

## **Rural Municipality of Britannia No. 502**

### **BYLAW 27 - 2021**

#### **A BYLAW TO LICENSE THE EXCAVATION OF GRAVEL FROM GRAVEL PITS AND CLAY FROM BORROW LOCATIONS**

The Council of the R.M. Britannia No. 502 in the Province of Saskatchewan enacts as follows:

1. This bylaw shall be referred to as the Gravel and Clay 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 in diameter;
  - e. "Clay" shall mean an earthy material that is plastic when moist but hard when fired, that is composed mainly of fine particles of hydrous aluminum silicates and other minerals, and that is used for brick, tile, pottery and fill material;
  - f. "Municipality" shall mean the Rural Municipality of Britannia No. 502;
  - g. "Premise" includes any pit, site, or location within the municipality, in which gravel or clay is naturally situated and from which gravel or clay is excavated.
3. No contractor shall operate or offer for hire any machine, tractor, truck or other appliance used in excavation of gravel or clay 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 in the form shown in Schedule "A" attached hereto, by March 31<sup>st</sup> of each year, to the administrator stating the name and address of the applicant, the location of each premise from which the gravel or clay is to be excavated and an estimate of the amount of gravel or clay to be excavated within the current year; and paying in advance a fee of:
  - a. \$0.175 per cubic metre or each cubic metre; or
  - b. \$0.134 per cubic yard for each cubic yard; or
  - c. \$0.094 per tonne for each tonne; or
  - d. \$0.088 per ton for each ton of gravel or clay.

*(GST Additional)*
5. Where the contractor estimates that the volume of gravel or clay 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 or clay to be extracted multiplied by the rate prescribed in Section 4 of this bylaw.

6. For the purpose of this section, the equivalent volume of 10,000 cubic yards shall mean, 7,645 cubic meters, 14,200 tonnes or 15,300 tons.
7. Upon request, the contractor shall provide load reports to verify the amount of goods or commodities hauled for the period specified by the municipality. Failure to do so within a 30-day period shall result in an immediate suspension.
8. 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.
9. 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 hereto, to the administrator of the municipality showing the quantity of gravel or clay, in the agreed units of measurement, excavated from each premise and pay the prescribed fee as set out in Section 4 of the bylaw.
10. 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.
11. 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 hereof, 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.

12. Bylaw 04-2020 and is hereby repealed, as of January 1, 2022.

13. This Bylaw 27-2021, hereby comes into force January 1, 2022.

\_\_\_\_\_  
Reeve

(SEAL)

\_\_\_\_\_  
Administrator

Read a first time this \_\_\_\_ of \_\_\_\_\_, 2021.

Read a second time this \_\_\_\_ day of \_\_\_\_\_, 2021.

Read a third time and adopted on this \_\_\_\_ day of \_\_\_\_\_, 2021.

Schedule “A”

APPLICATION FOR LICENSE FOR EXCAVATION OF GRAVEL FROM GRAVEL PITS AND CLAY FROM  
BORROW LOCATIONS

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*In Accordance with section 4 of bylaw 27-2021 of the Rural Municipality of Britannia. 502. I hereby apply  
for a license to extract gravel or clay from a location within the boundaries of the Rural Municipality of  
Britannia No. 502*

Contractor’s Business Name: \_\_\_\_\_

Contact Person(s): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Legal land location(s) of gravel or clay to be extracted:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Estimated total quantity of gravel or clay to be extracted in the current year:

\_\_\_\_\_ Cubic yards / cubic meters / tonnes / tons

*I confirm that the applicant and his/her employees, agents and representatives will comply with the  
terms and conditions of any permits, directives or orders issued in accordance with this permit  
application.*

*I certify that the information contained this application is true, completed and accurate.*

\_\_\_\_\_  
Applicant signature

\_\_\_\_\_  
Date

Schedule "B"

YEAR END DECLARTION  
FOR EXCAVATION OF GRAVEL FROM GRAVEL PITS AND CLAY FROM BORROW LOCATIONS

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

1. During the year 20\_\_\_\_, I excavated \_\_\_\_\_ Cubic yards / cubic meters / tonnes  
/ tons from the gravel pit or clay from borrow located on the land described as  
\_\_\_\_\_;
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* \_\_\_\_\_

**Schedule “C”**

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**NOTICE OF VOILTATION**

*The Notice of volition can be present in writing and must include the Following:*

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

Schedule “D”

VOLUNTARY PAYMENT SCHEDULE

<u>OFFENCE</u>	<u>VOLUNTARY PAYMENT</u>
1. Failure to remit license fee (Section 4)	\$7,500.00