

RURAL MUNICIPALITY OF COLONSAY NO. 342

BYLAW NO 2/2016

A BYLAW TO LICENSE THE EXCAVATION OF GRAVEL FROM GRAVEL PITS

The Council of the Rural Municipality of Colonsay No. 342 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 or 0.004 inches in diameter;
 - e. "Municipality" shall mean the Rural Municipality of Colonsay No. 342;
 - f. "Premise" includes any pit, site or location within the municipality in which gravel is naturally situated and from which gravel may be or is being 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.

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 from, an estimate of the amount of gravel to be excavated within the current year and paying in advance a fee based on the fee schedule identified as Schedule "A".
4. Where the contractor estimates that the volume of gravel to be extracted will exceed 10,000 tonnes, 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 3 of this bylaw.¹
5. 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 31st day of December of the year of issue.
6. 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 "B" attached thereto, 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 set out in Section 3 of the bylaw.
7. 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.

¹ 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*.

8. 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.
9. Bylaw #3/2015 is hereby repealed.

[SEAL]

Reeve

Administrator

Subsection 9(2) The Municipalities Act

Read a third time and adopted
this ____ day of _____

Administrator

SCHEDULE "A"

IN THE MATTER OF LICENCE BYLAW NO. 2/2016

GRAVEL EXCAVATION LICENCE
FEE RATES

As set out by formula in Section 8.1 of *The Municipalities Regulations* gravel excavation licence fee rates for 2016 and 2017 will be as follows:

- a) \$0.160 per cubic metre or each cubic metre; or
- b) \$0.122 per cubic yard for each cubic yard; or
- c) \$0.086 per tonne for each tonne; or
- d) \$0.080 per ton for each ton of gravel

excavated from the premise.

SCHEDULE "B"

DECLARATION

IN THE MATTER OF LICENCE BYLAW NO. 2/2016

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