

## **BYLAW NO. 05/16**

BEING A BYLAW OF FLAGSTAFF COUNTY IN THE PROVINCE OF ALBERTA, TO AUTHORIZE THE IMPOSITION OF A COMMUNITY AGGREGATE PAYMENT LEVY.

**WHEREAS** the Municipal Government Act, Part 10, Division 7.1, authorizes the Council of Flagstaff County 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;

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

**NOW THEREFORE BE IT RESOLVED** the Council of Flagstaff County in the Province of Alberta, duly assembled, 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 as found naturally or processed and stockpiled.
- 2.3 “**County**” means Flagstaff County
- 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 tonne 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 attached as Schedule “A” to this bylaw.

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

- 4.1 The County shall send out levy notices, in the form of an accounts receivable invoice, 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 the 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 of 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 account pursuant to the County’s Fees and Charges Manual.

### **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 is \$0.25 per tonne of Aggregate.

**SECTION 7 – UNIFORM CONVERSATION 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 tonne:

- a) 1 cubic metre = 1.365 tonne for sand
- b) 1 cubic metre = 1.632 tonne for gravel

Where 1 cubic metre is equal to 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 tonne of Aggregate recorded on the Aggregate Shipment tonnage roll for that Operator for the reporting period by the levy rate.

**SECTION 9 – EXEMPTIONS FROM LEVY**

9.1 No Levy shall 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 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.

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.

9.3 No Levy may be imposed on Shipments of Aggregate that are subject to another tax, levy or payment that is established by and payable to a municipality.

**SECTION 10 – PENALTIES**

10.1 Any person who fails to comply with Section 3 of this bylaw shall be guilty of an offence and liable on summary conviction to a fine of not more than One Thousand (\$1,000.00) Dollars. A fine of One Thousand (\$1,000.00) Dollars is the specified penalty for such an offence. Under no circumstances shall an Operator convicted of an offence under this bylaw be subject to a penalty of imprisonment.

**SECTION 11 – SEVERABILITY**

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

**SECTION 12 – EFFECTIVE DATE**

12.1 This bylaw shall come into full force and effect upon the final passing thereof.

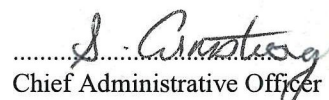
READ a first time this 28 day of Sept, A.D. 2016.

READ a second time this 28 day of Sept, A.D. 2016.

READ a third time this 28 day of Sept, A.D. 2016 and finally PASSED

this 28 day of Sept, A.D. 2016.

  
Reeve

  
Chief Administrative Officer





Flagstaff County  
 Box 358, Sedgewick, Alberta, T0B 4C0  
 Phone: (780) 384-4100 Fax: (780) 384-3635

**COMMUNITY AGGREGATE PAYMENT LEVY  
 AGGREGATE SHIPMENTS QUARTERLY REPORT**

This report must be received by Flagstaff County within thirty (30) days after March 31, June 30, September 30 and December 31. A separate report must be submitted for each pit from which an operator has shipped aggregate in the reporting period.

Name of Operator: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Location of Pit: \_\_\_\_\_

Reporting Period: March 31: \_\_\_\_\_ June 30: \_\_\_\_\_ September 30: \_\_\_\_\_ December 31: \_\_\_\_\_

Name of Owner of Parcel \_\_\_\_\_

Where Pit is Located: \_\_\_\_\_

Mailing Address of Owner: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

**Total Aggregate Shipment from this Pit in this Reporting Period (Tonne)** \_\_\_\_\_

**Total A**

**Shipments Exempted from Community Aggregate Payment Levy Bylaw**

**E1** Total aggregate shipment from this pit, pursuant to a Road Haul Agreement of a Development Agreement, for the construction, repair or maintenance of an access road to this pit. \_\_\_\_\_

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 aggregate shipment from this pit to Government of Alberta Projects in the reporting period (tonne) \_\_\_\_\_

**E3** Total aggregate shipment from this pit to Flagstaff County Projects in the reporting period (tonne) \_\_\_\_\_

**E4** Total aggregate shipment from this pit to projects of other municipalities in the reporting period (tonne) \_\_\_\_\_

**Total Exempted Shipments (E1 + E2 + E3 + E4)** \_\_\_\_\_

**Total B**

**Total (A – B)** \_\_\_\_\_

**Total C**

**Total C equals the Total Tonne of Aggregate that is subject to the Community Aggregate Payment Levy**