purchased partway through the year.
- 4.6** The holder of an Aggregate Transport Licence shall produce such licence to a designated officer of the Municipality forthwith upon demand.

5.0 ADDITIONAL FEES

- 5.1** In addition to the Aggregate Transport Licence fee payable, any person, firm or corporation who transports aggregate upon a municipal road shall pay a fee to the municipality for the shortened lifetime of and, maintenance, repair and restoration of municipal roads. The fee shall be calculated in accordance with the formula set out as follows:

Time Period	Column 1 Rate per tonne	Column 2 Rate per cubic metre
After August 15, 2022, during the months of March to November	\$0.0593	\$0.1037
After August 15, 2022, during the months of December, January and February	\$0.0296	\$0.0520

X X =
(quantity) (applicable rate) (kilometer) (amount due)

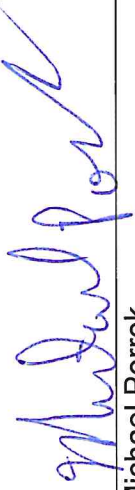
- 5.2** Where a person is required to have an Aggregate Transport License in any part of the calendar year, such person shall provide to the Municipality on or before February 25th in the next ensuing year, a complete and accurate record in the form attached hereto as Schedule "B" as well as all fees paid in full. All of such payments shall be remitted to the Rural Municipality of Rosedale
- 5.3** The Municipality may enter into agreements with a holder of an Aggregate Transport License in lieu of payment of the fees referred to in clause 5.1. 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 FINES

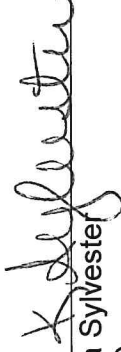
- 6.1** Any person, firm or corporation who is in breach of any provision of this By-Law is guilty of an offence and is liable to a fine of not less than \$50.00 or more than \$1,000.00 or to imprisonment for a term not exceeding three (3) months, or both. In addition to any such fine, the person, firm or corporation is still responsible to pay any fees required to be paid pursuant to this By-Law.
- 6.2** 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.
- 6.3** In the event that fees due and owing under this by-law are not paid by a person, firm or corporation transporting aggregate on municipal roads, the Municipality may add the amount owing to the property taxes of the person, firm or corporation and collect such fees in the same manner as taxes or take any other remedy available to the Municipality.

7.0 COMING INTO FORCE

- 7.1** This by-law comes into force and effect on the day following it's final passage at which time By-Law No. 2-2019 is repealed.
- 7.2** Any fee outstanding under By-Law No. 2-2019 on the day before it is repealed shall be deemed to be a civil debt due to the Municipality by the person or persons liable for it under the said by-law and the municipality may affect recovery of such debt in any manner available to it at law.
- DONE AND PASSED by the Council of the Rural Municipality of Rosedale in regular session assembled, this 14th day of October 2022.



Michael Porrok
Reeve



Kara Sylvester
CAO

Read a first time this 9th day of September, 2022

Read a second time this 9th day of September, 2022

Read a third time this 14th day of October, 2022

For: 
Against: 

SCHEDULE "A"

**RURAL MUNICIPALITY OF ROSEDALE
AGGREGATE TRANSPORT LICENCE**

To: R.M. of Rosedale
Box 100, Site Neepawa, Manitoba, R0J 1H0

I, Name _____

Address _____ Telephone Number _____

hereby make application for a license 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 license may be issued.

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

I hereby agree to the following:

- a) to pay all fees and provide all records stipulated in the provisions of By-Law No. 5-2022 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 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 Rosedale.
- c) to forthwith surrender the licence issued by the Rural Municipality of Rosedale as a result of this application and payment of the prescribed fee, upon the cancellation of it by the Rural Municipality of Rosedale for non-compliance with By-Law No. 5-2022; and
- d) My address to which all notices by the Rural Municipality of Rosedale to me should be sent is as above or: _____

Dated at the Rural Municipality of Rosedale this _____ day of _____ 20 ____.

Signature of Applicant

LICENCE

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

Licence Fee: \$50.00 Received: _____

Pit Location: _____ 1/4 Sec. _____ Twp. _____ Rge. _____

Licence Expiry Date: _____

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

Rural Municipality of Rosedale
Box 100
Neepawa, Manitoba R0J 1H0

SCHEDULE "B"

**RURAL MUNICIPALITY OF ROSEDALE
AGGREGATE MINING AND TRANSPORTATION FEES**

REMITTANCE FOR AGGREGATE MINED AND TRANSPORTED

BETWEEN _____ and _____, 20 _____

COMPLETE ONE FORM FOR EACH ROUTE OF TRAVEL

Pit Location: _____ ¼ SEC. _____ TWP. _____ RGE. _____

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

TOTAL NUMBER OF YARDS TO BE TRANSPORTED ON MUNICIPAL ROADS: _____ yds

Calculate payment in either tonnes or cubic metres.
(1 Cubic Yard x 1.35 = Tonnes) or (1 Cubic Yard x .764 = Cubic Metres)

BOX A – FEES FOR TRANSPORTATION OF AGGREGATE

PERIOD TRANSPORTED	AMOUNT TRANSPORTED	RATE OF PAYMENT	\$ AMOUNT (BOX A)
January and February	Tonnes =	X \$0.0296	=
	Cubic Metres =	X \$0.0520	=
March to end of November	Tonnes =	X \$0.0593	=
	Cubic Metres =	X \$0.1037	=
December	Tonnes =	X \$0.0296	=
	Cubic Metres =	X \$0.0520	=
TOTAL \$ AMOUNT IN BOX A TO BE MOVED TO BOX B			=

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

	TOTAL PAYABLE
TOTAL AMOUNT FROM BOX A	\$ _____
NO. OF KILOMETRES TRAVELLED	X _____ kms.
MULTIPLY \$ AMOUNT BY NO. OF KM. TRAVELLED = TOTAL AMOUNT PAYABLE	= _____

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

RURAL MUNICIPALITY OF ROSEDALE
BOX 100
NEEPAWA, MANITOBA
R0J 1H0