

BYLAW NO 1655-21

A BYLAW OF THE COUNTY OF STETTLE 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 the Community Aggregate Payment Levy Regulation, AR 263/2005 applies to all municipalities that have passed a community aggregate payment levy bylaw;

AND WHEREAS the Council of the County of Stettler No. 6 has determined that it is in the best interest of the County of Stettler No. 6 to pass a community aggregate payment levy bylaw;

NOW THEREFORE be it resolved that the Council of County of Stettler No. 6, in the Province of Alberta, duly assembled, enacts as follows:

1. Interpretation

In this Bylaw:

- 1.1. "County" means the County of Stettler No. 6;
- 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. "Person" includes any individual, firm, partnership or body corporate;
- 1.6. "Sand and gravel operator" means a person 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 shall report their shipments, in tonnes, from each individual pit within the boundaries of the County, on a quarterly basis, within thirty 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 shall send out community aggregate payment levy notices within forty five 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 sand and gravel operator.

3.2. The levy shown on a levy notice shall be paid to the County by the operator within thirty days of the date on the levy notice.

4. Sand and Gravel Shipped Tonnage Roll

4.1 The County 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 sand and gravel operator.

5. Uniform Levy Rate

5.1 The levy rate to be applied throughout the County 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;

where 1 cubic metre is equal to 1.308 cubic yards

7 Amount of Levy

7.1 The amount of levy to be imposed on a sand and gravel operator shall be 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; or

8.1.3 a shipment from a pit owner or lease by the Crown or a municipality for a use or project that is being undertaken by or on behalf of the Crown or 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 written notice of a mailing address to which notices under Division 7.1 of Part 10 of the Municipal Government Act may be sent.

10 Late Reporting Surcharge

10.1 In addition to any other remedy under this Bylaw, if a sand and gravel operator fails to report their shipments in the timeframe set out in section 2 of this Bylaw, the County may impose a late reporting surcharge, in addition to the principal amount owing under the levy notice as set out in Schedule “B”.

10.2 The County shall send out the levy notice within thirty days of receipt of the sand and gravel operator’s late report setting out the levy payable by the sand and gravel operator, including any late reporting surcharge imposed.

10.3 The amount shown on the levy notice shall be paid to the County within thirty days of the date on the notice.

10.4 At the request of a sand and gravel operator, the County’s Chief Administrative Officer or delegate may, in their sole discretion, waive, cancel or adjust a late reporting surcharge if it is fair and equitable to do so. This decision is not appealable.

11 Late Payment Penalty

11.1 Where the levy imposed under the levy notice or the amended levy notice is not paid within thirty days of the date on the notice, the County 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”.

11.2 At the request of a sand and gravel operator, Council may, in their sole discretion, cancel, reduce, refund or defer a late payment penalty in accordance with the Municipal Government Act. This decision is not appealable.

12 Inspection and Production of Records

12.1 For the purposes of determining compliance with this Bylaw, a designated officer of the County may, after providing reasonable notice to the sand and gravel operator, enter on the lands where the pit is located including any structures, at any reasonable time for the purpose of inspecting the sand and gravel operations, including any shipments.

12.2 During an inspection under section 12.1, or at any other time, a designated officer of the County may request the sand and gravel operator to produce any and all records relating to shipments of sand and gravel from the sand and operator’s operations so that the County may determine whether the operator is or has been in compliance with the Bylaw.

12.3 During an inspection, or at any other time, a designated officer of the County may request a sand and gravel operator to make copies of any record referred to in section 12.2 or the designated officer may make copies.

12.4 If following an inspection, or a review of the shipment records provided by the sand and gravel operator, or both, it is discovered that there is an error, omission, or incorrect description with respect to any of the information shown on a sand and gravel shipped tonnage roll, the County may correct the sand and gravel shipped tonnage roll, and, if applicable, issue an amended levy notice to account for the difference between actual

shipments during the reporting period and the shipments initially reported by the sand and gravel operator.

12.5 The amount shown on the amended levy notice shall be paid to the County within thirty days of the date of on the amended levy notice.

12.6 Sand and gravel operators must maintain all records relating to shipments of sand and gravel from the sand and operator's operations for at least five years.

13 Enforcement

13.1 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 not less than the specified penalty established in Schedule "C" and not exceeding \$10,000.00.

13.2 Without restricting the generality of section 13.1, the fine amounts set out in Schedule "C" are established as specific penalties for use on a violation ticket if a voluntary payment option is offered.

13.3 A peace officer is authorized and empowered to issue a violation ticket pursuant to the *Provincial Offences Procedure Act* to any person who the peace officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

13.4 If a violation ticket is issued in respect of an offence, the violation ticket may:

13.4.1 state the specified penalty for the offence as set out in Schedule "C"; or

13.4.2 require the person to appear in Provincial Court without the alternative of making a voluntary payment.

13.5 Where a violation ticket has been issued to a person under this Bylaw, and where the violation ticket states a specified penalty established by this Bylaw for the offence as set out in Schedule "C", the person may make a voluntary payment by submitting to the Provincial Court, on or before the initial appearance date indicated on the violation ticket, the specified penalty as set out in the violation ticket and the recording of the payment by the Clerk of the Court constitutes acceptance of the guilty plea and also constitutes a conviction.

14 Corporations and Partnerships

14.1 Where a corporation commits an offence under this Bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.

14.2 If a partner in a partnership is guilty of an offence under this Bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

15 Miscellaneous

15.1 Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provision of this Bylaw shall remain valid and enforceable.

15.2 Bylaw 1623-19 is hereby repealed.

15.3 This Bylaw shall come into force and effect when it has received third reading and has been duly signed.

READ A FIRST TIME this 10th day of March, 2021 A.D. on a Motion of Councillor Nixon.
Carried Unanimously

READ A SECOND TIME this 14th day of April, 2021 A.D. on a Motion of Councillor Nixon.
Carried Unanimously

READ A THIRD TIME this 14th day of April, 2021 A.D. on a Motion of Councillor Nibourg.
Carried Unanimously

DATED this 14th day of April, 2021.

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 fifteen days from the last day of the reporting period (March 31, June 30, September 30 and December 31). A separate report must be submitted for each pit from which a sand and gravel operator has shipped sand or gravel in the reporting period. Reports should be legible and accurate.

Pit

Legal Land Location _____

This report is for the period ending _____

Sand and Gravel Operator

Company Name _____

Contact Person _____

Mailing Address _____

Phone Number _____

Email Address _____

I confirm the County may send notices and communications pursuant to the CAP Levy Bylaw 1655-21 by email and an email will be deemed received 7 days from the date it is sent.

YES _____ NO _____ SIGNATURE _____

Land Owner (if different from operator)

Name _____

Mailing Address _____

Phone Number _____

Email Address _____

A) Total sand and gravel that you shipped from this pit in this reporting period (tonnes) **TOTAL A** _____

B) Shipments Exempted from the CAP Levy

B1) Total sand and gravel that you shipped from this pit, pursuant to a road haul agreement or a development agreement for the construction, repair or maintenance of access roads to this pit (tonnes)

Complete sections B2 –B4 only if this pit is owned or leased by the Crown or a municipality

B2) Total sand and gravel that you shipped from this pit to a Crown projects in the reporting period (tonnes)

B3) Total sand and gravel that you shipped from this pit to a County project in the reporting period (tonnes)

B4) Total sand and gravel you shipped from this pit to projects of other municipalities (excluding the County) in the reporting period (tonnes)

Total Exempted Shipments (tonnes)

Add B1+B2+B3+B4

TOTAL B _____

SHIPMENTS SUBJECT TO CAP LEVY (tonnes)

TOTAL A minus TOTAL B _____

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"

Late Reporting Surcharge

A late reporting surcharge of \$100.00 may be added to any levy issued to a sand and gravel operator who fails to report their shipments in accordance with section 2 of the Bylaw.

Late Payment Penalty

A late penalty of 1.5% per month shall be added to any levy that remains unpaid more than thirty days after the date on the levy notice.

Late payment penalties will not be compounded during the year.

Schedule "C"

Fines

Section 2.1 – Failure to report shipments

First Offence	\$1,500.00
Second offence	\$2,500.00
Third and subsequent offences	\$5,000.00