

**GILBERT PLAINS MUNICIPALITY
BY-LAW No. 2024-001**

BEING a By-law of the Gilbert Plains Municipality respecting heavy vehicles, transporting aggregate, logs, and other heavy loads and road closures on Municipal roads;

WHEREAS, *The Municipal Act* C.C.S.M. cap. M225, and amendments thereto provides in part as follows:

232(1) A Council may pass by-laws for Municipal purposes respecting the following matters:

- (a) the safety, health, protection and well-being of people, and the safety and protection of property;
- (b) people, activities and things in, on or near a public place or a place open to the public, including parks, municipal roads, recreation centres, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from municipal taxation;
- (c) subject to section 233, activities or things in or on private property;
- (d) municipal roads, including naming the roads, posting the names on public or private property, and numbering lots and buildings along the roads;
- (m) local transportation systems;
- (n) businesses, business activities and persons engaged in business;
- (o) the enforcement of by-laws.

232(2) Without limiting the generality of subsection (1), a council may in a by-law passed under this Division:

- (a) regulate or prohibit;
- (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,
 - (v) providing for the duration of licences, permits and approvals and their suspension or cancellation or any other remedy, including undertaking remedial action, and charging and collecting the costs of such action, for failure to pay a fee or to comply with a term or condition or with the by-law or for any other reason specified in the by-law, and
 - (vi) providing for the posting of a bond or other security to ensure compliance with a term or condition.

239(1) If this or any other Act or a by-law authorizes or requires anything to be inspected, remedied, enforced or done by a municipality, a designated officer of the municipality may, after giving reasonable notice to the owner or occupier of land or the building or other structure to be entered to carry out the inspection, remedy, enforcement or action:

- (a) enter the land or structure at any reasonable time, and carry out the inspection, enforcement or action authorized or required by the Act or by-law;
- (b) request that anything be produced to assist in the inspection, remedy, enforcement or action; and
- (c) make copies of anything related to the inspection, remedy, enforcement or action.

287 Subject to this and any other Act, a municipality has the direction, control and management of municipal roads within its boundaries.

WHEREAS, *The Highways Traffic Act* provides, in part, as follows:

70 Where a person operates, or causes to be operated, upon a highway a motor vehicle in excess of weight permitted by this Act or regulations, and the vehicle causes damage to

the highway or any part thereof, the owner and operator are jointly and severally liable to the traffic authority for the damage.

- 86(1) The traffic authority of a highway may, with or without conditions,
- (a) Prohibit vehicles from using part or all of the highway or a structure forming part of it;
 - (b) Restrict the allowable dimensions of vehicles that use part or all of the highway or a structure forming part of it;
 - (c) Restrict the allowable weight of vehicles that use part or all of the highway or a structure forming part of it; or
 - (d) Restrict the use of art or all of the highway or a structure forming part of it.

- 86(3) When a municipality, a local government district or the council of a band, as traffic authority for a highway, imposes a prohibition or restriction under subsection (1) it shall:
- (a) If the prohibition is for one year or less, impose it by resolution; and
 - (b) If the prohibition or restriction is for longer than one year, impose it by by-law.

AND WHEREAS, the Council of the Gilbert Plains Municipality deems it necessary and advisable to regulate and restrict the use of vehicles driven on municipal roads from causing excessive damage to roads within the Gilbert Plains Municipality;

NOW THEREFORE, the Council of the Gilbert Plains Municipality, in meeting duly assembled, enacts as follows:

1. TITLE

- 1.1 This by-law may be referred to as the Gilbert Plains Municipality Road Use By-Law.

2. DEFINITIONS

In this by-law, the following definitions apply:

“**Act**” means *The Municipal Act* of Manitoba, C.C.S.M. c. M225, and associated regulations, as amended.

“**Aggregate**” means a quarry mineral that is used solely for construction purposes or as a constituent of concrete other than in the manufacture of cement and includes sand, gravel, clay, crushed stone and crushed rock.

“**CAO**” means the Chief Administrative Officer as appointed by Council.

“**Council**” means the duly elected Reeve and Councillors of the Gilbert Plains Municipality.

“**Designated Officer**” means any employee appointed as a designated officer within the Municipality.

“**Highway**” means a highway, as defined in “*The Highway Traffic Act*”, C.C.S.M c.H60, and amendments thereto, over which the municipality has jurisdiction.

“**Licensee**” means the holder of aggregate Mining and Transport licence.

“**Municipality**” means the Gilbert Plains Municipality.

“**Person**” means a natural person, owner and operator of the vehicle, a partnership, a firm, a business, an association, a credit union, a cooperative, a corporation or a municipality.

3. USE OF A MUNICIPAL ROAD

3.1 Subject to clauses (4) and (5), any Person may use any Municipal Road for the purpose of transporting Aggregate, logs and heavy loads for commercial purposes where necessary in order to conduct business at the origin or destination point if:

- 3.1.1 Either the origin or the destination point is not located on a Provincial Road or a Provincial Trunk Highway; or
- 3.1.2 It is not possible to travel from the origin to the destination point, or vice versa, using only a Provincial Road or a Provincial Trunk Highway.
- 3.2 No Person shall, for the purpose of transporting aggregate, logs and heavy loads for commercial purposes, use a Municipal Road in lieu of using a Provincial Road and/or a Provincial Trunk Highway to connect two points along such Person's route of travel if the two points may be connected using only provincial roads and/or Provincial Trunk Highways.
- 3.3 Any Person transporting aggregate, logs and heavy loads on a road within the Municipality shall be required to obtain a Transport Licence in the form and substance hereto attached as Schedule "A".

4. MUNICIPAL ROAD CLOSURES

- 4.1 No person shall drive a vehicle on a municipal road designated to be closed by the Gilbert Plains Municipality with any vehicle other than a passenger vehicle.
- 4.2 The Chief Administrative Officer and the Public Works Manager will determine and keep record of closed roads within the Municipality. This record will be available for inspection at the administration office of the Municipality during normal business hours.
- 4.3 The Chief Administrative Officer and the Public Works Manager will implement, place and maintain desired road closures within the municipality.
- 4.4 School buses and emergency vehicles be exempt from this By-Law.
- 4.5 Agricultural producers that must access commodities or feed livestock on a closed road will be permitted to use a closed road on the following conditions:
 - 4.5.1 There is no alternate route; and
 - 4.5.2 A permit is obtained from the municipality at no charge.
- 4.6 There will be 24 hours' notice prior to closures being put into place.

5. TRANSPORT ROUTE

- 5.1 As a condition of permitting a use of municipal roads, the Person/Licensee shall use the designated route as identified in the Transport Licence for aggregate, logs, and heavy loads.

6. FEE

- 6.1 The annual application fee for a Transport Licence shall be \$100.00.
- 6.2 A new license shall not be issued until the previous year's applicable payments are submitted. If no transporting of goods occurred, then a "nil" report is required.
- 6.3 The holder of a Transport Licence shall produce such licence to a Designated Officer of the Municipality forthwith upon demand.
- 6.4 In addition to the Transport Licence, the Municipality requires the payment of fees by the holder of a Transport Licence for the maintenance, repair, restoration and for the shortening of the lifetime of any municipal road used by the licence holder to transport aggregate, logs and heavy loads which shall be as determined by the following formula:

In this formula,

A - is the number of kilometers of municipal road over which the aggregate, logs and heavy loads are transported.

B - is the lesser of:

(a) the number of tonnes of a load transported, multiplied by the rate per tonne set out in the following table for the relevant time period as amended from time to time.

and

(b) the number of cubic metres of a load transported, multiplied by the rate per cubic metre set out in the following table for the relevant time period as amended from time to time.

Time Period in each year	Rate per tonne	Rate per cubic metre
January, February and December	\$0.0330	\$0.0580
March to November	\$0.0662	\$0.1158

6.5 Where a person is required to have a Transport License in any part of the calendar year, such person shall provide to the Municipality on or before February 25th in the next ensuing year, a complete and accurate record in the form attached hereto as Schedule “B” as well as all fees paid in full. All of such payments shall be remitted to Gilbert Plains Municipality.

6.6 The Municipality may enter into an agreement with a holder of a Transport Licence in lieu of payment of fees referred to in clause (5.4).

6.7 If severe road damage occurs which is directly attributed to the hauling operation, the municipality reserves the right to negotiate the costs of the damage with the hauler. If an agreement cannot be reached, a professional engineer or contractor will be asked to assess the damage and their assessment shall be binding.

7. EXEMPTION

7.1 Any Person transporting aggregate within the Municipality in fulfillment of a contract awarded by the Municipality for road maintenance or reconstruction, or related purposes, is exempt from the payment of the fees detailed in clause (5.4) for aggregate for the Municipality.

8. PENALTY

8.1 Any Person who is convicted of a violation or infraction of any of the provisions of this by-law, shall, upon conviction be liable for each offence to a penalty no less than one thousand dollars (\$1,000.00) and not exceeding five thousand dollars (\$5,000.00) plus actual costs incurred of road maintenance and repair.

8.2 As soon as reasonably possible, a notice consisting of this By-Law and Schedule “C” attached thereto, be sent by registered mail to the person in violation of this By-Law and a copy to the RCMP.

8.3 If fines and penalties are not paid to the Municipality by the Person in violation, the charges will be charged as taxes against any real property owned by the Person located within the boundaries of the Gilbert Plains Municipality and collected as Real Property Taxes in the usual manner.

8.4 In the event the Person does not own Real Property within the boundaries of the Municipality, the Municipality may recover all costs, remuneration and fines as a debt through any Court of competent jurisdiction.

9. BY-LAW REVIEW

This By-law shall be reviewed at least once during the term of the elected Council.

10. SEVERABILITY

The invalidity of any provision of this By-law with an Act or Regulation in force in the Province of Manitoba or a decision of Court, shall not affect the validity or enforceability of any other provisions of this By-law, which shall remain in full force and effect.

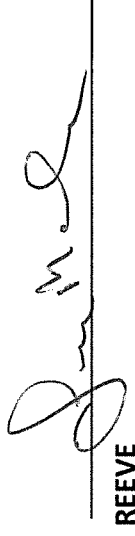
11. SUNSET

This By-law shall continue in force and effect until repealed.

12. EFFECTIVE DATE

The effective date of this By-law shall be the day after it is passed.

DONE AND PASSED in Council duly assembled at the Gilbert Plains Municipality, in Manitoba, this 17 day of December AD 2024.

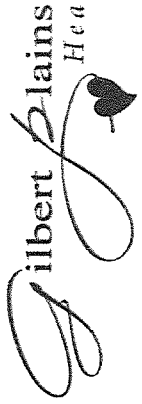
A handwritten signature in black ink, appearing to read "J. W. L.", written over a horizontal line.
REEVE

A handwritten signature in black ink, appearing to read "C. R. L.", written over a horizontal line.
CHIEF ADMINISTRATIVE OFFICER

Read a first time this 12 day of November, 2024.

Read a second time this 3 day of December, 2024.

Read a third time this 17 day of December, 2024.



Schedule “A”
GILBERT PLAINS MUNICIPALITY
TRANSPORT LICENCE

To: Gilbert Plains Municipality
Box 220, 201 Main Street N, Gilbert Plains, Manitoba, R0L 0X0

I, Name _____

Address _____ Telephone Number _____

Transport Route: _____ (Attach Route Map)

hereby make application for the annual license for the transportation of aggregate or other goods, please specify _____, over municipal roads in the Gilbert Plains Municipality.

Also, I hereby agree to the following:

- Pay all fees and provide all records stipulated in the provisions of By-Law No. 2024-001;
- Provide the Municipality through its officers, servants or agents, the right of entry to inspect and determine the weight and volumes of the goods transporting through municipal roads and to provide proof of the Transport Licence issued as a result of this Application and payment of the prescribed fee, upon request of any officer, servant or agent of the Gilbert Plains Municipality.
- Forthwith surrender the Transport Licence issued by the Gilbert Plains Municipality as a result of this application and payment of the prescribed fee, upon the cancellation of it by the Gilbert Plains Municipality for non-compliance with By-Law No. 2024-001; and
- My address to which all notices by the Gilbert Plains Municipality to me should be sent is as above

Or (if different than above): _____

Dated at the Gilbert Plains Municipality this _____ day of _____, 20 _____.

Signature of Applicant

LICENCE

This certifies that _____ is granted a Licence(s) as described above subject to terms and provisions of the Municipality’s By-laws.

Licence Fee: \$100.00 Received: _____

Licence Expiry Date: _____

Dated at the Gilbert Plains Municipality, in the Province of Manitoba this _____ day of _____, 20 _____.

Authorized Signature
Gilbert Plains Municipality



Schedule “B”
GILBERT PLAINS MUNICIPALITY
TRANSPORTATION FEE

REMITTANCE FOR AGGREGATE OR GOODS TRANSPORTED

BETWEEN _____ and _____, 20 _____

COMPLETE ONE FORM FOR EACH ROUTE OF TRAVEL

Licence No. _____

Location: _____

COMPANY NAME			
P.O. BOX/STREET		CITY/TOWN	
POSTAL CODE		CONTACT PERSON	
PHONE		EMAIL	

TOTAL NUMBER OF CUBIC YARDS OR TONNES TO BE TRANSPORTED ON MUNICIPAL ROADS:
_____ yards OR tonnes _____.

Calculate payment in either Tonnes (t) or Cubic Meters (m³).
(1 Cubic Yard x 1.35 = Tonnes) or (1 Cubic Yard x .764 = Cubic Meters).

TABLE A – FEES FOR TRANSPORTATION OF AGGREGATE/GOODS

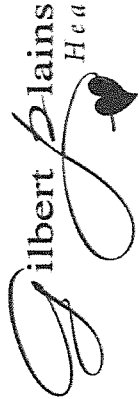
PERIOD TRANSPORTED	AMOUNT TRANSPORTED (a)	RATE OF PAYMENT (b)	AMOUNT (\$) (a) x (b)
January, February and December	Tonnes =	\$0.0330	
	Cubic Meters (m³) =	\$0.0580	
March to the end of November	Tonnes =	\$0.0662	
	Cubic Meters (m³) =	\$0.1158	
Total \$ amount (to be moved to Table “B”)			

TABLE B – CALCULATION OF FEES FOR KILOMETRES TRAVELLED ON MUNICIPAL ROADS

		TOTAL PAYABLE
Total amount from Table A	\$	
Number of kilometers travelled	kms	
Total amount payable to the Municipality (\$ x kms.)		

UPON COMPLETION, THIS FORM TOGETHER WITH PAYMENT IN THE TOTAL AMOUNT FROM TABLE “B” IS TO BE REMITTED TO:

Gilbert Plains Municipality
Box 220, 201 Main Street N
Gilbert Plains, Manitoba, R0L 0X0



Schedule “C”
NOTICE OF VIOLATION

To: _____
(Name of Owner/Company)

(Name of Vehicle Operator)

(Address)

TAKE NOTICE THAT the vehicle operator as described above is in violation of the By-Law No. 2024-001, of the Gilbert Plains Municipality and has caused excessive damages to the road as described within the information provided below during the time set for Road Restrictions and/or closure within the boundaries of the Gilbert Plains Municipality.

THIS IS TO SERVE AS YOUR VIOLATION AND OFFENCE

Date of Violation: _____
Time of Violation: _____
Type of Vehicle: _____
Licence Plate #: _____
Color of Vehicle: _____
Color of Trailer, if applicable: _____
Legal Description of the Road: _____

THE EXCESSIVE DAMAGES TO THE MUNICIPAL ROAD WAS ASSESSED AS FOLLOWS:

	Description of Repairs	Rate	Total
1	Administration Fee	\$25.00	\$25.00
2	Blading		
3	Gravel		
4	Other		
Penalty			
Total cost of repairs			
Total cost owed to the Municipality			

DATED this _____ day of _____,

_____, CAO