

BY-LAW NUMBER 2014/47

BY-LAW NO. 2014/47 is a by-law of the County of Wetaskiwin No. 10 in the Province of Alberta, 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 under the authority of the Municipal Government Act the Council of the County of Wetaskiwin No. 10 in the Province of Alberta duly assembled, hereby enacts as follows:

- 1) This By-law may be cited as “Community Aggregate Payment Levy By-law”
- 2) In this By-law:
 - a) “Aggregate” means any sand or gravel that is excavated from a pit, whether in a processed or unprocessed form;
 - b) “County” means County of Wetaskiwin No. 10;
 - c) “Crown” means the Crown in the right of Alberta or Canada;
 - d) “Engaged” means to hire someone to perform a particular service
 - e) “Levy” means community aggregate payment levy;
 - f) “Peace Officer” means a member of the Royal Canadian Mounted Police, a Community Peace Officer appointed under the Peace Officer Act, or a By-law Enforcement Officer;
 - g) “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;
 - h) “Sand and gravel operator” means a person duly engaged in extracting sand and gravel for a shipment;
 - i) “Shipment” means a quantity of sand and gravel duly hauled from the pit from which it is extracted;
 - j) “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

a) 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;

b) 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 \$0.25 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:

1 cubic meter = 1.365 tonnes, for sand, and
1 cubic meter = 1.632 tonnes, for gravel
where 1 cubic meter = 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.

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

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

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.

- i) 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.
- c) The levying and payment of any fine provided in the By-law 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 By-law.

12) SEVERABILITY

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

13) REPEAL & EFFECTIVE DATE

- 13.1 This By-law hereby repeals By-law 2006/41
- 13.2 This By-law shall come into full force and effect upon third and final reading thereof.

READ: A First time this 16th day of December A.D., 2014

READ: A Second time this 16th day of December A.D., 2014

READ: A Third time and finally passed this 16th day of December A.D., 2014.

Original Signed

REEVE

Original Signed

CHIEF ADMINISTRATIVE OFFICER

COUNTY OF WETASKIWIN NO. 10

**COMMUNITY AGGREGATE PAYMENT LEVY BYLAW NO.
2014/47**

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	
Fax Number	
E-Mail Address	
Location of Sand or Gravel Pit	
Reporting Period	
Name of Owner of Parcel Where Pit is Located	
Mailing Address of Owner	
Telephone Number	
Fax Number	
E-Mail Address	
Total of Sand and Gravel Shipped from this Pit in the Reporting Period (tonnes) TOTAL A	
Shipments Exempted From Community Aggregate Payment Levy	
E1) Total sand and gravel that you 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)	
Please complete Sections E1 and E4 only if this pit is: Owned by the Government of Alberta or a municipality, or Leased by the Government of Alberta or a municipality from another party	
E2) Total sand and gravel that you shipped from this pit to Government of Alberta projects in the reporting period (tonnes)	
E3) Total sand and gravel that you shipped from this pit to County of Wetaskiwin projects in the reporting period (tonnes)	
E4) Total sand and gravel that you shipped from this pit to other municipalities (excluding County of Wetaskiwin) projects in the reporting period (tonnes)	
Total Exempted Shipments (Add E1 + E2 + E3 + E4) (tonnes) TOTAL B	
Total A minus Total B (This gives shipments subject to Community Aggregate Payment Levy (tonnes)	

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 meter = 1.365 tonnes for sand

1 cubic meter = 1.632 tonnes for gravel

where 1 cubic meter = 1.308 cubic yards

COUNTY OF WETASKIWIN NO. 10

**COMMUNITY AGGREGATE PAYMENT LEVY BYLAW NO.
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SCHEDULE "B"

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.