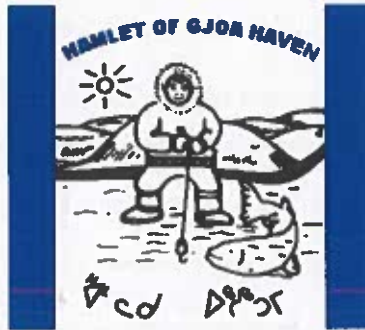




**HAMLET OF GJOA HAVEN
BYLAW 246**

A By-law of The Municipal Corporation of the Hamlet of Gjoa Haven in Nunavut for the establishment, operation, maintenance, and restoration of municipal quarries, pursuant to Subsection 14.1.1(d) of the Nunavut Land Claims Agreement and the provisions of the Hamlets Act, R.S.N.W.T., 1988, c. H-1, as amended from time to time.

NOW, THEREFORE, THE COUNCIL OF THE MUNICIPAL COPORATION OF THE HAMLET OF GJOA HAVEN, at a duly assembled meeting, enacts as follows:

SHORT TITLE

1. This By-law may be cited as the **"Quarry Permitting Bylaw"**.

INTERPRETATION

2. In this By-law:

"arrears" means any monies owing to the *Hamlet* by the applicant(s) or permittee(s) for land rental or municipal services, which includes garbage collection and water/sewer accounts.

"council" means the council of the Municipal Corporation of the Hamlet of Gjoa Haven.

"crushed material" means crushed stone or rocks, excluding minerals and carving stone, that was broken down to the desired size using a crusher machine.

"Hamlet" means The Municipal Corporation of the Hamlet of Gjoa Haven.

"individual" means a human being.

"non-profit society" means a club, society or association operated solely for social welfare, civic improvement, pleasure or recreation, or any other purpose except profit

and complies, and is in good standing with, the Societies Act.

"other material"	means all other types of granular material other than <i>crushed material</i> or <i>unprocessed material</i> , but does not include minerals or carving stone.
"permittee"	means a person who is given a permit or other official authorization to do something.
"quarry"	means a <i>quarry</i> as defined in Subsection 53.8.(1) of the Hamlet's Act as may be amended from time to time.
"quarry material"	means all granular material defined in crushed material, other material, and unprocessed material.
"quarry permit"	means a permit issued by the <i>Hamlet</i> to a <i>permittee</i> for quarrying and removal of a specific quantity of quarry material within a specified time.
"rates"	means charges for services or material provided as set out in Appendix A .
"religious organization"	means an organization or entity that manages the upkeep of places of worship, such as mosques, churches, temples, synagogues, chapels and other similar places, and payment of salaries to religious leaders.
"CAO"	means the Chief Administrative Officer of the <i>Hamlet</i> , their appointed officer, or such other <i>individual</i> as appointed under the Hamlets Act.
"unprocessed material"	means any aggregate material the <i>Hamlet</i> has not excavated, screened, processed, crushed, or stockpiled, but does not include minerals or carving stone.

GENERAL PROVISIONS

3. No *quarry material* shall be removed from a *quarry* without the consent of the *Hamlet* through the issuance of a *quarry permit*.
4. The Hamlet may choose to not to issue quarrying permits subject to availability of quarry material, and/or the Hamlet's capacity to produce material for sale.
5. Land leases granting exclusive rights to a *quarry* shall not be permitted.
6. Any *individual* may take, with written consent from the *Hamlet* and without a *quarrying permit* or payment of any fees or *rates*, not more than fifteen (15) cubic metres of *unprocessed* or *other material* in any given year from any *quarry* for their own use but not for barter or sale.
7. Stockpiling of *quarry material* within *quarry* sites shall be encouraged provided the stockpiling does not impede *quarry* operations or cause adverse environmental impacts. Stockpiling within *quarry* sites will be at the owner's risk.

8. If applicable, the *permittee* shall adhere to the *Hamlet's* dust management and spill contingency plans for *quarries*, which can be provided to the *permittee* upon request.

QUARRY INVENTORY

9. The *Hamlet* shall maintain an inventory of all *quarries* within the municipal boundary, which shall contain following information:
 - (a) The *quarry* description and location;
 - (b) If applicable, if a Quarry Administration Agreement is in place for that *quarry*;
 - (c) If the *quarry* is approved by the Nunavut Planning Commission, and if applicable, the Nunavut Impact Review Board;
 - (d) The estimated quantity and type of *quarry material* in the *quarry*;
 - (e) The total amount of *quarry material* removed or excavated from the *quarry*, including the amount removed for *Hamlet* purpose, such as road maintenance;
 - (f) The number of active *quarry permits* for that *quarry*.

QUARRY PERMITS

10. Upon signing a Quarry Administration Agreement with the Commissioner of Nunavut, or upon a *quarry* being surveyed and the *Hamlet* established as the fee simple title owner of the land, the *Hamlet* may issue *quarry permits* for the use of a *quarry*.
11. Applications for *quarry permits* shall be in the form set out in **Appendix B**. *Council*, *CAO*, or their appointed officer, may approve the application, subject to the following:
 - (a) The application is completed in its entirety by the applicant;
 - (b) Unless a waiver is given by *council* or the *CAO*, the applicant pays all *arrears* owing to the *Hamlet* for any lots or land they lease from the *Hamlet*;
 - (c) The applicant pays the application fee set out in **Appendix A**; and
 - (d) The applicant provides *council* or the *CAO*, any other relevant information that is requested.
12. *Quarry permits* shall be in the form set out in **Appendix C**. *Council*, in their discretion, may modify a *quarry permit* terms or conditions as circumstance dictates.
13. *Quarry permits* expire when the quantity of *quarry material* specified in the permit has been quarried, removed, or stockpiled, or on the day specified in the permit, whichever occurs first.
14. The term for *quarry permits* shall be one (1) year, unless otherwise determined by *council* or the *CAO*.
15. *Quarry permits* shall contain a provision stating the *permittee* shall provide to the *Hamlet*, at least forty-eight (48) hours' notice, prior to the commencement of the *quarry* operation, the following information:
 - (a) Person(s) in charge of the field operation to whom notices, order, and reports may be served;
 - (b) The estimated amount of *quarry material* being extracted that day or days in cubic metres;
 - (c) The estimated time to complete the extraction of *quarry material*;
 - (d) If applicable, the stockpiling location of the *quarry material*.

16. *Quarry permits* do not grant the permittee any exclusive right or leasehold interest in the *quarry*.
17. *Quarry permits* are not transferable and any transfer of it is of no effect.

QUARRY RATES AND FEES

18. The *rates* and fees charged for *quarry material* are set out in **Appendix A**, and shall be based upon the cost of development, operation, maintenance, legal surveying, administration, and restoration of *quarries*.
19. All charges for *quarry material* are due and payable no later than thirty (30) days after the commencement date of the *quarry permit*.
20. All *rates* are subject to applicable federal and territorial taxes.
21. The *Hamlet* is exempt from paying the *rates* and fees set out in **Appendix A**.
22. *Council* may waive the *rates* and fees set out in **Appendix A** for a *non-profit society* or a *religious organization*, provided the *quarry material* is being used in the best interest of the public.
23. If the *Hamlet*, who has a Quarry Administration Agreement with the Commissioner of Nunavut, wishes to charge additional *rates* and fees from the fees set out in the Commissioner Land Regulations, the *Hamlet* shall ensure those additional *rates* and fees comply with the Commissioner's Land Regulations, as amended from time to time.

REFUNDS

24. The *Hamlet* may issue a refund for a portion of the *quarry permit* payments, excluding application fees, if;
 - (a) The *permittee* is in compliance with the terms and conditions of the *quarry permit*;
 - (b) The *permittee* has no *arrears* owing to the *Hamlet* for any lots or land they lease from the *Hamlet*; and
 - (c) The *permittee* did not extract or remove the total amount of *quarry material* stated in the *quarry permit*.

QUARRY REVENUES

25. All revenue collected from quarry permits, excluding royalties if applicable, shall be placed into a quarry reserve fund, and shall be used for the sole purpose of quarry development, operation, maintenance, administration, and restoration.

BY-LAW ADMINISTRATION

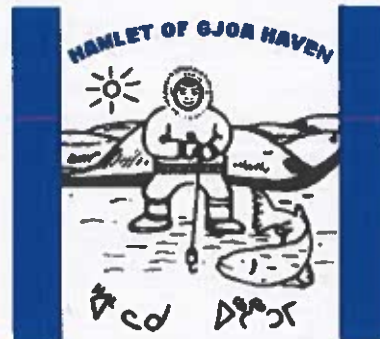
26. *Council*, by resolution, may make changes to the Appendices without amending this By-law, provided

APPENDIX B - QUARRY PERMIT APPLICATION FORM

HAMLET OF GJOA HAVEN BY-LAW XXX

Quarry Permit Application

By submitting a quarry permit application, you are applying to remove granular material from a Hamlet of Gjoa Haven quarry or a quarry that operates under a Quarry Administration Agreement, pursuant to the *Quarry By-law and/or Quarry Administration Agreement*. **Note:** Quarry permit applications may be subject to review and/or screening by the Nunavut Planning Commission and/or the Nunavut Impact Review Board.

**1. Applicant Information**

Legal Name (Applicant Name/Company Name)
Mailing Address
Contact Name
Phone Number
Email

2. Description of Lands

Location or Legal Description of Proposed Quarry Activities
Sketch Plan
Please attach a sketch plan to this application form that shows the following details: • GPS coordinates • Boundary of the proposed quarry activities on satellite imagery

3. Proposed Quarry Activities

Amount of Material Requested (cubic metres)	
Type of Material Requested	
Proposed Use of Material (e.g., gravel pad)	
Proposed Operating Dates	
Start Date: _____	End Date: _____
Will the applicant haul material from the quarry?	
☐ Yes ☐ No If no, name of the contractor: _____	

4. Fee Calculator

Fee Type	Rate	Fees for Amount of Material Requested
Permit Fee	\$250	\$ _____
Pit-run material to quarry	\$75/ m ³	\$ _____
	TOTAL	\$ _____

5. Applicant Signature

I, _____, certify that the information provided in this form is true and correct.	
_____ Signature	_____ Date

APPENDIX C - QUARRY PERMIT TEMPLATE

HAMLET OF GJOA HAVEN BY-LAW 246

Quarry Permit



Quarry Permit # _____

THE MUNICIPAL CORPORATION OF THE HAMLET OF GJOA HAVEN (Hereafter called the "Hamlet"), being or entitled to be registered owner of an estate in fee simple, or been issued Quarry Administration Agreement from the Commissioner of Nunavut, of and in the following lands:

(LEGAL DESCRIPTION)
(hereafter called the "Land")

Authorizes **(PERMITTEE NAME)** (Hereafter called the "Permittee") to excavate **(GRAVEL AMOUNT)** cubic metres of **(TYPE OF AGGREGATE)** from the Land, subject to any implied covenants and powers and following terms and conditions, and any terms, conditions or reservations provided or implied by law.

This permit commences at 12:00AM the 1st day of **(MONTH, YEAR)** and ends at 11:59 the 30th day of **(MONTH, YEAR)** or when the quantity of material specified in this permit has been excavated or removed, whichever is sooner.

The Permittee shall pay the Hamlet in full **(GRAVEL COST)** for the quarry material, plus a non-refundable permit fee of **(FEE AMOUNT)** within thirty (30) days from date of commencement of this permit.

Permittee(s) address:

(ADDRESS)

Hamlet's address:

Hamlet of Gjoa Haven
P.O. Box 200
Gjoa Haven, Nunavut
X0C 1J0
ATTN: Chief Administrative Officer

Dated at the Hamlet of Gjoa Haven in Nunavut this ____ day of _____, 202__.

THE MUNICIPAL CORPORATION OF THE HAMLET OF GJOA HAVEN

Per: _____
Chief Administrative Officer

**CONDITIONS ANNEXED TO AND FORMING PART OF
QUARRY PERMIT NO: _____**

GENERAL

1. The **Permittee** shall always have a copy of this permit on the site of operation.
2. This permit does not grant to the **Permittee** any exclusive right or leasehold interest in the **Land**.
3. This permit is not assignable and any assignment of it is of no effect.
4. All quarrying under this permit shall be carried out in accordance with the *MINE HEALTH AND SAFETY ACT*, where that Act applies.
5. Refunds for quarry permit payments are subject to the **Hamlet's** Quarry By-law, as amended.

LOCATION AND AREA

6. The **Permittee** shall only conduct quarry operations within the **Land**, unless otherwise approved in writing by the **Hamlet**.

PAYMENT

7. The **Permittee** shall not commence quarry operations on the **Land** until the **Hamlet** has been paid in full for the quarry material.

NOTICE AND INFORMATION REQUIREMENTS

8. The **Permittee** shall provide to the **Hamlet** at least forty-eight (48) hours prior to commencement of the quarry operation the following information:
 - i. Person(s) in charge of the field operations to whom notices, order and reports may be served;
 - ii. The estimated amount of quarry material being extracted that day or days in cubic meters;
 - iii. The estimated timeline to complete extraction of the quarry material;
 - iv. If applicable, the stockpiling location of the quarry material; or
 - v. Any other relevant information requested by the **Hamlet**.

METHODS AND TECHNIQUES

9. The **Permittee** shall slope the sides of excavations and embankments except in solid rock to 2:1 (two horizontal to one vertical) unless approved in writing by a land use inspector.
10. If applicable, the **Permittee** shall conduct quarry operations in accordance with the Dust Management Plan established by the **Hamlet**. Copies of the Dust Management Plan can be provided upon request during regular business hours.
11. The **Permittee** may only excavate and stockpile in designated areas.
12. The **Permittee** shall adopt such measures as required to control erosion by surface disturbance.
13. The **Permittee** shall not move any equipment or vehicles unless the ground is in a state capable of fully supporting the equipment or vehicles without rutting or gouging.
14. The **Permittee** shall keep all garbage and debris in a covered container until disposed of in a designated solid waste site or facility.
15. The **Permittee** shall ensure that the quarry area is always kept clean and tidy.

WATERBODIES AND WILDLIFE

16. The **Permittee** shall not obstruct natural drainage to any part of the quarry operation or development including the access road and overburden stockpiles.
17. The **Permittee** shall not excavate or conduct quarry operations within thirty-one (31) meters (101.706 feet) from the ordinary high-water mark of any waterbody, unless authorized by the governing authority.
18. The construction or disturbance of any stream/lakebed or banks of any definable watercourse are not permitted unless authorized by the governing authority.
19. The **Permittee** shall not deposit or permit the deposit of sediment into any water body.
20. The **Permittee** shall not remove any material from below the ordinary high-water mark of any stream and/or water body.
21. The **Permittee** shall not conduct quarrying operations that would result in the harmful alteration, disruption, or destruction of fish habitats, as outlined in Section 35 of the *Fisheries Act*. No construction or disturbance of any stream, lakebed, banks, or waterbodies is permitted unless authorized by the Department of Fisheries and Oceans.
22. The **Permittee** shall ensure compliance with Section 36 of the *Fisheries Act* which requires that no person shall deposit or permit the deposit of a deleterious substance of any type in water frequented by fish or in any place under any conditions where the deleterious substance may enter such a waterbody.
23. The **Permittee** shall not obstruct the movement of fish while conducting the quarry operation.
24. The **Permittee** shall ensure that there is no damage to wildlife habitats during the quarry operation.
25. The **Permittee** shall maintain a two-hundred fifty (250) meter (820.21 feet) buffer between quarry operations and any known environmentally sensitive areas (denning, nesting, etc.).
26. The **Permittee** shall make all efforts to minimize harassment to wildlife during quarry operations.

FUELS, CHEMICALS, OR TOXIC MATERIAL

27. The **Permittee** shall ensure that any chemicals, fuels, or wastes associated with the project do not spread to the surrounding lands or enter any water body.
28. The **Permittee** shall not place any petroleum fuel storage or chemical containers within thirty-one (31) meters (101.706 feet) of the ordinary high-water mark of any water body.
29. The **Permittee** shall monitor all connections between fuelling vehicles and fuel source during fuelling to ensure there is no overflow and spillage.
30. The **Permittee** shall report in writing to the **Hamlet**, the location and quantity of all petroleum fuel caches ten (10) days prior to the establishment of any such caches.
31. The **Permittee** shall seal all container outlets except the outlet currently in use.
32. The **Permittee** shall mark all fuel containers with the **Permittee's** name.
33. If applicable, the **Permittee** shall follow the procedures outlined in the **Hamlet** Spill Contingency Plan. Copies of the Spill Contingency Plan can be provided upon request during regular business hours.

ARCHAEOLOGICAL OR PALAEOLOGICAL SITES

34. Where, during quarry operations, a suspected archaeological or paleontological site such as specimens, burial grounds, graves, fossils, or other similarly protected sites in the *Nunavut Archaeological and Paleontological Sites Regulations* and the *Historical Resources Act* is unearthed, discovered, or disturbed, the **Permittee** shall immediately:
 - i. Suspend all activity impacting the site in question;
 - ii. Notify the Department of Culture and Heritage by telephone at (867) 975-5500 or (867) 934-2040 and provide all requested information; and
 - iii. If applicable, follow the direction provided by the Department of Culture and Heritage in restoring the archaeological or paleontological site(s) to an acceptable condition.
35. If quarry operations are suspended due to the discovery of an archaeological or paleontological site, the **Permittee** shall not be permitted to resume quarry operations unless authorized by the Department of Culture and Heritage.
36. The **Permittee** shall not operate any vehicle over a known or suspected archaeological or paleontological site.
37. The **Permittee** shall not remove, disturb, or displace any archaeological or paleontological site, or any fossil or paleontological site.
38. The **Permittee** shall make reasonable efforts to ensure all persons working under the Permittees authority are aware of any conditions concerning archaeological sites and artifacts and paleontological sites and fossils.
39. If a list of recorded archaeological and/or paleontological sites is provided to the **Permittee** by the Department of Culture and Heritage, or the **Hamlet**, the **Permittee** shall avoid the archaeological and/or paleontological sites listed.
40. The **Hamlet** shall not be responsible for a loss in revenue because of the suspension of activity imposed on the **Permittee** due to the discovery of an archaeological or paleontological site.

WASTE AND RECLAMATION

41. The **Permittee** shall inform the **Hamlet** at least ten (10) days prior to the completion of the quarry operation of:
 - i. the plan for removal of equipment and materials; and
 - ii. when final clean-up and restoration of the land will be completed.
42. The **Permittee** shall remove all scrap metal, discarded machinery parts, barrels and kegs, buildings, building materials, fuel, and equipment upon completion of the quarry operation or on the expiry date of this permit.
43. The **Permittee** shall remove all garbage and debris produced from the quarry operation area and discard them into a designed waste disposal site.
44. The **Permittee** shall complete all clean-up and restoration of the lands affected by this quarry operation shortly thereafter of the operation or on the expiry date of this permit.
45. The obligation of the **Permittee** with respect to clean-up and restoration of the area of quarrying does not cease until the **Permittee** is in possession of a letter of clearance or an electronic transmittal confirming satisfactory clean-up and restoration, from the **Hamlet**.

APPENDIX A - QUARRY RATES AND FEES

HAMLET OF GJOA HAVEN BY-LAW 246

1. APPLICATION FEE:

- a) Quarry Permit Application Fee: \$250

2. QUARRIED MATERIAL RATES based on volume of pit run processed:

- a) Pit Run \$75.00 per cubic metre

Contractors may request to have pit run delivered @ \$85 per cubic metre

that the changes do not contravene the intent of this By-law.

27. Council authorizes the CAO or their appointed officer to approve or reject *quarry permit* applications provided the application follows the provisions of this By-law and any other relevant *Hamlet By-law*.
28. The CAO or their appointed officer shall report to *council*, as soon as reasonably possible, any applications that were approved or rejected and the reason for the decision.
29. Council reserves the right to overrule any decision made by the CAO or their appointed officer related to the provisions of this By-law.

APPENDICES

30. The following appendices shall form part of this By-law:

- Appendix A Quarry Rates and Fees
- Appendix B Quarry Permit Application Form
- Appendix C Quarry Permit Template

Read a first time this 20th day of May, 2025.

Ryan O'Connell
Mayor

J. Walecki
Chief Administrative Officer

Read a second time this 27th day of May, 2025.

Ryan O'Connell
Mayor

J. Walecki
Chief Administrative Officer

Read a third time and passed this 27th day of May, 2025.

Ryan O'Connell
Mayor

J. Walecki
Chief Administrative Officer

