

BY-LAW # 06/18

OF THE

THE RURAL MUNICIPALITY OF ROCKWOOD

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF ROCKWOOD TO ESTABLISH FINES FOR VIOLATIONS BY QUARRY OWNERS/OPERATORS WITHIN THE RURAL MUNICIPALITY OF ROCKWOOD (the "Municipality").

WHEREAS Section 232 (1) (c) and Section 233 (d) of The Municipal Act, R.S.M. 1988, c. M225 provides as follows:

"232 (1) A council may pass by-laws for municipal purposes regarding the following matters:

(c) subject to section 233, activities or things in or on private property;"

"233 A by-law under clause 232 (1) (c) (activities or things in or on private property) may contain provision only in respect of

(d) activities or things that in the opinion of the council are or could become a nuisance, which may include noise, weeds, odours unsightly property, fumes and vibrations".

AND WHEREAS Sections 236 (1) provides for the enforcement of by-laws;

AND WHEREAS the Rural Municipality of Rockwood deems it necessary to pass a by-law imposing fines for the violations of Quarry Operators within the Rural Municipality of Rockwood;

NOW THEREFORE the Council of the Rural Municipality of Rockwood in meeting duly assembled, enacts as follows:

1.00 INTENT OF BY-LAW

1.01 The intent of this By-law is to establish fines for violations of the requirements of Development Agreements relating to the operation of a Quarry.

2.00 DEFINITIONS

- 2.01 Unless the context otherwise requires, where used in this By-law;
- (a) "Municipality" shall mean the Municipal Corporation of the Rural Municipality of Rockwood;
 - (b) "Owner" means the person whose name appears on the Certificate of Title for the subject property as same is shown in the Winnipeg, Land Titles Offices at the time the breach occurs.
 - (c) "Operator" means the operator carrying on the aggregate extraction operation.
 - (d) "Penalty" shall mean the fine levied against the Owner and/or Operator for breach of any of the provisions of the Development Agreement as amended from time to time.
 - (e) "Planned Area" means the lands upon which an aggregate extraction operation is being carried on and upon which there is a breach of the Terms of a Development Agreement as it relates to blasting, hours of operation, days of operation and dust control.
 - (f) "Quarry" means the extraction of sand, gravel, clay, crushed stone, or crushed rock from the ground.

3.00 PENALTY FOR VIOLATIONS/BREACH BY THE OWNER OF THE MUNICIPALITY'S ZONING BY-LAW

3.01 Any Owner and/or Operator who is in breach of the terms of a Development Agreement relating to the operation of a Quarry, shall be subject to the penalty set forth below:

First Offence:	\$10,000.00
Second Offence within a continuous 12 month period:	\$20,000.00
Third Offence within a continuous 12 month period:	\$30,000.00

4.00 EFFECTIVE DATE

4:01 This By-law shall be deemed to have come into force and take effect on the day it is passed by Council.

DONE AND PASSED by the Council of the Rural Municipality of Rockwood, duly assembled, this 12th day of September A.D., 2018.

THE RURAL MUNICIPALITY OF ROCKWOOD



REEVE



CHIEF ADMINISTRATIVE OFFICER

Read a first time this 8th day of August A.D., 2018.

Read a second time this 12th day of September A.D., 2018.

Read a third time this 12th day of September A.D., 2018.