

**RURAL MUNICIPALITY OF MANITOU LAKE NO. 442**

**BYLAW NO 4 - 2013**

**A BYLAW TO  
LICENSE THE EXCAVATION OF GRAVEL FROM GRAVEL PITS**

The Council of the Rural Municipality of Manitou Lake No. 442 in the Province of Saskatchewan enacts as follows:

1. This bylaw shall be referred to as the Gravel Licensing Bylaw.
2. In this bylaw:
  - a. "Administrator" shall mean the administrator of the municipality;
  - b. "Contractor" includes any person, firm or corporation, including those persons, firms or corporations engaged by the crown, but does not include the crown;
  - c. "Council" shall mean the council of the municipality;
  - d. "Gravel" includes rock, stone, sand and other material in excess of 105 microns <sup>1</sup> in diameter;
  - e. "Municipality" shall mean the Rural Municipality of Manitou Lake No. 442;
  - f. "Premise" includes any pit, site, or location within the municipality, in which gravel is naturally situated and from which gravel is excavated.
3. No contractor shall operate or offer for hire any machine, tractor, truck or other appliance used in excavation of gravel from any premise within the municipality without having first obtained a license to do so from the municipality.
4. Any contractor requiring a license under provision of this bylaw shall each year, make written application to the Administrator of the municipality stating the name and address of the applicant, the location of each premise from which the gravel is to be excavated and an estimate of the amount of gravel to be excavated within the current year; and paying in advance a fee of
  - a) \$0.156 per cubic metre or each cubic metre; or
  - b) \$0.119 per cubic yard for each cubic yard; or
  - c) \$0.084 per tonne for each tonne; or
  - d) \$0.078 per ton for each ton of gravel<sup>2</sup>excavated from the premise.
5. Where the contractor estimates that the volume of gravel to be extracted will exceed 10,000, the contractor shall pay a pre-extraction fee equal to the product of the estimated volume of gravel to be extracted multiplied by the rate prescribed in Section 4 of this bylaw.<sup>3</sup>
6. Subject to the right of the council to suspend or revoke the same as provided by *The Municipalities Act*, every license shall remain in force or in effect until and including the 31<sup>st</sup> day of December of the year of issue.
7. On or before December 31 of the year in which the license has been issued, the contractor shall make a return under oath, in the form shown in Schedule "A" attached thereto, to the Administrator of the municipality showing the

<sup>1</sup> 105 microns = 0.004 inches

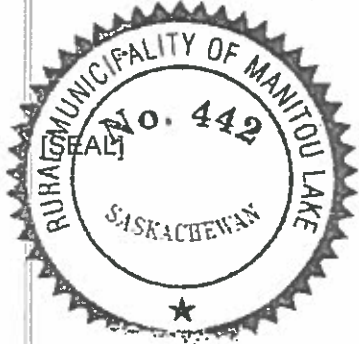
<sup>2</sup> The units of measurement can be agreed upon by the municipality and the contractor. The maximum rates which a municipality may charge can be found in Section 8.1 of *The Municipalities Regulations*.


<sup>3</sup> This provision is a discretionary power which may be exercised by the municipality. The maximum pre-extraction fee that a municipality may assess is based on a volume of 10,000 tonnes, or equivalent volume. The volume specified in this provision, which may be less than 10,000 tonnes, will then require the contractor to pay the pre-extraction fee. Review Subsections 8.1 (5)-(6) of *The Municipalities Regulations*.

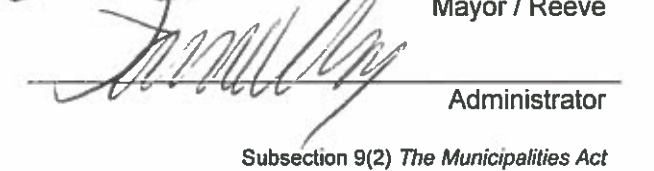


M-11 (a) quantity of gravel, in the agreed units of measurement, excavated from each premise and pay the prescribed fee as set out in Section 4 of the bylaw.

8. The municipality shall refund to the contractor any fees collected under this bylaw for estimated quantities of gravel not excavated from the premise and for which the license fee has been paid.
9. Any person found guilty of an infraction of any of the provisions of this bylaw shall be liable on summary conviction to the penalties imposed by the general penalty bylaw of the municipality.
10. This Bylaw shall take effect January 1, 2014.
11. Bylaw #1-2012 is hereby repealed.



  
\_\_\_\_\_  
Mayor / Reeve

  
\_\_\_\_\_  
Administrator

Subsection 9(2) *The Municipalities Act*

Certified a true copy of Bylaw No.2013-04 adopted by resolution of council on the 6<sup>th</sup> day of December 6, 2013

  
\_\_\_\_\_  
Administrator

**SCHEDULE "A"**

**DECLARATION**

**IN THE MATTER OF LICENCE BYLAW NO. 4 - 2013**

I, \_\_\_\_\_  
of the \_\_\_\_\_ of \_\_\_\_\_ in the Province  
of \_\_\_\_\_ do solemnly declare that:

1. During the year 20\_\_\_\_, I excavated \_\_\_\_\_ [1]  
from the gravel pit located on land described as  
\_\_\_\_\_ [2] and;

2. I make this solemn declaration, conscientiously  
believing it to be true and knowing it is of the same force  
and effect as if made under oath and by virtue of *The  
Canada Evidence Act.*

Declared before me at the \_\_\_\_\_ of  
\_\_\_\_\_ in the Province of  
Saskatchewan this \_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
**Contractor**

*A Commissioner for Oaths in and for the  
Province of Saskatchewan  
My commission expires \_\_\_\_\_*

- 1. State quantity and units of measurement
- 2. State location of pit



**R.M. OF MANITOU LAKE NO. 442**

**GRAVEL EXCAVATION LICENSE APPLICATION  
FOR THE YEAR \_\_\_\_\_**

**APPLICANT: Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**I, the above named applicant, hereby apply for a Gravel Excavation License and I declare that I will be excavating the following estimated amounts of gravel from the following locations:**

<b>PIT LOCATION</b>	<b>ESTIMATED EXCAVATION</b>
_____	_____
_____	_____
_____	_____
<b>TOTAL EXCAVATION ESTIMATE</b>	_____
<b>GRAVEL LICENSE FEE/UNIT</b>	_____
<b>TOTAL PAYABLE UPON APPLICATION</b>	_____

**I agree that:**

- **If the amount of gravel I excavate during \_\_\_\_\_ exceeds 10,000 tonnes or the above estimate I will pay to the R.M. of Manitou Lake No. 442 the gravel license fee on this excess amount on a monthly basis.**
- **I will, on or before December 31<sup>st</sup> of this year, make a return under oath to the Administrator of the R.M. of Manitou Lake No. 442 showing the quantity of gravel excavated from each premise and pay the prescribed fee.**

\_\_\_\_\_  
**Applicant**

\_\_\_\_\_  
**Administrator**

**Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.**

