



A BYLAW TO LICENSE THE EXCAVATION OF GRAVEL FROM GRAVEL PITS

WHEREAS clause 9(2)(d) of *The Municipalities Act* allows that a council may, by bylaw, regulate and provide for the licensing of persons who extract gravel from a gravel pit; and

WHEREAS section 8.1 of *The Municipalities Regulations* establishes the maximum fees that may be charged by the municipality to the licensee;

WHEREAS gravel supplies in the municipality are becoming depleted at a rapid pace; and

WHEREAS the municipality requires gravel resources to provide safe roads to the ratepayers of the municipality;

NOW THEREFORE the Council of the Rural Municipality of McKillop No. 220 in the Province of Saskatchewan enacts as follows:

1. Title

1.1. This bylaw shall be referred to as the *Gravel Licensing Bylaw*.

2. Definitions

2.1. In this bylaw:

- (a) "Administrator" shall mean the Administrator of the RM;
- (b) "Council" shall mean the Council of the RM;
- (c) "Gravel/Aggregate" includes rock, stone, sand and other material in excess of 105 microns (0.004 inches) in diameter;
- (d) "Premise/Site" includes any pit, site, or location within the RM, in which gravel is naturally situated and from which gravel is excavated;
- (e) "Property Owner" includes any person, firm, or corporation, including those persons, firms, or corporations engaged by the crown, but does not include the crown that owns or operates land used for aggregate extraction; and
- (f) "RM" shall mean the Rural Municipality of McKillop No. 220.

3. Policies and Licensing

3.1. The aggregate extraction property owner shall apply for a development permit from the municipality prior to initiation of any on-site activities.



- 3.2. No Owner shall operate or offer for hire any machine, tractor, truck or other appliance used in excavation of gravel from any premise within the RM without having first obtained a license to do so from the RM.
- 3.3. The Owner must include any extracted or potentially extracted materials from the premises for personal use in their license, see Appendix A, and declaration, see Appendix C.
- 3.4. Any Owner requiring a license under provision of this bylaw shall each year,
 - (a) Make written application to the Administrator of the RM in the form identified as Appendix A, attached hereto; and
 - (b) Pay in advance a fee as identified in Appendix B, attached hereto, for each unit of gravel excavated from the premise.
 - (c) Provide the RM financial and/or revenue statements to verify annual extracted amounts, including amounts for personal use, and further, a license may not be granted if statements are not provided. Documents may be redacted to ensure proprietary or personal information is kept secret.
- 3.5. Where the Owner estimates that the volume of gravel to be extracted will exceed 5,000 tonnes, or equivalent volume, the Owner 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 Appendix B of this bylaw.
- 3.6. If an Owner does not obtain a license, the premises shall be deemed inactive.
- 3.7. The Owner must ensure compliance with environmental legislation and any permits or authorizations issued by the federal, provincial or municipal government having jurisdiction over the operation of the site (for example: Ministry of Environment Guidelines for Environmental Protection during Development and Restoration of Sand and Gravel Pits, Fisheries and Oceans Canada, or Water Security Agency).
- 3.8. The Owner may be required to enter into a Development Agreement with the municipality to specify development standards or other conditions for the development such as truck routes, maintenance of municipal roadways, dust control, rehabilitation of the site, tree planting or other screening requirements, erection of security/protection fencing and signage or any other items as determined by the municipality. Such an agreement may require the posting of a performance guarantee to ensure adherence to the above and/or any other requirements that the municipality may specify.
- 3.9. A performance guarantee to ensure compliance with requirements and conditions may be required in accordance with the following:



- (a) The guarantee shall be in the amount of a minimum of \$5000 for the first two (2) hectares or portion thereof of the area disturbed by the operation (including the area disturbed by excavation, stockpiling, overburden and debris storage and on-site access/haul routes) and a minimum of \$1000 for each additional 0.4 ha or portion thereof.
- (b) The guarantee shall take the form of cash, irrevocable letter of credit, performance bond, or other form acceptable to Council.
- (c) The guarantee must remain in effect for at least two years beyond the termination of mineral extraction, restoration/reclamation and road maintenance agreements.

1. Term of License

- 1.1. 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.

2. Final Oath

- 2.1. On or before December 31 of the year in which the license has been issued, the Owner shall make a return under oath, in the form shown in Appendix C, attached hereto, to the Administrator of the RM showing the quantity of gravel, in the agreed units of measurement, excavated from each premise and pay the prescribed fee as set out in Appendix B of the bylaw.

3. Refund of Overpayment

- 3.1. The RM shall refund to the Owner 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.

4. Reclamation/Restoration

- 4.1. A Reclamation Plan shall be required for all aggregate extraction sites/operations. The Plan must be approved by the municipality prior to initiation of construction activities. The following are the minimum requirements for a reclamation plan:
 - (a) An appropriate and productive post-extraction land use of the extraction site is required.
 - (b) The Reclamation Plan must detail all activities involved in preparing the site for its post-extraction land use and the timeline for the activities.



- (c) Progressive reclamation in which depleted sections of a pit are restored while extraction is ongoing in other sections of the same pit is encouraged, particularly for large pits.
 - (d) At a minimum, restoration/reclamation work shall include smoothing and contouring slopes, covering bare rock, restoring subsoil and topsoil and revegetating.
 - (e) Non-usable or nonsalable materials, including overburden, screenings and rocks should be placed in the pit bottom.
 - (f) Re-contoured slopes generally should not be steeper than 4:1.
 - (g) Topsoil should be applied to newly re-contoured slopes to a minimum depth of 10 to 15 cm (4-6 inches).
 - (h) Revegetation must be completed as soon as possible following re-contouring.
 - (i) Underwater slopes should have a gentle grade.
 - (j) Any lands subject to slumping should be stabilized and adequately compacted.
- 4.2. When a premise has been deemed inactive, the Owner shall reclaim the premises purposed for gravel extraction to the land's state and/or existing conditions prior to any extraction activities.
- 4.3. A reclamation plan for the premises must be resubmitted/submitted to Council for approval prior to the commencement of any reclamation activities.
- 4.4. Reclamation must be completed, to the satisfaction of Council, two (2) years after the premises were deemed inactive and further if satisfied that the site is restored in compliance with the approved Reclamation Plan, the municipality will provide the owner with a "Certificate of Substantial Completion" attached in Appendix D.
- 4.5. There shall be a two-year warranty period on the reclamation work during which time the owner will be responsible to repair any defects or deficiencies associated with the reclamation work. After the two-year period or once any outstanding defects or deficiencies have been addressed, the municipality will carry out an inspection and if satisfied that the restoration work has been completed in accordance with the approved Reclamation Plan, the RM will provide the owner with a "Certificate of Final Performance" attached in Appendix E and any held guarantee will be returned to the owner.

5. Infraction



5.1. 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.

6. Effective Date of Bylaw

6.1. The rates, charges, tolls or rents contained in this bylaw shall come into force and take effect on the day of approval by the RM Council.

6.2. Bylaw 356/2018 and Bylaw 239-2023 are hereby repealed.

First Reading _____, 2024

Second Reading _____, 2024

Third Reading _____, 2024

Reeve

[SEAL]

Administrator

APPROVED



**APPENDIX A
To Bylaw 440-2024**

APPLICATION FOR GRAVEL EXTRACTION LICENSE

In accordance with Section 3.2 of Bylaw No. 440-2024 of the Rural Municipality of McKillop No. 220, I hereby apply for a license to extract gravel from a location within the boundaries of the Rural Municipality of McKillop No. 220

Owner's Business Name: _____

Mailing Address: _____

Telephone: _____ Fax: _____

Email: _____

Contact Name: _____

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

Estimated total quantity of gravel to be extracted in the current year:
_____ cubic yards / cubic metres / tonnes / tons

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

I certify that the information contained in this application is true, complete and accurate.

Hauler's Representative

Date



**APPENDIX B
To Bylaw 440-2024**

GRAVEL EXTRACTION LICENSE FEES

The fee to extract gravel from the Rural Municipality of McKillop No. 220 shall be:

- (a) \$ 0.194 per cubic metre or each cubic metre; or
- (b) \$ 0.148 per cubic yard for each cubic yard; or
- (c) \$ 0.104 per tonne for each tonne; or
- (d) \$ 0.097 per ton for each ton of gravel

APPROVED



APPENDIX C
To Bylaw 440-2024

DECLARATION
IN THE MATTER OF LICENCE BYLAW NO. 440-2024

I, _____
of the _____ of _____ in the Province of _____
do solemnly declare that:

1. During the year 20____, I excavated

_____ cubic yards / cubic metres / tonnes / tons

from the gravel pit located on land described as

_____;

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____

Owner

A Commissioner for Oaths in and for the Province of Saskatchewan
My commission expires _____



APPENDIX D

Certificate of Substantial Completion

Extraction Site: _____ Inspection Date: _____

Owner's Business Name: _____

Owner's Contact Information: _____

Inspector: _____

Noted Deficiencies & Corrections: _____

Inspector's Signature: _____

Approving Resolution: _____

Printed: _____ Signed: _____

Date: _____



APPENDIX E

Certificate of Final Performance

Reclamation Site: _____ Inspection Date: _____

Owner's Business Name: _____

Owner's Contact Information: _____

Inspector: _____

Notes: _____

Inspector's Signature: _____

Guarantee Returned: YES NO Date: _____ Amount: \$ _____

Owner's Signature: _____

Approving Resolution: _____

Printed: _____ Signed: _____

Date: _____