

THE COUNTY OF VERMILION RIVER IN THE PROVINCE OF ALBERTA

BYLAW 22-07

A bylaw of the County of Vermilion River in the Province of Alberta to authorize the implementation of a Community Aggregate Payment Levy on Lands within the County of Vermilion River

WHEREAS the Municipal Government Act, Part 10, Division 7.1, authorizes the Council of the County of Vermilion River to pass a community aggregate payment levy bylaw to impose a levy in respect of all sand and gravel businesses operating in the County of Vermilion River to raise revenue to be used toward the payment of infrastructure and other costs in the County of Vermilion River.

AND WHEREAS Alberta Regulation 263/2005 with amendments up to and including Alberta Regulation 196/2017 made pursuant to Municipal Government Act, Section 409.1 applies to all municipalities that have passed a community aggregate payment levy bylaw;

AND WHEREAS the Council of the County of Vermilion River has determined that it is in the best interest of the County of Vermilion River to pass a community aggregate payment levy bylaw pursuant to the Municipal Government Act.

NOW THEREFORE the Council of the County of Vermilion River in the Province of Alberta, duly assembled, enacts as follows:

INTERPRETATION

1.
 - a) This bylaw shall be cited as the "Community Aggregate Payment Levy Bylaw".
 - b) Words in the masculine gender will include feminine gender whenever the context so requires and vice versa
 - c) Words in the singular shall include the plural or vice versa whenever the context so requires
 - d) Headings in this bylaw are for reference purposes only.

DEFINITIONS

2. In this Bylaw:
 - a) "**Act**" means the Municipal Government Act R.S.A. 2000 c. M-26;
 - b) "**County**" means the County of Vermilion River;
 - c) "**Crown**" means the Crown in right of Alberta or Canada;

- d) **"Lands"** means the private titled lands in accordance with the Land Titles Act, as amended;
- e) **"Landowner"** means the owner of a parcel of land as those terms are defined under the Act;
- f) **"Levy"** means community aggregate payment levy, as authorized by this Bylaw;
- g) **"Operator"** means a person or business duly engaged in extracting sand and gravel for shipment;
- h) **"Pit"** means any duly constituted opening, excavation, or working of the surface or subsurface made for the purpose of removing sand and/or gravel, and includes any associated infrastructure, but does not include a mine or quarry;
- i) **"Shipment"** means a quantity of sand and gravel, individually or in combination, hauled from the pit from which it was extracted.

OPERATOR REPORTING REQUIREMENTS

- 3. All Operators in the County shall report all Shipments of sand and gravel in tonnes from any Pit within the boundaries of the County on a quarterly basis. Reports shall be provided within fourteen (14) days of March 31, June 30, October 31, and December 31 in each calendar year, and shall contain the information prescribed in this Bylaw and be in the form attached as Schedule "A" to this Bylaw.
- 4. The County shall record the sand and gravel shipped by each Operator for each quarter on a shipped tonnage roll based upon the report or reports filed by each Operator pursuant to Section 3 of this Bylaw.
- 5. The County shall send out a Levy Notice under this Bylaw to each Operator setting out the amount of the Levy payable by the Operator based upon the shipped tonnage roll recorded by the County pursuant to Section 2 of this Bylaw. The Levy Notice shall be sent to the Operator within thirty (30) days of March 31, June 30, October 31, and December 31, or fifteen (15) days of receipt of the Operators quarterly report, whichever is later.
- 6. In the case of any Operator who is unable to provide a measurement of weight for the amount of sand and gravel in any Shipment, the Operator shall use the following conversion rates to record Shipment in tonnes for the purpose of reporting under Section 2 of this Bylaw:
 - a) 1 cubic meter = 1.365 tonnes for sand; and
 - b) 1 cubic meter = 1.632 tonnes for gravel

where 1 cubic meter is equal to 1.308 cubic yards.

OPERATOR AND LANDOWNER REQUIREMENTS

- 7. All Operators and Landowners shall obtain a Development Permit, Road Use Agreement, and may require a Business License prior to opening and operating a pit.

LEVY RATE AND PAYMENT AND COLLECTION OF LEVY

8. The uniform Levy Rate for all Shipments of sand and gravel from a Pit within the County shall be \$0.40 per tonne of sand and gravel. The amount of the Levy for each quarter to be imposed upon an Operator shall be determined by multiplying the number of tonnes of sand and gravel for each quarter, as shown on the shipped tonnage roll provided for in Section 3 of this Bylaw, by the Levy Rate as specified by this Bylaw.
9. An amount owing to the County by an Operator as shown on the Levy Notice sent to the Operator pursuant to Section 4 of this Bylaw shall be paid by the Operator within thirty (30) days of the date of mailing the Levy Notice.
10. An Operator shall provide the County with written notice of a mailing address to which all notices under this Bylaw and under Division 7.1 of Part 10 of the Act may be sent.

EXEMPTIONS FROM LEVY

11. No Levy under this Bylaw shall be imposed by the County on the following Shipments of sand and gravel:
 - a) A Shipment from a Pit owned or leased by the Crown for a use or a 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 a 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;
 - d) A Shipment that is subject to another tax, levy, or payment that is established by and payable to a municipality;
 - e) A Shipment that is 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

12. 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 a mailing address to which notice under the Act, Part 10, Division 7.1 may be sent.

PENALTIES

13. Where the levy imposed under a community aggregate payment levy notice is not paid within the time limit set out in Section 9, the County may impose a late payment penalty in addition to the principal amount owing under the Levy Notice pursuant to Section 4 of this Bylaw, as set out in Schedule "B".
14. The County's Chief Administrative Office or designate may waive, cancel, or adjust a late payment penalty applied to an account in accordance with Section 11.

ENFORCEMENT

15. Any 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.
16. 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 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.
17. Where a Violation Ticket has been issued to an 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 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.

SHOULD any provision of this Bylaw be determined to be invalid, then such provisions shall be severed and the remaining bylaw shall be maintained.

THIS Bylaw shall come into force and effect upon receiving third and final reading and having been signed by the Reeve and Chief Administrative Officer.

Read a first time this 21 day of April, 2022

Read a second time this 23 day of August, 2022

Read a third time and finally passed, this 23 day of August, 2022

SIGNED by the Reeve and Chief Administrative Officer this 23 day of August, 2022.






Chief Administrative Officer

SCHEDULE "A"

Sand and Gravel Shipments – Quarterly Report

This report must be received by the County within fourteen (14) days from the last day of the reporting period (March 31, June 30, September 30, and December 31).

A separate report must be submitted for each pit from which an Operator has shipped sand and/or gravel in the reporting period.

Pit

Legal Land Location _____

This report is for the period ending _____

Pit Operator

Company Name _____

Contact Person _____

Mailing Address _____

Phone Number _____

Fax Number _____

Email Address _____

Landowner (if different from Operator)

Name _____

Mailing Address _____

Phone Number _____

Fax Number _____

Email Address _____

Tonnage

A. Total sand and gravel shipped from this pit in the reporting period: _____ tonnes

B. Total sand and gravel shipped from this pit to the Government of Alberta or a municipality (applicable only if the pit is owned or leased by the Crown or a municipality): _____ tonnes

C. Total sand and gravel shipped from this pit for the construction, repair, or maintenance of access roads to this pit in accordance with a Road Use Agreement or development agreement: _____ tonnes

D. Total exempted sand and gravel (Add B + C): _____ tonnes

E. Total shipments subject to the Community Aggregate Payment Levy (Subtract A – D): _____ tonnes

The weight of sand and gravel in individual shipments may be estimated by volume if weigh scales are unavailable. The conversion rates to be used in estimating the tonnage are as follows:

- 1 cubic meter = 1.365 tonnes, for sand*
- 1 cubic meter = 1.632 tonnes, for gravel*
- where 1 cubic meter = 1.308 cubic yards*

SCHEDULE "B"

Late Payments and Penalties

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

SCHEDULE "C"

Fines

(i) Failure to report shipments

- a. First Offense:.....\$500.00
- b. Second offense within a twelve (12) month period:.....\$1,000.00
- c. Third and subsequent offences within a twelve (12) month period:.....\$10,000.00