



BYLAW 2021/20

BYLAW 2021/20 is a Bylaw of the County of Wetaskiwin No. 10 in the Province of Alberta, for the purpose to authorize the imposition of a Community Aggregate Payment Levy in respect of all sand and gravel businesses operating within the County of Wetaskiwin No. 10 to raise revenue to be used towards the payment of infrastructure and other costs in the municipality.

WHEREAS under the provisions of Part 10, Division 7.1 of the *Municipal Government Act*, 2000, Chapter M-26, and 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;

NOW THEREFORE the Council of the County of Wetaskiwin No. 10, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. That this Bylaw shall be known as "Community Aggregate Payment Levy Bylaw"
2. In this Bylaw:
 - 2.1 "Aggregate" means any sand or gravel that is excavated from a pit, whether in a processed or unprocessed form;
 - 2.2 "County" means the County of Wetaskiwin No. 10;
 - 2.3 "Crown" means the Crown in the right of Alberta or Canada;
 - 2.4 "Engaged" means to hire someone to perform a particular service "Levy" means community aggregate payment levy;
 - 2.5 "Peace Officer" means a member of the Royal Canadian Mounted Police, a Community Peace Officer appointed under the *Peace Officer Act*, or a Bylaw Enforcement Officer;
 - 2.6 "Personal use" means sand and gravel that is not sold or shipped for commercial purposes involving an exchange of compensation, monetary or otherwise;"
 - 2.7 "Pit" means any duly constituted opening, excavation or working of the surface or sub surface made for the purpose of removing sand or gravel, and includes any associated infrastructure, but does not include a mine of quarry;
 - 2.8 "Sand and gravel operator" means a person duly engaged in extracting sand and gravel for a shipment;
 - 2.9 "Shipment" means a quantity of sand and gravel duly hauled from the pit from which it is extracted;
 - 2.10 "Violation Ticket" means a ticket referred to in the *Provincial Offences Procedures Act*.
3. REPORTING OF SHIPMENTS
 - 3.1 All sand and gravel operations in the County shall report their shipments, in tonnes, from each individual pit within the boundaries of the County, on a quarterly basis, within fourteen (14) days after March 31, June 30, September 30 and December 31 of each year, on the form attached as Schedule "A" to this Bylaw.



4. LEVY NOTICES AND PAYMENT

- 4.1 The County shall send out community aggregate payment levy notices within thirty (30) days of March 31, June 30, September 30 and December 31 in each calendar year setting the amount of levy payable by the Operator;
- 4.2 The levy shown on a levy notice shall be paid to the County by the operator within thirty (30) days of the date of receipt of the levy notice.

5. SAND AND GRAVEL SHIPPED TONNAGE ROLL

- 5.1 The County shall record the tonnage of sand and gravel in an 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.

6. UNIFORM LEVY RATE

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

7. UNIFORM CONVERSION RATE

- 7.1 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 operator shall use the following conversion rates to report shipments in tonnes:
 - a. 1 cubic metre = 1.365 tonnes, for sand, and
 - b. 1 cubic metre = 1.632 tonnes, for gravel
 - c. where 1 cubic metre = 1.308 cubic yards

8. AMOUNT OF LEVY

- 8.1 The amount of levy to be imposed in respect of 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 operator for the reporting period by the levy rate.

9. EXEMPTIONS FROM LEVY

- 9.1 No levy may be imposed on the following classes of shipments of sand and gravel:
 - a. 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;
 - b. 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;
 - c. a shipment from a pit owned or leased by the Crown or municipality for a use or project that is being undertaken by or on behalf of the Crown or a municipality.
 - d. The sand and gravel is used for general maintenance of any internal haul yard or road utilized for the pit.
- 9.2 No levy shall be imposed on sand and gravel excavated for Personal Use, provided that:
 - a. a valid permit is obtained to perform excavation, as per the Land Use Bylaw;



- b. the sand and gravel pit and the property where the sand and gravel are being utilized must be owned by the same person; and
- c. No commercial sale of the sand and gravel is occurring.

10. PERSON LIABLE TO PAY LEVY

10.1 A person who purchases a sand or gravel business or in any other manner becomes liable to pay a levy shall give the County written notice of a mailing address to which notices under the *Municipal Government Act*, Part 10, Division 7.1, may be sent.

11. PENALTIES

11.1 Any person who contravenes or fails to comply with any provision of this Bylaw shall be liable upon conviction thereof to a penalty as identified in Schedule "B".

11.2 A Peace Officer, in lieu of proceeding with any punishment by way of prosecution for the contravention of this Bylaw may issue a violation ticket to any person alleged to have committed one or more breaches of this Bylaw.

11.3 The violation ticket shall state the alleged offence and require the forfeiture and payment of the appropriate fine as provided for in Schedule "B" attached hereto.

11.4 A violation ticket may be issued by personally servicing it upon the alleged offender or by sending it to the alleged offender by registered mail.

11.5 The levying and payment of any fine provided in the Bylaw shall not relieve a person from the necessity of paying any fee, charges, or costs for which he or she is liable under the provisions of this Bylaw.

12. SEVERABILITY

12.1 Should any provision of this Bylaw be declared invalid by a court of competent jurisdiction, then such provision shall be severed, and the remaining Bylaw shall be maintained.

13. REPEAL & EFFECTIVE DATE

13.1 This Bylaw shall repeal Bylaw 2014/47.

13.2 This Bylaw shall come into full force and effect April 1, 2021.

READ: First time this 23rd day of March, 2021

READ: A Second time this 23rd day of March, 2021

READ: A Third time and finally passed this 23rd day of March, 2021

Original Signed

REEVE

Original Signed

CHIEF ADMINISTRATIVE OFFICER



SCHEDULE A

SAND AND GRAVEL SHIPMENTS QUARTERLY REPORT

This report must be received by the County of Wetaskiwin within fourteen (14) days from the last day of the reporting period. A separate report must be submitted for each pit from which an operator has shipped sand or gravel in the reporting period.

Name of Operator	
Mailing Address of Operator	
Telephone Number	
E-Mail Address	
Location of Sand or Gravel Pit	
Reporting Period	
Name of Landowner	
Mailing Address of Owner	
Telephone Number	
E-Mail Address	
A. Total of Sand and Gravel Shipped from this Pit in the Reporting Period (tonnes) Enter TOTAL A	
TOTAL A	
B. Shipments Exempted from Community Aggregate Payment Levy Please complete Sections B1 and B4 only if this pit is:	
<ul style="list-style-type: none"> ▪ Owned by the Government of Alberta or a municipality, or ▪ Leased by the Government of Alberta or a municipality from another party 	
B.1 Total sand and gravel shipped from this pit pursuant to a road haul agreement or development agreement, for the construction, repair or maintenance of access roads to this pit (tonnes)	
B.2 Total sand and gravel shipped from this pit to Government of Alberta projects in the reporting period (tonnes)	
B.3 Total sand and gravel shipped from this pit to County projects in the reporting period (tonnes)	
B.4 Total sand and gravel shipped from this pit to other municipalities (excluding County) projects in the reporting period (tonnes)	
(B1+B2+B3+B4) Enter TOTAL B	
Shipments subject to Community Aggregate Payment Levy (tonnes) (TOTAL A-TOTAL B)	

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

- 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 A

PENALTIES

1. A penalty of \$2,000.00 (TWO THOUSAND) DOLLARS shall be levied against and paid by any person who commits a breach of any of the provisions of this Bylaw.
2. A penalty of \$5,000.00 (FIVE THOUSAND) DOLLARS shall be levied against and paid by any person who commits for a second time a breach of any of the provisions of this Bylaw provided the offence is committed within twelve (12) months of the commission of the first offence.
3. A penalty of \$10,000.00 (TEN THOUSAND) DOLLARS shall be levied against and paid by any person who commits a breach of any of the provisions of this Bylaw provided the offence is committed within twelve (12) months of the commission of the second offence.