

***MUNICIPALITY OF MINITONAS-BOWSMAN***

**BY-LAW NO. 11/2015**

**Being a By-Law of the Municipality of Minitonas-Bowsman to authorize the requirements of obtaining an Aggregate Transport License and to prescribe levies payable by the holder of an Aggregate Transport License for the transporting of aggregate on a highway (municipal road); for the maintenance, repair, and restoration of any highway (municipal road) used by the holder to transport aggregate.**

**PART 1: SPHERE OF JURISDICTION**

**WHEREAS** Section 232(2) and 232(2)(e) of The Municipal Act, S.M. 1996, c. 58 M225 provides as follows:

“232(2) a council may in a By-Law passed under this Division;  
232(2) (e) subject to the regulations, provide for a system of licenses, permits or approvals,”

**PART 2: DEFINITIONS AND INTERPRETATION**

“Aggregate” means all quarry mineral and includes sand, gravel, and crushed stone or rock.

“Aggregate Transportation License” means a license issued under clause 2 of this By-Law.

“Highway” means a highway or road over which the Municipality of Minitonas-Bowsman has jurisdiction.

“Licensee” means a person to whom a license, permit or approval has been issued pursuant to clause 232(2) (e) of The Municipal Act.

“Municipality” means the Municipality of Minitonas-Bowsman.

**PART 3: ENACTMENT**

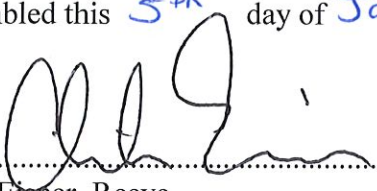
**AND WHEREAS**, Council deems it necessary and desirable to establish the requirement of obtaining an Aggregate Transport License for transporting of aggregate on all highways (municipal roads) in the Municipality and prescribe levies payable;

**NOW THEREFORE** the Council of the Municipality of Minitonas-Bowsman duly assembled, hereby enacts as follows:

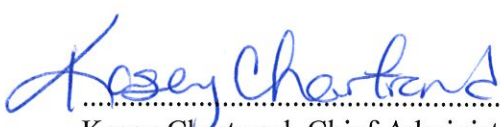
1. **THAT** within the Municipality, any person, firm or corporation transporting aggregate on a highway shall be required to obtain an Aggregate Transport License in the form and substance hereto attached as Schedule “A”.

2. **THAT** the Municipality requires the payment of fees by the holder of an Aggregate Transport License, for the maintenance, repair and restoration of any highway used by the holder to transport aggregate, which amount shall be calculated and set by the Municipality annually in accordance with the maximum provided for in the regulations.
3. **THAT** any holder of an Aggregate Transport License as contained in the By-Law shall notify the Chief Administrative Officer on or before May 15<sup>th</sup> of any calendar year of the estimated number of yards to be transported that year and that 50% of the Transportation Levy, as per Clause 4, based on the estimated cubic yards be remitted to the Municipality on or before May 31<sup>st</sup> of the calendar year.
4. **THAT** any holder of an Aggregate Transport License as contained in this By-Law shall notify the Chief Administrative Officer on or before December 15<sup>th</sup> of any calendar year of the actual number of yards transported and that the balance of the Transportation Levy, based on actual, be remitted to the Municipality on or before December 31<sup>st</sup> of the calendar year.
5. **THAT** any person, firm or corporation transporting aggregate within the Municipality regardless of the origin of the aggregate, is subject to the requirements of Clauses 2,4,6 and 7 f this By-Law.
6. **THAT** all aggregate transported for use by the Municipality shall be exempt from this levy.
7. **THAT** any person, firm or corporation who transports aggregate on a highway in the Municipality without first obtaining an Aggregate Transport License is guilty of an offence. The offender is liable to a fine of not more than \$200.00.
8. **THAT** any person, firm or corporation, who contravenes, refuses, neglects, omits or fails to obey or observe any provisions of this By-Law is guilty of an offence and where no other penalty is liable to fine not exceeding \$500.00. Where the contravention, refusal, neglect, omission, or failure continues for more than one day, the person, firm, or corporation is guilty of a separate offence for each day that it continues.

**DONE AND PASSED** by the Council of the Rural Municipality of Minitonas in open session duly assembled this 5<sup>th</sup> day of January, 2016 A.D.



Clint Eisner, Reeve



Kasey Chartrand, Chief Administrative Officer

Read a First Time this 15<sup>th</sup> day of December, 2015, A.D.

Read a Second Time this 15<sup>th</sup> day of December, 2015, A.D.

Read a Third Time this 5<sup>th</sup> day of January, 2016, A.D.