

## BYLAW NO. 2020-38

### 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 ON SAND AND GRAVEL SHIPMENTS.

**Whereas**, the *Municipal Government Act*, Part 10, Division 7.1, authorizes a council 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 community enhancement in the municipality;

**Whereas**, the *Community Aggregate Payment Levy Regulation* applies to all municipalities that have passed a community aggregate payment levy bylaw;

**Whereas**, the Council of the County of St. Paul No. 19 has determined that it is in the best interest of the County of St. Paul No. 19 to pass a community aggregate payment levy bylaw;

**Now Therefore**, be it resolved that the Council of the County of St. Paul No. 19 in the Province of Alberta, duly assembled, enacts as follows:

#### 1. TITLE

1. This Bylaw shall be known as the "Community Aggregate Payment Levy Bylaw".

#### 2. DEFINITIONS

2. In this Bylaw, words shall have the same meanings as in the *Community Aggregate Payment Levy Regulation*, except as otherwise defined below:

(a) "County" means the County of St. Paul No. 19;

#### 3.0 OPERATOR REPORTING REQUIREMENTS

- 3.1 Every sand and gravel operator in the County shall report their shipments, in tonnes, from each individual pit located within the boundaries of the 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 prescribed by the County.
- 3.2 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 sand and gravel operator.
- 3.3 The County shall send out community aggregate payment levy notices within forty five (45) days after March 31, June 30, September 30 and December 31 of each year setting out the amount of the levy payable by the sand and gravel operator.
- 3.4 The levy shown on a levy notice shall be paid to the County within thirty (30) days of the date the levy notice is sent out.

3.5 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 uniform 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

#### **4.0 AMOUNT OF LEVY**

4.1 The amount of the 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 uniform levy rate of \$0.40 per tonne of sand and gravel.

#### **5.0 EXEMPTIONS FROM LEVY**

5.1 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.

5.2 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.

5.3 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.

#### **6.0 PERSON LIABLE TO PAY LEVY**

6.1 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 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.

#### **7.0 LATE PAYMENT PENALTY**

7.1 Where the levy imposed under a community aggregate payment levy notice is not paid within 30 days of the date the levy notice is sent out, a late payment penalty of

one and a half percent (1.5%) per month shall be added to the principal amount owing under the specific community aggregate payment levy notice. Where there is an outstanding levy, payments shall be applied first to the outstanding amounts which could include outstanding levy and/or penalties and then to the current community aggregate payment levy notice.

## **8.0 INSPECTION AND PRODUCTION OF RECORDS**

- 8.1 For the purposes of determining compliance with this Bylaw, a designated officer of the County may, after providing reasonable notice to the sand and gravel operator, enter on lands where a pit is located, including any structures, at any reasonable time for the purposes of inspecting the sand and gravel operations, including any shipments.
- 8.2 During an inspection under subsection (1), or at any other time, a designated officer of the County 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 may determine whether the operator is or has been in compliance with this Bylaw.
- 8.3 During an inspection, or at any other time, a designated officer of the County may request a sand and gravel operator to make copies of any record referred to in subsection (2) or may make copies of such records.
- 8.4 If, following an inspection, or a review of shipment records, or both, it is discovered that there is an error, omission or misdescription in any information shown on a sand and gravel shipped tonnage roll, the County may correct the sand and gravel shipped tonnage roll and, if applicable, issue an amended levy notice to account for the difference between the actual shipments during the reporting period and the shipments initially reported by the sand and gravel operator.
- 8.5 The amount shown on the amended levy notice shall be paid to the County within thirty (30) days of the date the amended levy notice is sent out.

## **9.0 ENFORCEMENT**

- 9.1 Any Operator who violates any provision of the bylaw, or neglects or refrains from following the provisions of this bylaw, or fails to comply with any direction or notice given under this bylaw, commits an offence.
- 9.2 A person who contravenes or violates the provisions of this bylaw is guilty of an offence and is liable for a fine of \$10,000.00
- 9.3 In the case of a continued contravention, a separate offence in respect of a day or part of a day on which it continues, a person guilty of such an offence is liable to a fine in the amount of \$10,000.00 for the first offence and \$2,000.00 for each subsequent offence.

9.4 A Bylaw Enforcement Officer may issue, with respect to an offence under this Bylaw, a violation ticket.

9.5 Where a violation ticket specifies a fine a voluntary payment equal to the fine amount may be made.

**10.0 SEVERABILITY**

10.1 Every provision in this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

**11.0 ENACTMENT**

11.1 This Bylaw shall come into force and effect on January 1<sup>st</sup>, 2021.

Read a first time in Council this 16<sup>th</sup> day of December 2020.

Read a second time in Council this 16<sup>th</sup> day of December 2020.

Read a third time in Council and finally passed this 16<sup>th</sup> day of December 2020.

*(Original signed by Reeve S. Upham)*

*(Original signed by CAO S. Kitz)*

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Reeve

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Chief Administrative Officer