



# BYLAW 2019-02

## OF THE MUNICIPAL DISTRICT OF LESSER SLAVE RIVER NO. 124

Being a Bylaw to impose a community aggregate payment levy within the Municipal District of Lesser Slave River No.124 in the Province of Alberta

**WHEREAS** the Municipal Government Act, Part 10, Division 7.1, and any amendments made thereto, authorizes municipalities to pass a Community Aggregate Payment Levy Bylaw;

**AND WHEREAS** Alberta Regulation 263/2005 made pursuant to the Municipal Government Act, Section 409.3(1) applies to all municipalities that have passed a Community Aggregate Payment Levy Bylaw;

**AND WHEREAS** the Council of Municipal District of Lesser Slave River No. 124 deems it necessary and in the best interest of residents to impose a bylaw in respect of all sand and gravel businesses operating in the municipality to raise revenue to be used toward the payment of further municipal aggregate exploration and development and road infrastructure construction and maintenance costs,

**NOW THEREFORE**, the Council for the Municipal District of Lesser Slave River No. 124 in the Province of Alberta, duly assembled, enacts as follows:

### 1.0 **Definitions**

- 1.1 "Aggregate" means sand and gravel, individually or in combination, as found naturally or processed.
- 1.2 "Municipality" means Municipal District of Lesser Slave River No. 124 in the Province of Alberta.
- 1.3 "Crown" means the Crown in the Right of Alberta or Canada
- 1.4 "Levy" means community aggregate payment levy.
- 1.5 "Pit" means any opening in, excavation in 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.
- 1.6 "Operator" means a person duly engaged in extracting aggregate for shipment.
- 1.7 "Shipment" means a quantity of sand and gravel hauled from the pit from which it was extracted.

### 2.0 **Uniform Levy Rate**

- 2.1 The uniform levy rate for all (excepting section 3.0) shipments of sand and gravel from a pit within the municipality shall be set at \$0.40 per tonne.

### 3.0 **Exemptions from Levy**

- 3.1 No Levy may be imposed upon the following classes of shipments of sand and gravel:
  - 3.1.1 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 municipality;
  - 3.1.2 a shipment from a pit owned or leased by a municipality for a use or project or that it being undertaken by or on behalf of a municipality;
  - 3.1.3 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 municipality.
- 3.2 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 the municipality.
- 3.3 No levy may be imposed upon 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.

#### **4.0 Reporting of Shipments**

- 4.1 All Operators shall make record of the tonnes or cubic metres of every shipment of sand and gravel that leaves their pit.
- 4.2 All carriers of sand and gravel shall have in their possession a copy of the record (as generated in section 4.1) for that particular shipment.
- 4.3 All Operators in the municipality shall report their shipments, in tonnes, from each individual pit within the boundaries of the municipality, on an annual basis, within thirty (30) days after December 31 of each year, on the form attached as Schedule "A" to this bylaw.

#### **5.0 Uniform Conversion Rate**

- 5.1 Where an 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:
- 5.1.1 one (1) cubic metre of sand = 1.365 tonnes;
- 5.1.2 one (1) cubic metre of gravel = 1.632 tonnes;
- 5.1.3 where one (1) cubic metre of sand or gravel = 1.308 cubic yards.

#### **6.0 Sand & Gravel Tonnage Roll**

- 6.1 The municipality shall record the sand and gravel shipped by the Operator on a sand and gravel shipped tonnage roll.
- 6.2 The shipped tonnage roll will be based on the tonnage of sand and gravel as reported annually by the Operator in Schedule "A" Sand & Gravel Shipments Annual Report.

#### **7.0 Amount of Levy**

- 7.1 The amount of levy to be imposed with respect to an 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.

#### **8.0 Levy Notices & Payment**

- 8.1 The Municipality shall send out community aggregate payment levy notices within thirty (30) days of receipt of Schedule "A" Sand & Gravel Shipments Annual Report setting out the amount of the Levy payable by the Operator.
- 8.2 The levy shown on a levy notice shall be paid to the Municipality by the Operator within thirty (30) days of the date of receipt of the levy notice.
- 8.3 For clarity, the uniform rate in Section 2.1 is to be applied to amounts in the Sand and Gravel Shipments Annual Report for the year ended December 31, 2019.
- 8.4 Any amounts in the Sand and Gravel Shipments Annual Report(s) for periods prior to December 31, 2018 that are outstanding at the effective date of this bylaw are subject to a uniform levy rate of \$0.25 per tonne.

#### **9.0 Person Liable to Pay Levy**

- 9.1 Any 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 municipality written notice of same inclusive of a mailing address to which notices under Division 7.1 of Part 10 of the Municipal Government Act may be sent..

#### **10.0 Operator Non-compliance and Penalties**

- 10.1 An Operator who contravenes or fails to comply with any provisions of this Bylaw is guilty of an offence and is liable upon summary conviction to a fine of not exceeding ten thousand (\$10,000) dollars or to imprisonment for not more than one year, or to both fine and imprisonment, pursuant to Section 566(1) of the Municipal Government Act.

- 10.2 In addition to the process and penalties described above, a Bylaw Enforcement Officer shall be authorized to issue violation tickets in respect to any contravention of this Bylaw.
- 10.3 The violation ticket shall specify the alleged offence committed by the person to whom the violation ticket is issued.
- 10.4 Persons contravening any provision of this Bylaw to whom violation tickets are issued shall be liable for a penalty as specified in Schedule "B" Specified Penalties. Each day that a breach of the Bylaw has occurred may be considered to be a separate offence.
- 10.5 The violation ticket shall be served upon the alleged offender personally or by single registered mail. If payment is made within the time limit, then such payment shall be accepted in lieu of prosecution for the offence.
- 10.6 If a person who has been served with a violation ticket fails to pay the fine specified therein, then the right of the alleged offender to settle the alleged offence without a court appearance shall no longer apply and prosecution for the alleged offence shall proceed.
- 10.7 If the person who was served with the violation ticket is thereafter prosecuted and convicted of the offence specified in the violation ticket, the fine imposed shall not be less than \$500.00, plus court costs, for each offence.

**11.0 General**

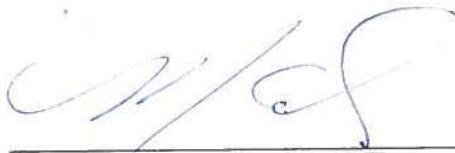
- 11.1 That should any provision of this bylaw become invalid, that invalid provision shall be severed and the remaining provisions of the bylaw shall be maintained.
- 11.2 This Bylaw shall come into effect upon third and final reading.
- 11.3 Bylaw 2011-07 (amended) is hereby rescinded.

Read a first time this 6<sup>th</sup> day of March, 2019

Read a second time this 6<sup>th</sup> day of March, 2019

Approved unanimously this 6<sup>th</sup> day of March, 2019

Read a third time and finally passed, this 6<sup>th</sup> day of March, 2019

  
 \_\_\_\_\_  
 Reeve

  
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 Chief Administrative Officer