



STE. ANNE MUNICIPALITY

BY-LAW #2023-11

BEING a By-Law to prescribe Aggregate Fees.

WHEREAS *The Municipal Act* states, in part, as follows:

Exercising by-law-making powers

232(2)

Without limiting the generality of subsection (1), a council may in a by-law passed under this Division:

(e) subject to the regulations, provide for a system of licences, permits or approvals, including any or all of the following:

- (i) establishing fees, and terms for payment of fees, for inspections, licences, permits and approvals, including fees related to recovering the costs of regulation,
- (ii) establishing fees for licences, permits and approvals that are higher for persons or businesses who do not reside or maintain a place of business in the municipality,
- (iii) prohibiting a development, activity, industry, business or thing until a licence, permit or approval is granted,
- (iv) providing that terms and conditions may be imposed on any licence, permit or approval, and providing for the nature of the terms and conditions and who may impose them;

AND WHEREAS *The Aggregate Mining and Transportation Fees Agreement Regulation 48/97* under *The Municipal Act* states, in part, as follows:

Maximum fees

2(1) For the purpose of clause 232(2)(e) of the Act, the maximum fees that may be established in a by-law respecting the mining and transportation of aggregate in a municipality are as set out in this section.

Transportation of aggregate

2(3) A fee established by a council for the shortened lifetime of, and maintenance, repair and restoration of, highways in respect of transporting aggregate must not exceed the amount determined by the following formula:

$$A \times B$$

In this formula,

A is the number of kilometres of highway over which the aggregate is transported;

B is the lesser of

- (a) the number of tonnes of aggregate transported, multiplied by the rate per tonne set out in Column 1 of the table in subsection 2(2) of the Schedule for the relevant time period; and
- (b) the number of cubic metres of aggregate transported, multiplied by the rate per cubic metre set out in Column 2 of the table in subsection 2(2) of the Schedule for the relevant time period.

BE IT RESOLVED that the Council of the RM of Ste. Anne enacts as follows:

TITLE

1.0 This By-Law may be referred to as the “**Aggregate Fee By-Law.**”



STE. ANNE MUNICIPALITY

Aggregate Fees By-Law #2023-11

DEFINITION

2.0 "Aggregate" shall mean a quarry mineral that is used, includes sand, gravel, crushed stone or rock and peat moss

2.1 "Highway" means any place or way, including any structure forming part thereof, which or any part of which the public is ordinarily entitled or permitted to use for the passage of vehicles, with or without fee or charge therefor, and includes all the space between the boundary lines thereof; but does not include any area designed or intended, and primarily used, for the parking of vehicles and the necessary passageways thereon;

AGGREGATE FEES

3.0 The payment of fees shall be required by the holder, based on the quantity of aggregate removed from land in the Municipality, as outlined in Schedule "A" attached.

BE IT FURTHER RESOLVED that By-Law #2023-09 is repealed.

DONE AND PASSED by the Council of the RM of Ste. Anne, in Council duly assembled in the RM of Ste. Anne, in Manitoba, this 12th day of April, 2023.

Reeve

Chief Administrative Officer

Read a first time this 22nd day of March, 2023, by Resolution #2023-144.

Read a second time this 12th day of April, 2023, by Resolution #2023-164.

Read a third time this 12th day of April, 2023, by Resolution #2023-165.



STE. ANNE MUNICIPALITY

Aggregate Fees By-Law #2023-11

SCHEDULE "A" – RATES

PURSUANT TO REGULATIONS 48/97, AS AMENDED

1.0 Definition

"consumer price index" means the annual average Consumer Price Index for Manitoba, all-items, not seasonally adjusted, as published annually by Statistics Canada under the authority of the Statistics Act (Canada).

2.0 Fees

2.1 Fees for Mining Aggregate

Subject to section 3 of this Schedule, the maximum fees for mining aggregate are as set out in the following table:

| Column 1 Rate per tonne | Column 2 Rate per cubic metre |
|----------------------------|----------------------------------|
| \$0.28159 | \$0.50124 |

2.2 Fees for Transporting Aggregate

Subject to section 3 of this Schedule, the maximum fees for transporting aggregate are as set out in the following table:

| Time Period in each year | Column 1 Rate per tonne | Column 2 Rate per cubic metre |
|--------------------------------|----------------------------|----------------------------------|
| March to November | \$0.06398 | \$0.11188 |
| January, February and December | \$0.03193 | \$0.05610 |

3.0 Annual Fee Adjustment Formula

3.1 Annual Fee Adjustment Formula

Subject to subsections (2) and (3), a maximum fee under section 2 of this Schedule must be adjusted on January 1, 2023, and on January 1 of each year afterwards, in accordance with the following formula:

$$A = B \times (C/D)$$

In this formula,

A is the adjusted fee;

B is the fee amount as set out in the table in subsection 2.1 or 2.2 of this Schedule as the case may be;

C is the consumer price index for the previous year;

D is the consumer price index for 2021.

3.2 Minimum Fees

If the adjusted fee determined under subsection (1) is less than the fee for the previous year, then the fee remains the same as the fee for the previous year.

3.3 Rounding

An adjusted fee determined under subsection (1) must be rounded to the nearest thousandth of a cent.