

BYLAW NO. 1261/17

A BYLAW OF LACOMBE COUNTY, 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 the Council of Lacombe County 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 Lacombe County has determined that it is in the best interest of Lacombe County to pass a community aggregate payment levy bylaw;

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

Interpretation

1. In this Bylaw:
 - a) "Aggregate" means any sand or gravel that is excavated from a pit, whether in a processed or unprocessed form;
 - b) "Crown" means the Crown in right of Alberta or Canada;
 - c) "Levy" means community aggregate payment levy;
 - d) "Peace Officer" means a person employed for the purposes of preserving and maintaining the public peace;
 - e) "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;
 - f) "Sand and gravel operator" means a person duly engaged in extracting sand and gravel for shipment;
 - g) "Shipment" means a quantity of sand and gravel duly hauled from the pit from which it was extracted.

Reporting of Shipments

Quarterly

2. All sand and gravel operators in Lacombe County shall report their shipments, in tonnes, from each individual pit within the boundaries of Lacombe County, 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.

Levy Notices and Payment

Quarterly

- 3.1 Lacombe County 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 Lacombe County by the operator within thirty (30) days of the date of issuance of the levy notice.

Sand and Gravel Shipped Tonnage Roll

4. Lacombe 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 operator.

Uniform Levy Rate

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

Uniform Conversion Rate

6. 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:

1 cubic metre = 1.365 tonnes, for sand; and

1 cubic metre = 1.632 tonnes, for gravel

where 1 cubic metre = 1.308 cubic yards

Amount of Levy

7. 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.

Exemptions from Levy

- 8.1 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;
- 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 haul 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.

Person Liable to Pay Levy

9. 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 Lacombe County written notice of a mailing address to which notices under the Municipal Government Act, Part 10, Division 7.1, may be sent.

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, Lacombe 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", as amended by resolution of Council from time to time.
- 10.2 The County Manager or designate may waive, cancel or adjust a late payment penalty applied to an account in accordance with Section 10.1.

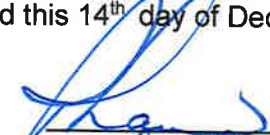
Enforcement

- 11.1 a) 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.
- b) Under no circumstances shall a sand and gravel operator convicted of an offence under this bylaw be subject to a penalty of imprisonment.
- 11.2 a) 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.
- b) 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.


Miscellaneous

12. This Bylaw will repeal Bylaw No. 1166/12 on July 1, 2018.
13. This Bylaw comes into effect as of July 1, 2018.

Received first and second readings, and by unanimous consent of the Councillors present, a third reading and finally passed this 14th day of December, A.D. 2017.



Paula Law
Reeve



Tim Timmons
County Manager

Schedule "A"

Sand and Gravel Shipments Quarterly/Monthly Report

This report must be received by Lacombe County within thirty (30) 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/Gravel Pit
 Reporting Period *[Enter quarter/month]*

Name of Owner of Parcel where Pit is Located
 Mailing Address of Owner of Parcel

Telephone Number
 Fax Number
 E-mail Address

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

Please complete sections E2 to 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 Lacombe County projects in the reporting period (tonnes)

E4) Total sand and gravel that you shipped from this pit to projects of other municipalities (excluding the Lacombe County) in the reporting period (tonnes)

Total Exempted Shipments [Add E1+E2+E3+E4] (tonnes)

TOTAL B → -

This gives the Shipments subject to Community Aggregate Payment Levy (tonnes)	TOTAL A minus TOTAL B =
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The weight of sand and gravel in individual shipments may be estimated 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 PAYMENT PENALTIES

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

SCHEDULE "C"

FINES

	<u>Penalties</u>	<u>Section</u>
Failure to report shipments	\$500	2.
Second or subsequent offence within a Twelve (12) month period	\$1,000	2.