

RURAL MUNICIPALITY OF STANLEY
BY-LAW 13-24

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 the 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 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;
 - ...
 - (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 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 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, 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;
- ...
- Any 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 an to set fees payable in connection with such licencing;

AND WHEREAS Council or 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 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;
- 1.2 "Aggregate Mining Licence" means a licence issued under Article 3 of this By-law;
- 1.3 "Commercial" means being engaged in the mining or transporting of Aggregate for profit;
- 1.4 "Designated Officer" means the person or persons designated by the Municipality from time to time to administer an enforce this By-law;
- 1.5 "Haul Routes" are the Municipal Roads designated by the Municipality for the transporting of Aggregate;
- 1.6 "Licencee" means the holder of an Aggregate Mining Licence;
- 1.7 "Municipality" means The Rural Municipality of Stanley;
- 1.8 "Municipal Road" means a highway for which Stanley is the traffic authority within the meaning of *The Highway Traffic Act*, and in addition, means land that has been opened by Stanley under the authority of *The Municipal Act*, or constructed or maintained by Stanley as a road for public use and which has not been closed under *The Municipal Act*, but does not include a provincial road or a provincial trunk highway, as those terms are defined *The Highways and Transportation Department Act*;
- 1.9 "person" means a natural person, a partnership, a firm, a business, an association, a credit union, a cooperative, a corporation, or a municipality; and
- 1.10 "Pit Location" means the parcel or tract of land from which Aggregate is mined and includes a pit location specified in an Aggregate Mining Licence.
- 1.11 "Provincial Highway" has the same meaning as provided in *The Highway Traffic Act*.

2. INTERPRETATION

- 2.1 Nothing in this By-law will be interpreted so as to permit the operation of a vehicle on any Municipal Road or portion thereof where such operation is in contravention of:

- 2.1.1 the provision of this or any other by-law of Stanley; or
 - 2.1.2 the temporary restrictions put into place by Stanley from time to time; or
 - 2.1.3 any statute or regulation enacted by the Province of Manitoba or Government of Canada
- 2.2 Unless provided to the contrary herein, this By-law applies to every person engaged in Commercial Aggregate mining and transportation within the Municipality.
- 2.3 This By-law does not apply to the Crown or to any Crown Agency.

3. MINING AGGREGATE APPLICATION AND LICENCE

- 3.1 No person may mine Aggregate within the Municipality without an Aggregate Mining Licence for the Pit Location from which such Aggregate was mined.
- 3.1.1 An Aggregate Mining Application will be in the form attached as Schedule “A”.
An Aggregate Mining Licence will be in the form attached as Schedule “G”.
 - 3.1.2 A person requiring an Aggregate Mining Licence must apply to the Designated Officer.
 - 3.1.3 The Designated Officer shall issue an Aggregate Mining Licence if satisfied that
 - (i) The application is complete and proper; and
 - (ii) The applicant (or an associate of the applicant) is in compliance with all obligations under this By-law.
 - 3.1.4 An Aggregate Mining Licence authorizes the mining of Aggregate from the Pit Location specified on the licence.
 - 3.1.5 An Aggregate Mining Licence is not transferable.
- 3.2 An Aggregate Mining Licence is valid for a period no greater than one year commencing on the date of issue and ending of December 31 in the same year.
- 3.3 All current holders of an Aggregate Mining Licence must submit a new application and pay the annual application fee prior to December 31 in the current year to continue mining Aggregate, as the case may be, in the following year.
- 3.4 The holder of an Aggregate Mining Licence must produce such licence to the Designated Officer forthwith upon demand.

4. USE OF MUNICIPAL ROADS

- 4.1 A person transporting Aggregate may only use a Municipal Road where necessary to transport Aggregate from a Pit Location to a destination point if:
- (i) The Pit Location or the destination point are not located on a Provincial Highway; or
 - (ii) It is not possible to travel from the Pit Location to the destination point, or vice versa, using only a Provincial Highway;
- Provided that the person uses the most direct route to or from the Pit Location and destination point to the nearest Provincial Highway when travelling on a Municipal Road.

5. DESIGNATED HAUL ROUTES

- 5.1 As a condition of approving a conditional use application for an Aggregate Mining Operation, the Municipality may designate Haul Routes which must be used while Aggregate is in transport from a Pit Location operated by the holder of the Aggregate Mining Licence.
- 5.2 All persons transporting Aggregate from an Aggregate Mining Operation must follow the Haul Route designated in the conditional use order for that Pit Location.
- 5.3 The holder of an Aggregate Mining Licence must ensure all Aggregate leaving the Pit Location does so following the Haul Routes designated in the conditional use order for that Pit Location.

6. NON-HAUL ROUTE PERMIT

- 6.1 Despite section 5, the holder of an aggregate Mining Licence may apply for a permit, in the form set out in Schedule “D”, for permission to allow Aggregate

- 6.2 leaving the Pit Location to be transported using a Municipal Road not included in the Haul Routes designated in the conditional use order for that Pit Location. The issuance of a permit will be at the sole discretion of the Designated Officer who may make the permit subject to whatever restrictions as to route, weight, time and speed deemed appropriate to accommodate the time of year, traffic, road conditions, road capacity, weather and any other relevant condition.

7. FEES

- 7.1 The annual application fee for an Aggregate Mining Licence is \$50.00.
- 7.2 The holder of an Aggregate Mining Licence shall 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 Effective January 1, 2024:
- 7.2.1.1 20 cents per tonne;
 - 7.2.1.2 35.6 cents per cubic meter; or
 - 7.2.1.3 27.2 cents per cubic yard; or
 - 7.2.1.4 22 cents per ton.
- 7.2.2 Effective January 1, 2025:
- 7.2.2.1 22 cents per tonne; or
 - 7.2.2.2 39.16 cents per cubic meter; or
 - 7.2.2.3 29.92 cents per cubic yard; or
 - 7.2.2.4 24.2 cents per ton.
- 7.2.3 Effective January 1, 2026:
- 7.2.3.1 24 cents per tonne; or
 - 7.2.3.2 42.72 cents per cubic meter; or
 - 7.2.3.3 32.64 cents per cubic yard; or
 - 7.2.3.4 26.4 cents per ton.
- 7.2.4 Effective January 1, 2027:
- 7.2.4.1 26 cents per tonne; or
 - 7.2.4.2 46.28 cents per cubic meter; or
 - 7.2.4.3 35.36 cents per cubic yard; or
 - 7.2.4.4 28.6 cents per ton.
- 7.3 The holder of an Aggregate Mining Licence shall keep records, in the format attached hereto as Schedule "D", that are sufficiently accurate and complete to permit the calculation of the fees established hereunder. A completed record for the month, together with all accrued fees, must be submitted to the Municipality within thirty days after the end of any month. The holder of an Aggregate Mining Licence 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. TRANSPORTING AGGREGATE APPLICATION, LICENCE AND REGULATIONS

- 8.1 Council may designate Municipal Roads that may be used for hauling Aggregate by resolution.
- 8.2 Persons transporting Aggregate shall follow these rules:
- (i) comply with the terms of the Aggregate Licence concerning Pit Location and designated Municipal Roads for hauling;
 - (ii) shall not exceed 60 km/hr when meeting other traffic;

- (iii) shall not exceed 60 km/hr when approaching a farm residence;
- (iv) shall be in compliance with all provincial laws and regulations, including weight restrictions.

8.3 A person who is transporting Aggregate

- (i) Raises dust such than in the discretion of the Council of the Municipality is compelled in the interests of safety and health of residents to apply dust control suppressant on a Municipal Road; or
- (ii) Causes damage to a Municipal Road requiring repair in the discretion of Council;

Is responsible for the cost incurred by the Municipality.

8.4 Where Council intends to claim reimbursement of costs under section 8.2 it will notify the person in writing and provide the person with an opportunity to respond.

8.5 If there is no response or Council has considered the response, Council may confirm its claim and issue an invoice to the person. Payment must be made within 30 days of the date of the invoice.

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 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. CONCLUSION OF EXTRACTION

10.1 Once extraction of Aggregate ceases on the licence, the land must be rehabilitated to the same soil quality for agriculture as found on surrounding lands as per the Provincial Mine Closure Regulation.

11. ENFORCEMENT

11.1 Council may by resolution appoint the Designated Officers. A Designated Officer has all powers, duties, discretion and functions set out in The Municipal Act and is authorized to:

- (i) Enforce licences, permits, approvals, orders and agreements made or issued under this By-law and
- (ii) Act as a Designated Officer for the purposes of this By-law.

11.2 A person affected by a decision of a Designated Officer may request Council to review the decision by giving a written notice to the Chief Administrative Officer within 14 days of receiving the decision.

11.3 Upon receiving a request for review, the Chief administrative Officer will set a date and time for the review by Council and notify the person of the date of the review.

11.4 At the time and place set out in the notice, Council convene the review. The person who made the request may appear in person or by counsel. After reviewing the order, Council may confirm, vary, substitute or cancel the decision.

11.5 If a Designated Officer is of the opinion that a person is in contravention of this By-law or the terms of an Aggregate Mining Licence, the Designated Officer may notify the person in writing requiring the default to be corrected within a specified period.

11.6 The Municipality may amend or cancel the Aggregate Mining Licence if the default is not corrected.

11.7 A person who contravenes this By-law or the terms of a licence is guilty of an offence and liable on summary conviction to a fine of not more than \$1000 and a penalty equal to the cost of enforcement; and in the case of a contravention respecting failing to obtain a licence or not paying the required fees under section 7, a penalty equal to the required fees plus interest.

12. TRANSITIONAL AND COMING INTO FORCE

12.1 This By-law comes into force and effect on January 1, 2025.

12.2

By-law 6-23 remains in effect to the extent necessary for the administration and enforcement of Aggregate Mining Licences issued under By-law 6-23 and for an offence under By-law 6-23.

DONE AND PASSED in Council assembled at the Council Chambers of the Rural Municipality of Stanley this 17th day of October, 2024.

THE RURAL MUNICIPALITY OF STANLEY



Reeve



Chief Administrative Officer

Read a first time this 3rd day of October, 2024.

Read a second time this 17th day of October, 2024.

Read a third time this 17th day of October, 2024.

**CERTIFIED to be a true copy of 3rd Reading
of By-law 13-24 PASSED by the Council of the
RM of Stanley at their meeting held on
October 17th, 2024.**



Terry Penner

Chief Administrative Officer



RURAL MUNICIPALITY OF STANLEY
SCHEDULE "A" TO BY-LAW 13-24

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

LOCATION: _____ 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) address to which all notices by the Rural Municipality of Stanley should be sent to is:

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

Signature of Applicant



RURAL MUNICIPALITY OF STANLEY
SCHEDULE "C" TO BY-LAW 13-24

AGGREGATE MINING FEES
REMITTANCE MONTH/YEAR 2024

*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. (Rate of payment varies depending on year. See Bylaw 13-24, 7.2.)

NO. OF TONNES OF AGGREGATE	RATE OF PAYMENT (Rates in effect)	\$ AMOUNT
Tonnes (or)	at 20 cents per tonne	
Cubic meter	at 35.6 cents per cu. meter	
Cubic yard	at 27.2 cents per cu. yard	
Ton	at 22 cents per ton	

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

THE RURAL MUNICIPALITY OF STANLEY
1-23111 PTH 14
STANLEY, MB R6P 0B1

Date Received _____

*MONTHLY FORMS TO BE SUBMITTED WITHIN 30 DAYS OF MONTH END.
IF NOTHING HAS BEEN HAULED, EITHER SUBMIT A FORM CONFIRMING OR
SEND AN EMAIL TO MGROENING@RMOFSTANLEY.CA.



RURAL MUNICIPALITY OF STANLEY
SCHEDULE "D" TO BY-LAW 13-24

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 VALIE FROM _____ TO _____
(Month/Day/Year) (Month/Day/Year)

Approving Signature

Date (Month/Day/Year)