

# BYLAW NO 1623-19

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**A BYLAW OF THE COUNTY OF STETTLER NO. 6, IN THE PROVINCE OF ALBERTA, TO AUTHORIZE THE IMPOSITION OF A COMMUNITY AGGREGATE PAYMENT LEVY.**

**WHEREAS** the Municipal Government Act, Part 10, Division 7.1, authorizes a Municipal Council to pass a community aggregate payment levy bylaw to impose a levy in respect of all sand and gravel businesses operating in the municipality to raise revenue to be used toward the payment of infrastructure and other costs in the municipality;

**AND WHEREAS** Alberta Regulation 263/2005 made pursuant to the Municipal Government Act, section 409.3, applies to all municipalities that have passed a community aggregate payment levy bylaw;

**AND WHEREAS** the Council of the County of Stettler has determined that it is in the best interest of the County of Stettler to pass a community aggregate payment levy bylaw;

**NOW THEREFORE** be it resolved that the Council of County of Stettler, in the Province of Alberta, duly assembled, enacts as follows:

## **1. Interpretation**

In this Bylaw:

- 1.1. "Aggregate" means any sand or gravel that is excavated from a pit, whether in a processed or unprocessed form;
- 1.2. "Crown" means the Crown in right of Alberta or Canada;
- 1.3. "Levy" means community aggregate payment levy;
- 1.4. "Peace Officer" means a person employed for the purposes of preserving and maintaining the public peace;
- 1.5. "Pit" means any duly constituted opening, excavation or working of the surface or subsurface made for the purpose of removing sand or gravel, and includes any associated infrastructure, but does not include a mine or quarry;
- 1.6. "Sand and gravel operator" means a person duly engaged in extracting sand and gravel for shipment;
- 1.7. "Shipment" means a quantity of sand and gravel duly hauled from the pit from which it was extracted.

## **2. Reporting of Shipments**

- 2.1. All sand and gravel operators in the County of Stettler shall report their shipments, in tonnes, from each individual pit within the boundaries of the County of Stettler, on a quarterly basis, within thirty (30) days after March 31, June 30, September 30 and December 31 of each year, on the form attached as Schedule "A" to this bylaw.

## **3. Levy Notices and Payments**

- 3.1. The County of Stettler shall send out community aggregate payment levy notices within forty five (45) days of March 31, June 30, September 30 and December 31 in each calendar year setting out the amount of the Levy payable by the Operator.

- 3.2. The levy shown on a levy notice shall be paid to the County of Stettler by the operator within thirty (30) days of the date of issuance of the levy notice.

#### **4. Sand and Gravel Shipped Tonnage Roll**

- 4.1. The County of Stettler shall record the tonnage of sand and gravel in a sand and gravel operator's shipment on a sand and gravel shipped tonnage roll based on the tonnage of sand and gravel in an operator's shipment, as reported by the operator.

#### **5. Uniform Levy Rate**

- 5.1. The levy rate to be applied throughout the County of Stettler in calculating the amount of the levy is \$ 0.40 per tonne of sand and gravel.

#### **6. Uniform Conversion Rate**

- 6.1. Where a sand and gravel operator is unable to provide a measurement of weight for the amount of sand and gravel in a shipment, the sand and gravel operator must use the following conversion rates to report shipments in tonnes:

- 6.1.1. 1 cubic metre = 1.365 tonnes, for sand; and

- 6.1.2. 1 cubic metre = 1.632 tonnes, for gravel;

- 6.1.3. where 1 cubic metre = 1.308 cubic yards

#### **7. Amount of Levy**

- 7.1. The amount of levy to be imposed in respect of a sand and gravel operator is calculated by multiplying the number of tonnes of sand and gravel recorded on the sand and gravel shipped tonnage roll for that sand and gravel operator for the reporting period by the levy rate.

#### **8. Exemptions from Levy**

- 8.1. No levy may be imposed on the following classes of shipments of sand and gravel:
  - 8.1.1. a shipment from a pit owned or leased by the Crown for a use or project that is being undertaken by or on behalf of the Crown;
  - 8.1.2. a shipment from a pit owned or leased by a municipality for a use or project that is being undertaken by or on behalf of a municipality;
- 8.2. No levy may be imposed on shipments of sand and gravel that are subject to another tax, levy or payment that is established by and payable to a municipality.
- 8.3. No levy may be imposed on shipments of sand and gravel that are required pursuant to a road use agreement or a development agreement for construction, repair or maintenance of roads identified in the agreement, that is necessary to provide access to the pit from which the sand and gravel is extracted.

#### **9. Person Liable to Pay Levy**

- 9.1. A person who purchases a sand and gravel business or in any other manner becomes liable to be shown on the sand and gravel shipped tonnage roll as liable to pay a levy must give the County of Stettler written notice of a mailing address to which notices under the Municipal Government Act, Part 10, Division 7.1, may be sent.

**10. Penalties**

- 10.1. Where the levy imposed under a community aggregate payment levy notice is not paid within the time limit set out in section 3.2, the County of Stettler may impose a late payment penalty in addition to the principal amount owing under the specific community aggregate payment levy notice, as set out at Schedule “B”.
- 10.2. The County Chief Administrative Officer or designate may waive, cancel or adjust a late payment penalty applied to an account in accordance with Section 10.1.

**11. Enforcement**

- 11.1. Any sand and gravel operator that fails to comply with the requirement of this bylaw is guilty of an offence and is liable, upon summary conviction, to a fine as set out in Schedule “C” of this bylaw.
- 11.2. Where a peace officer has reasonable grounds to believe that an offence has been committed under this bylaw, the peace officer may issue a Violation Ticket to that sand and gravel operator, pursuant to Part II of the Provincial Offences Procedures Act, RSA 2000 c.P-34, as amended or repealed and replaced from time to time.
- 11.3. Where a Violation Ticket has been issued to a sand and gravel operator under this bylaw, that Operator may enter a plea of guilt by making a voluntary payment in the amount shown on the ticket to a Provincial Court Office. The recording of the payment by the Clerk of the Court is an acceptance of the guilty plea and constitutes a conviction.

**12. Miscellaneous**

- 12.1. This Bylaw comes into effect January 1, 2020.

**READ A FIRST TIME** this 6<sup>th</sup> day of November, 2019 A.D. on a motion of Councillor Nixon.  
Carried.

**READ A SECOND TIME** this \_\_\_<sup>th</sup> day \_\_\_\_\_, 2019 A.D. on a motion of Councillor \_\_\_\_\_.  
Carried.

**MOVED BY** Councillor \_\_\_\_\_ that Bylaw 1623-19 be given 3<sup>rd</sup> reading at this time.  
Carried Unanimously

**READ A THIRD TIME** this \_\_\_<sup>th</sup> day \_\_\_\_\_, 2019 A.D. on a motion of Councillor \_\_\_\_\_.  
Carried.

**DATED** this \_\_\_<sup>th</sup> day \_\_\_\_\_, 2019 of A.D.

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Chief Administrative Officer

## CAP Levy Bylaw Schedule A

### *Sand and Gravel Shipments Quarterly Report*

This report must be received by the County of Stettler within thirty (30) days from the last day of the reporting period. Operators must report shipments for the periods ending March 31, June 30, September 30 and December 31. A separate report must be submitted for each pit from which an operator has shipped sand or gravel in the reporting period.

**Pit**

Legal Land Location \_\_\_\_\_  
This report is for the period ending \_\_\_\_\_

**Pit Operator**

Company Name \_\_\_\_\_  
Contact Person \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
Phone Number \_\_\_\_\_  
Fax Number \_\_\_\_\_  
Email Address \_\_\_\_\_

**Land Owner (if different from operator)**

Name \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
Phone Number \_\_\_\_\_  
Fax Number \_\_\_\_\_  
Email Address \_\_\_\_\_

**Tonnage**

A. Total sand and gravel shipped from this pit in the reporting period	tonnes
B. Total sand and gravel shipped from this pit to the Government of Alberta or a municipality (applicable only if the pit is owned or leased by the Crown or a municipality).	tonnes
C. Total sand and gravel shipped from this pit for the construction, repair, or maintenance of access roads to this pit in accordance with a Road Use Agreement or development agreement.	tonnes
D. Total exempted sand and gravel (Add B+C)	tonnes
E. Total shipments subject to the Community Aggregate Payment Levy (Subtract A-D)	tonnes

The weight of sand and gravel in individual shipments may be estimated by volume if weigh scales are unavailable. The conversion rates to be used in estimating the tonnage are as follows:

- 1 cubic metre = 1.365 tonnes, for sand
- 1 cubic metre = 1.632 tonnes, for gravel
- where 1 cubic metre = 1.308 cubic yards

## **Schedule B**

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### *Late Payments and Penalties*

A penalty of two percent (2%) per month shall be added to any levy that remains unpaid thirty (30) days after the date of issuance of a levy notice.

## Schedule C

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### *Fines*

#### Section 2.1 – Failure to report shipments

First Offense.....	\$500.00
Second offence within a twelve (12) month period .....	\$1,000.00
Third and subsequent offences within a twelve (12) month period .....	\$10,000.00