

**COUNTY OF ST. PAUL NO. 19**

**BY-LAW NO. 2015-01**

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A Bylaw of the County of St. Paul No. 19 in the Province of Alberta to authorize the imposition of a Community Aggregate Payment Levy.

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**WHEREAS**, the Municipal Government Act, S.A. 2000, Chapter M-26 provides that a Council may 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 **to acquire aggregate resources in the future**;

**AND WHEREAS** Alberta Regulation 263/2005 made pursuant to the Municipal Government Act applies to all municipalities that have passed a community aggregate payment levy bylaw;

**AND WHEREAS** a significant amount of aggregate resources produced in the County of St. Paul are transported and distributed outside of the County of St. Paul's boundaries thereby depleting the County's aggregate resources;

**AND WHEREAS** the Council of the County of St. Paul No. 19 believes that it is necessary to dedicate specific financial resources to ensure that the County has the capacity to acquire an adequate supply of aggregate resources in the future for infrastructure maintenance;

**AND WHEREAS** municipal costs for infrastructure increase significantly over time and likewise, the market price for aggregate resources increases dramatically over time;

**AND WHEREAS** the Council of the County of St. Paul No. 19 believes it is in the best interests of the residents of the County that a bylaw be enacted to implement a community aggregate levy for the purposes of generating revenue to be set aside for the purposes of acquiring aggregate resources in the future.

**NOW, THEREFORE**, the Council of the County of St. Paul No. 19, in the Province of Alberta, duly assembled hereby enacts as follows:

**SECTION 1 - TITLE**

This Bylaw may be referred to as the "Community Aggregate Payment Levy Bylaw".

**SECTION 2 – DEFINITIONS**

In this bylaw, unless the content otherwise requires:

- 2.1 "Act" means the Municipal Government Act.
- 2.2 "Aggregate" means sand or gravel or both as found naturally or stockpiled.
- 2.3 "County" means County of St. Paul.
- 2.4 "Crown" means the Crown in the right of Alberta or Canada.
- 2.5 "Levy" means the community aggregate payment levy.
- 2.6 "Operator" means a person engaged in extracting aggregate for shipment.

- 2.7 "Pit" means a location where aggregate can be, is or has been extracted from its naturally occurring location.
- 2.8 "Shipment" means a quantity of aggregate hauled from the pit where it was extracted.

### **SECTION 3 – REPORTING OF SHIPMENTS**

- 3.1 All operators in the County shall report all shipments of aggregate in tonnes from any pit within the boundaries of the County, on a quarterly basis, within thirty (30) days after March 31, June 30, September 30 and December 31 in each calendar year on the form as prescribed by the County.

### **SECTION 4 – LEVY NOTICES AND PAYMENT**

- 4.1 The County shall send out 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.
- 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 the issuance of the levy notice.
- 4.3 An operator shall provide the County with written notice of a mailing address to which all notices under this bylaw and Division 7.1, Part 10 of the Act may be sent.
- 4.4 When the levy imposed by this bylaw is not paid within the time limit as set out in section 4.2, the County may impose a late payment penalty in addition to the principal amount owing under the specific levy notice, with the penalty to be applied being the same rate as that imposed on outstanding accounts receivable accounts pursuant to the County's Fee Bylaw.

### **SECTION 5 – AGGREGATE SHIPPED TONNAGE ROLL**

- 5.1 The County shall record the tonnage of aggregate in an operator's shipment on an aggregate shipped tonnage roll based on the tonnage of aggregate in an operator's shipment as reported by the operator.

### **SECTION 6 – UNIFORM LEVY RATE**

- 6.1 The levy rate to be applied throughout the County in calculating the amount of the levy will be determined on a per tonne of aggregate basis and can be found in the Fee Schedule Bylaw, as amended from time to time.

### **SECTION 7 – UNIFORM CONVERSION RATES**

- 7.1 Where an operator is unable to provide a measurement of weight for the amount of aggregate in a shipment, the operator must use the following conversion rates to report shipment in tones:
- (a) 1 cubic metre = 1.365 tonnes for sand;
  - (b) 1 cubic metre = 1.632 tonnes for gravel;

where 1 cubic metre = 1.308 cubic yards.

#### **SECTION 8 – AMOUNT OF LEVY**

- 8.1 The amount of levy to be imposed in respect of an operator is calculated by multiplying the number of tonnes of aggregate recorded on the aggregate shipped tonnage roll for that operator for the reporting period by the levy rate.

#### **SECTION 9 – EXEMPTIONS FROM LEVY**

- 9.1 No levy may be imposed on the following classes of shipments of aggregate
- (a) A shipment made 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 made 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 made 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.
- 9.2 No levy may be imposed on shipments of aggregate 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 are necessary to provide access to the pit from which the aggregate is extracted.

#### **SECTION 10 – LIABILITY**

- 10.1 A person who purchases an aggregate business or in any other manner becomes liable to be shown on the aggregate shipped tonnage roll as liable to pay a levy must 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.

#### **SECTION 11 – INSPECTION AND PRODUCTION OF RECORDS**

- 11.1 For the purposes of determining compliance with this Bylaw, the Chief Administrative Officer or their designate may, after providing reasonable notice to the aggregate operator, enter on the lands being used for aggregate operations, including any structures, at any reasonable time for the purposes of inspecting the sand and gravel operation, including any shipments.
- 11.2 During any inspection under Section 11.1, or at any other time, the Chief Administrative Officer or their designate may request that a sand and gravel operator produce any and all records relating to shipments of aggregate from the Operator's operation so that the County of St. Paul may determine whether the aggregate operation is in compliance with this Bylaw.
- 11.3 During an inspection, or at any other time, the Chief Administrative Officer or their designate may request an aggregate operator to make copies of any record referred to in Section 11.2 of this Bylaw and may make copies of such records.

**SECTION 12 - OFFENCES**

12.1 Any person who contravenes any provision of this bylaw is guilty of an offence and is liable upon summary conviction to a fine not exceeding Two Thousand Five Hundred (\$2,500) Dollars exclusive of costs and in the case of non-payment of the fine and costs imposed for any such contravention, to punishment by imprisonment for any period not exceeding six (6) months.

12.2 Any levy unpaid after forty-five (45) days of mailing of notice by the County of St. Paul No. 19 may be added to the tax roll by Council resolution pursuant to Section 410(e) and 437(c) of the *Municipal Government Act*.

**SECTION 13 - SEVERABILITY**

13.1 Should any clause or part of this bylaw be found to have been improperly enacted, for any reason, then such clause or part shall be regarded as being severable from the rest of this bylaw and the bylaw remaining after such severance shall be effective and enforceable as if the clause or part found to be improperly enacted had not been enacted as part of this bylaw.

**SECTION 14 – EFFECTIVE DATE**

14.1 This Bylaw shall come into full force and effect upon the final passing thereof.

Read a first time in Council this 13<sup>th</sup> day of January, A.D. 2015.

Read a second time in Council this ----- day of -----, A.D. 2015.

Read a third time in Council this ----- day of -----, A.D. 2015.

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Reeve

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Chief Administrative Officer