

**RURAL MUNICIPALITY OF ROSSER**

**BY-LAW NO. 9-22**

**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 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, . . . ,
  - (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 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 Rosser 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 Rosser, 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 Rosser has jurisdiction;

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

**“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 \$150.00 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 1<sup>st</sup> 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 1<sup>st</sup> through November 30<sup>th</sup> of each year shall be due and payable by the end of December of the same year

- ii.) For the period December 1<sup>st</sup> through the end of February of the following year shall be due and payable by March 31<sup>st</sup> of the same year, or
- iii.) Notwithstanding the above, at the discretion of the CAO, the municipality may allow a Person who is required to remit a fee to submit for a complete calendar year.
- iv.) In any case, the fees applicable to a calendar year shall be remitted no later than March 31<sup>st</sup>.

**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 of not less than \$100.00 or more than \$1,000.00 or to imprisonment for a term not exceeding three (3) months, or both.

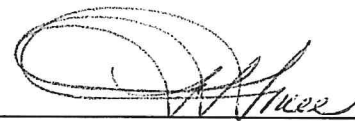
6.2 In addition to any such fine, the Person is still responsible to pay any fees required to be paid pursuant to this By-law.

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. 11-09 is hereby repealed.

**DONE AND PASSED** in Council duly assembled at the Municipal Office in Rosser, in the Province of Manitoba, this 27<sup>th</sup> day of September, 2022.



Reeve



Chief Administrative Officer

Read a first time, this 13<sup>th</sup> day of September, 2022  
Read a second time, this 27<sup>th</sup> day of September, 2022  
Read a third time, this 27<sup>th</sup> day of September, 2022

**SCHEDULE A**  
**to**  
**BY-LAW NO. 9-22**  
**of the**  
**RURAL MUNICIPALITY OF ROSSER**  
**AGGREGATE MINING LICENSE**

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(Name and Address of Person)

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is hereby licensed, pursuant to the provisions of By-Law No. 9-22 of the Rural Municipality of Rosser, for the purposes of mining Aggregate within the Municipality.

License Expiry Date: \_\_\_\_\_

License Fee:                  **\$150.00**      

Dated in Rosser, in the Province of Manitoba this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Rural Municipality of Rosser

\_\_\_\_\_  
Chief Administrative Officer

**SCHEDULE B**

to

**BY-LAW NO. 9-22**

of the

**RURAL MUNICIPALITY OF ROSSER**

**AGGREGATE TRANSPORTATION LICENSE**

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(Name and Address of Person or Owner)

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is hereby licensed, pursuant to the provisions of By-Law No. 9-22 of the Rural Municipality of Rosser, for the purposes of transporting Aggregate within the Municipality.

License Expiry Date: \_\_\_\_\_

License Fee:           **\$150.00**          

Dated in Rosser, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Rural Municipality of Rosser

\_\_\_\_\_  
Chief Administrative Officer

**SCHEDULE C**  
**to**  
**BY-LAW No. 9-22**  
**of the**  
**RURAL MUNICIPALITY OF ROSSER**  
**RATES**  
**PURSUANT TO REGULATIONS 48/97 M.R. 112/2022**

**FEES FOR MINING AGGREGATE:**

Fee for mining of aggregate from December 1<sup>st</sup>, 2022 shall be:

- i) \$0.4646 per cubic metre; or
- ii) \$0.2610 per tonne;
- iii) This fee shall be adjusted on January 1, 2023 and on January 1 of each year afterwards according to the Adjustment Formula set out in Section 3 of Schedule (Subsections 2(2) and (3)) in Regulation 48/97.

**SCHEDULE "D"**

to

**BY-LAW NO. 9-22**

of the

**RURAL MUNICIPALITY OF ROSSER**

**RATES**

**PURSUANT TO REGULATION 48/97 M.R. 112/2022**

**TRANSPORTING AGGREGATE:**

Fee for transportation of aggregate from December 1<sup>st</sup>, 2022 shall be the lesser of:

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

<b>Time Period</b>	<b>Column 1 Rate per Tonne</b>	<b>Column 2 Rate per Cubic Metre</b>
March 1 to November 30	\$0.0593	\$0.1037
December 1 to the end of February	\$0.0296	\$0.0520

- iii) This fee shall be adjusted on January 1, 2023 and on January 1 of each year afterwards according to the Adjustment Formula set out in Section 3 of the Schedule (Subsections 2(2) and (3)) in Regulation 48/97.