

BYLAW 41-2009

A BYLAW OF STRATHCONA COUNTY IN THE PROVINCE OF ALBERTA, TO AUTHORIZE THE IMPOSITION OF A COMMUNITY AGGREGATE PAYMENT LEVY

WHEREAS the *Municipal Government Act*, RSA 2000, Chapter M-26, (hereinafter referred to as "the Act"), as amended, gives municipalities the ability to pass a community aggregate payment levy bylaw; and

WHEREAS the Act gives municipal councils the ability to raise revenue by imposing a levy on sand and gravel businesses operating in the municipality;

NOW THEREFORE, the Council of Strathcona County, duly assembled, hereby enacts as follows:

SECTION 1 – SHORT TITLE

- 1.1 This bylaw may be cited as Strathcona County's "Aggregate Levy Bylaw".

SECTION 2 – DEFINITIONS

- 2.1 "Aggregate" means any sand or gravel that is excavated from a pit operating in the County, whether in a processed or unprocessed form.
- 2.2 "Council" means Council of Strathcona County.
- 2.3 "County" means Strathcona County.
- 2.4 "Crown" means the Crown in right of Alberta or Canada.
- 2.5 "Levy" means community aggregate payment levy.
- 2.6 "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.
- 2.7 "Sand and Gravel Operator" or means a person duly engaged in extracting sand and gravel for Shipment.
- 2.8 "Shipment" means a quantity of sand and gravel duly hauled from the Pit from which it was extracted.

SECTION 3 – APPLICATION OF BYLAW

- 3.1 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 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, or substantially the same as, or as amended by the department manager from time to time.

- 3.2 The County shall send out Levy notices within thirty (30) 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.
- 3.3 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.
- 3.4 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 Sand and Gravel Operator's Shipment, as reported by the Sand and Gravel Operator.
- 3.5 The Levy rate to be applied throughout the County in calculating the amount of the Levy is \$0.25 per tonne of sand and gravel.
- 3.6 The uniform conversion rate shall be:
- (a) 1 cubic metre = 1.365 tonnes, for sand, and
 - (b) 1 cubic metre = 1.632 tonnes, for gravel
- where 1 cubic metre is equal to 1.308 cubic yards.
- 3.7 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 conversion rates as outlined in 3.6 to report Shipments under 3.4.
- 3.8 The amount of Levy to be imposed is 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.
- 3.9 No Levy may be imposed on the following classes of Shipments of sand and gravel:
- 3.9.1 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 or a municipality;
 - 3.9.2 A Shipment from a Pit owned or leased by a municipality for a use, project or purpose that otherwise fulfills a policy of the County that is being undertaken by or on behalf of a municipality;
 - 3.9.3 A Shipment from a Pit owned or leased by the Crown or a municipality for a use or project that is being undertaken by or on behalf of the Crown or a municipality;
- 3.10 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.
- 3.11 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 are necessary to provide access to the Pit from which the sand and gravel is extracted.

- 3.12 A person who purchases a sand and gravel business or in any other manner becomes involved with the business must be included on the sand and gravel shipped tonnage roll as liable to pay a Levy and must give the County written notice of a mailing address to which notices may be sent.

SECTION 4 – OFFENCES

- 4.1 A person who contravenes Section 3 is guilty of an offence and shall pay the penalty specified in Schedule "B" attached.

SECTION 5 – VIOLATION TAGS

- 5.1 A Community Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Community Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 5.2 A Violation Tag may be issued to such person:
(a) either personally, or
(b) by mailing a copy to such person at his last known post office address
- 5.3 The Violation Tag shall be in a form approved by the Chief Commissioner and shall state:
(a) the name of the person;
(b) the offence;
(c) the appropriate penalty for the offence as set out in this Bylaw;
(d) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;
(e) any other information as may be required by the Chief Commissioner.
- 5.4 Where a contravention of this Bylaw is of a continuing nature, the Community Peace Officer may issue further Violation Tags, provided that no more than one Violation Tag shall be issued for each day that the contravention continues.
- 5.5 Where a Violation Tag is used pursuant to this Bylaw, the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the County the penalty specified on the Violation Tag.
- 5.6 Nothing in this Bylaw shall prevent a Community Peace Officer from immediately issuing a Violation Ticket for the mandatory Court appearance of any Person who contravenes any provision of this Bylaw.

SECTION 6 – VIOLATION TICKET

- 6.1 If the penalty specified on a Violation Tag is not paid within the prescribed time period then a Community Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, c. P-34.

6.2 Notwithstanding Section 6.1 of this Bylaw, a Community Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket Pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, c. P-34, as amended, to any person who the Community Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

SECTION 7 – SEVERABILITY PROVISION

7.1 Should any provision of this Bylaw be invalid, then such provision shall be severed and the remaining Bylaw shall be maintained.

SECTION 8 – EFFECTIVE DATE

8.1 This Bylaw takes effect September 1, 2009.

READ a first time this 30 day of June, 2009

READ a second time this 30 day of June, 2009

READ a third time and finally passed this 30 day of June, 2009

Cathy Shaw
MAYOR

[Signature]
MANAGER
LEGISLATIVE & LEGAL SERVICES

July 8, 2009
DATE SIGNED

Reporting period March 31 June 30 September 30 December 31 _____
Year

This report must be received by the County 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	
Email address			
Location of sand/gravel Pit			
Name of owner of parcel where Pit is located			
Mailing address of owner parcel			
Telephone number		Fax number	
Email address			

(Please report each section in tonnes and only report for the current period/quarter)

Total sand and gravel that you shipped from this Pit	TOTAL	
A		

Shipments exempted from Community Aggregate Payment 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	
Please complete sections B2 to B3 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 	
B2) Total sand and gravel that you shipped from this Pit to Government of Alberta projects	
B3) Total sand and gravel that you shipped from this Pit to projects of other municipalities (excluding Strathcona County)	

TOTAL EXEMPTED SHIPMENTS (add B1 to B3)	TOTAL B	-
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TOTAL A MINUS TOTAL B	TOTAL C	=
This provides the tonnage subject to Community Aggregate Payment Levy		

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; and 1 cubic metre = 1.632 tonnes, for gravel where 1 cubic metre = 1.308 cubic yards

Collection and use of personal information

This personal information is being collected in accordance with the Municipal Government Act and is protected by the provisions of the *Freedom of Information and Protection of Privacy Act*. Information collected on this form will be used for billing purposes. If you have any questions regarding the collection and use of your information, contact the Coordinator, Central Services at 780-417-7131.

TAS 13085/A

PENALTIES

<u>Offence</u>	<u>Penalties</u>
Failure to comply with any provision of this bylaw	\$100.00
Second offence committed within twelve (12) months of the commission of the first offence	\$250.00
Third and subsequent offences committed within twelve (12) months of the commission of the previous offences	\$500.00