

BY-LAW NO. 14-32-333

BEING A BY-LAW OF THE COUNTY OF NORTHERN LIGHTS TO AUTHORIZE THE IMPOSITION OF A COMMUNITY AGGREGATE PAYMENT LEVY

WHEREAS the Municipal Government Act, Part 10, Division 7.1, authorizes the Council of the County of Northern Lights 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 the Municipal Government Act, Part 2, Division 1, Section 7 authorizes the Council of the County of Northern Lights to pass bylaws regarding the enforcement of bylaws and inspections to enable the County of Northern Lights to determine compliance with bylaws;

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 the County of Northern Lights has determined that it is in the best interest of the County of Northern Lights to pass a community aggregate payment levy bylaw;

NOW THEREFORE be it resolved that the Council of the County of Northern Lights 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) "CAO" means the Chief Administrative Officer of the County of Northern Lights or authorized delegate;
 - c) "County" means the County of Northern Lights
 - d) "Crown" means the Crown in right of Alberta or Canada;
 - e) "Levy" means community aggregate payment levy;
 - f) "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;
 - g) "Sand and gravel operator" means a person duly engaged in extracting sand and gravel for shipment;
 - h) "Shipment" means a quantity of sand and gravel duly hauled from the pit from which it was extracted.

Reporting of Shipments

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

Levy Notices and Payment

- 3.1 The County of Northern Lights 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 out the amount of the Levy payable by the Operator.
- 3.2 The levy shown on a levy notice shall be paid to the County of Northern Lights by the operator within thirty (30) days of the date of receipt of the levy notice.

Sand and Gravel Shipped Tonnage Roll

4. The County of Northern Lights 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 or as the County of Northern Lights determines should have been reported by the operator based on the County's review of the operator's records.

Uniform Levy Rate

5. The levy rate to be applied throughout the County of Northern Lights in calculating the amount of the levy is \$0.25 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 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 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;
 - (c) 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.
- (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.
- (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 the County of Northern Lights written notice of a mailing address to which notices under the Municipal Government Act, Part 10, Division 7.1, may be sent.

Inspections and Production of Records

- 10.1 For the purposes of determining compliance with this Bylaw, the CAO of the County of Northern Lights may, after providing reasonable notice to the sand and gravel operator, enter on lands being used for sand and gravel operations, including any structures, at any reasonable time for the purposes of inspecting the sand and gravel operations, including any shipments.
- 10.2 During an inspection under 10.1, or at any other time, a designated officer of the County of Northern Lights may request that a sand and gravel operator produce any and all records relating to shipments of sand and gravel from the Operator's operations so that the County of Northern Lights may determine whether the sand and gravel operation is in compliance with this Bylaw.
- 10.3 During an inspection, or at any other time, the CAO of the County may request a sand and gravel operator to make copies of any record referred to in 10.2 of this Bylaw or may make copies of such records.

Prosecutions

11. Any person who contravenes any provision of this Bylaw is guilty of an offence.
12. Persons contravening any section of this bylaw shall be liable for the penalty of Five Thousand (\$5,000.00) Dollars for the first offence, and Ten Thousand (\$10,000) Dollars for the second and any subsequent occurrence.
13. A notice of form commonly called an Offence Ticket having printed wording approved by the Chief Administrative Officer, may be issued by a Peace Officer or a Bylaw Enforcement Officer to any person alleged to have breached any provision of this bylaw, and the said notice shall require the payment to the County in the amount specified in this bylaw, as amended or the regulations pursuant to the PROVINCIAL OFFENCES PROCEDURE ACT, (Alberta), as amended.
14. An Offence Ticket shall be deemed to be sufficiently served:
 - a. If served personally on the accused; or
 - b. If mailed to the address of the accused.
15. Bylaw 06-32-177 is repealed on the date this bylaw takes effect.
16. This bylaw shall come into force and take effect June 24th, 2014, , and is deemed to become part of the Council Procedure Bylaw of the County of Northern Lights.

Read for a First time this 24th day of June 2014

Read for a Second time this 24th day of June 2014

Read for a Third and Final time this 24th day of June 2014

Chief Elected Official

Chief Administrative Officer

**County of Northern Lights
Community Aggregate Payment Levy Bylaw No. _____**

Schedule "A"

Sand and Gravel Shipments Quarterly/Monthly Report

This report must be received by the County of Northern Lights 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/Gravel Pit	
Reporting Period <i>[Enter quarter/month]</i>	

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	
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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 County of Northern Lights projects in the reporting period (tonnes)	
E4) Total sand and gravel that you shipped from this pit to projects of other municipalities (excluding the County of Northern Lights) in the reporting period (tonnes)	
Total Exempted Shipments [Add E1+E2+E3+E4] (tonnes)	<div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px;">TOTAL B</div> <div style="margin: 0 5px;">→</div> <div style="border: 1px solid black; padding: 2px;">-</div> </div>

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

1208982;November 13, 2014