

**RURAL MUNICIPALITY OF SPIRITWOOD NO. 496**

**BYLAW NO. 2/2014**

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

The Council of the Rural Municipality of Spiritwood No. 496, in the Province of Saskatchewan, enacts as follows:

1. This bylaw shall be referred to as the Gravel Extraction Licensing Bylaw.
2. In this bylaw:
  - a. "Administrator" shall mean the Administrator of the Municipality;
  - b. "Council" shall mean the Council of the Municipality;
  - c. "Gravel" includes rock, stone, sand and other material in excess of 105 microns in diameter;
  - d. "Gravel Pit Owner" includes any person, firm or corporation, including those operated by the crown;
  - e. "Municipality" shall mean the Rural Municipality of Spiritwood No. 496;
  - f. "Premise" includes any pit, site, or location within the Municipality in which gravel is naturally situated and from which gravel is excavated.
  - g. "Contractor" includes any person, firm or corporation, including those persons, firms, or corporations engaged by the crown but does not include the crown.
3. No gravel pit owner shall allow the excavation of gravel from any premise without having first obtained a license to do so from the Municipality.
4. Any gravel pit owner requiring a license under provision of this bylaw shall each year, make written application in the form shown in Schedule "A" attached hereto, to the Administrator 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, no later than March 31<sup>st</sup> of each year.
5. Where the gravel pit owner estimates that the volume of gravel to be extracted will exceed 10,000 cubic yards, 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 8.1 of *The Municipalities Regulations*.
6. For the purpose of this section, the equivalent volume of 10,000 cubic yards shall mean 7,645 cubic metres, 14,200 tonnes, or 15,300 tons.
7. 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.
8. On or before December 31<sup>st</sup> of the year in which the license has been issued, the gravel pit owner or contractor shall make a return under oath, in the form shown in Schedule "B" attached hereto, to the Administrator of the municipality showing the quantity of gravel, in the agreed units of measurement, excavated from each premise and pay the prescribed fee as specified by Section 8.1 of *The Municipalities Regulations*, for the gravel excavated from any premise.
9. 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.

10. Contravention and Enforcement

- a. A person found guilty of an infraction of any of the provision of the Bylaw, shall be liable on summary conviction to a fine of up to \$10,000.00
- b. Where the council believes that a person has contravened any provision of this bylaw, the administrator may serve upon a person a Notice of Violation as provided by this section either personally or by mailing or leaving same at his last known address, and such service shall be adequate for the purpose of this bylaw.
- c. Such notice shall be deemed to have been served:
  - i. on the expiration of twenty-four (24) hours after it is posted, if the notice is mailed;
  - ii. on the day of actual delivery, if the notice is served personally; or
  - iii. on the business day following the transmission, if given by facsimile.
- d. Notice of Violation:
  - i. The notice of violation shall state the section of the bylaw which was contravened and the amount, which is provided in Voluntary Payment Schedule, that will be accepted by the municipality in lieu of prosecution.
  - ii. The Notice of Violation shall be in such form as determined in Schedule "C" attached to and forming a part of this bylaw.
  - iii. The amount that will be accepted for voluntary payment is set out in Schedule "D" attached to and forming a part of this bylaw.
- e. Upon production of a Notice of Violation issued pursuant to this section within twenty (20) days from the issue thereof, together with the payment of the fee as provided in Schedule "D" to the Administrator, the person to whom the Notice of Violation was issued shall not be liable for prosecution for the contravention in respect of which the Notice of Violation was issued.
- f. Where any person contravenes the same provision of this bylaw two or more times within one twelve-month period, the specified payment payable in respect of the second or subsequent contravention is double the amount shown in the Schedule "D" of this bylaw in respect of that provision.
- g. Notwithstanding the provision of this section, a person to whom a notice of violation has been issued pursuant to this section may exercise his/her right to defend any charge of committing a contravention of any of the provisions of this bylaw.

11. This bylaw shall come into force and take effect on the day of its final passing.

Read a third time and adopted this 8<sup>th</sup> day of April, 2014.

Harold Fast

Reeve

(Sealed)

Colette Bussiere

Administrator

**SCHEDULE "A"**

**APPLICATION FOR LICENSE**

**In the matter of Gravel Extraction Bylaw License 2-2014**

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Name of Applicant

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Address

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City

Province

Postal Code

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Location of Premise from which gravel is to be extracted

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Estimate of the amount of gravel to be extracted

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Signature of Applicant

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Date

SCHEDULE "B"

**DECLARATION**

**In the matter of Gravel Extraction Bylaw License 2-2014**

I, \_\_\_\_\_ of \_\_\_\_\_

In the Province of \_\_\_\_\_ do solemnly declare that:

During the period from January 1, \_\_\_\_\_ to December 31 \_\_\_\_\_,  
\_\_\_\_\_ was excavated from the gravel pit located on land described as  
\_\_\_\_\_ and;

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*.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**SCHEDULE "C"**

**NOTICE OF VIOLATION**

**In the matter of Gravel Extraction Bylaw License 2-2014**

The notice of violation can be presented in writing and must include the following:

- The section of the bylaw which has been contravened;
- The amount that will be accepted by the municipality in lieu of prosecution.

**SCHEDULE "D"**

**VOLUNTARY PAYMENT SCHEDULE**

**In the matter of Gravel Extraction Bylaw License 2-2014**

OFFENCE

VOLUNTARY PAYMENT

1. Failure to remit license fee  
[Section 4]

\$7,500.00

## **Gravel Extraction Fees for 2016 & 2017**

Municipalities have the authority to pass a bylaw to charge a gravel extraction fee. The maximum fee a municipality may establish is calculated by a formula set out in Section 8.1 of *The Municipalities Regulations*.

The maximum gravel extraction fees for 2016 & 2017 will be as follows:

- \$0.160 per cubic metre
- \$0.122 per cubic yard
- \$0.086 per tonne
- \$0.080 per ton