

**MOUNTAIN VIEW COUNTY**

**BYLAW NO. 14/11**

**Community Aggregate Payment Levy**

**Mountain View County  
Province of Alberta**

**Bylaw No. 14/11**

**A BYLAW OF MOUNTAIN VIEW COUNTY IN THE PROVINCE OF ALBERTA TO IMPOSE A LEVY IN RESPECT OF ALL SAND AND GRAVEL BUSINESSES OPERATING IN MOUNTAIN VIEW COUNTY.**

**SECTION 1 - SHORT TITLE AND PURPOSE**

- 1.01 This bylaw may be cited as the “The Community Aggregate Payment Levy Bylaw”.
- 1.02 Section 409.1(1) of the Municipal Government Act authorizes the County to pass a Community Aggregate Payment Levy Bylaw is to impose a Levy in respect of all sand and gravel businesses operating in the County.
- 1.03 Alberta Regulation 263/2005 made pursuant to Section 409.3 of the Municipal Government Act specifies that any bylaw passed pursuant to Section 409.1 must contain certain provisions including the maximum Levy which may be imposed under the bylaw.
- 1.04 The object of this Bylaw shall be to establish the authority to Levy and collect funds to be allotted towards the cost of infrastructure maintenance and upgrades.

**SECTION 2 - DEFINITIONS**

- 2.01 In this Bylaw, unless the context otherwise requires:
- a. **“Act”** means the *Municipal Government Act* R.S.A. 2000 c. M-26;
  - b. **“Aggregate”** means sand or gravel as found naturally or processed and stockpiled;
  - c. **“County”** means Mountain View County
  - d. **“Crown”** means the Crown in the right of Alberta or Canada;
  - e. **“Levy”** means the community Aggregate payment Levy as authorized by this Bylaw;
  - f. **“Operator”** means a person engaged in extracting Aggregate for Shipment;
  - g. **“Pit”** means a location where Aggregate can be, is or has been extracted from its naturally occurring location;
  - h. **“Shipment”** means a quantity of Aggregate hauled from the Pit where it was extracted;
  - i. **“Tonnage Roll”** means a report in which an Operator is required to record the tonnage of Aggregate removed.

**SECTION 3 - OPERATOR REPORTING REQUIREMENTS**

- 3.01 All Operators in the County shall report all Shipments of Aggregate in tonnes from any Pit within the boundaries of the County. Semi annual reports must be provided to the County within thirty (30) days of June 30 and December 31 in each calendar year.
- 3.02 All Operators shall report the Aggregate Shipments from each Pit on an Aggregate Tonnage Roll. The form of Tonnage Roll to be used by Operators is attached as schedule A to this Bylaw.
- 3.03 In the case of any Operator who shall be unable to provide a measurement of weight for the amount of the Aggregate in any Shipment, the Operator shall use the following conversion rates to record Shipments in tonnes for the purpose of reporting under section 3 of this Bylaw:

- a. 1 cubic metre = 1.365 tonnes for sand;
- b. 1 cubic metre = 1.632 tonnes for gravel

where 1 cubic metre is equal to 1.308 cubic yards

**SECTION 4 - LEVY RATE AND PAYMENT AND COLLECTION OF LEVY**

- 4.01 Within forty five (45) days of receiving the semi annual Aggregate Tonnage Roll, the County shall send out a Levy notice, in the form of an accounts receivable invoice, to each Operator setting out the amount of the Levy payable by the Operator based upon the Aggregate Tonnage Roll submitted to the County pursuant to section 3.02 of this Bylaw.
- 4.02 The uniform Levy Rate for all Shipments of Aggregate from a Pit within the County shall be \$.25 per tonne of Aggregate. The amount of the Levy for each semi annual period to be invoiced to an Operator shall be determined by multiplying the number of tonnes of Aggregate for each half of the year, as shown on the Tonnage Roll provided to the County, by the uniform Levy Rate.
- 4.03 An amount owing to the County by an Operator as shown on the Levy notice sent to the Operator pursuant to section 4.01 of this Bylaw shall be paid by the Operator within thirty (30) days of the date of mailing of the Levy notice.
- 4.04 All Operators 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.

**SECTION 5 - EXEMPTIONS FROM LEVY**

- 5.01 No Levy under this Bylaw shall be imposed by the County on the following Shipments of Aggregate:
- 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 which is required pursuant to a road haul agreement or a development agreement for the construction, repair or maintenance of a road or roads identified in the agreement, that is necessary to provide access to the Pit from which the Aggregate is extracted.
- 5.02 An Operator shall report all Shipments of Aggregate as provided for in this Bylaw even though one or more of such Shipments may be exempt under this Bylaw from the Levy.

**SECTION 6 - PENALTIES**

- 6.01 Any person who fails to comply with any provision of this Bylaw shall be guilty of an offence and liable, upon summary conviction to a fine of not less 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 a sand and gravel operator convicted of an offence under this bylaw be subject to a penalty of imprisonment.
- 6.02 If a Person, charged with an offence under this bylaw has been convicted twice within a two year period, the specified penalty on the second offence shall be double the basic specified penalty amount.
- 6.03 If a Person, charged with an offence under this bylaw, has been convicted three times of that same offence within the previous two years, the specified penalty on the third such offence shall be quadruple the basic specified penalty amount

**SECTION 7 – AUTHORITY TO ENTER PREMISES**

- 7.01 An Enforcement Officer of the municipality may, in accordance with Section 542(1) of the *Municipal Government Act*,
- (a) enter such land or structure (other than a residence) at any reasonable time, and carry out the inspection, enforcement or action authorized or required by this bylaw;
  - (b) request anything be produced to assist in the inspection, remedy, enforcement or action; and,
  - (c) make copies of anything related to the inspection, remedy, enforcement or action.
- 7.02 The Enforcement Officer must display or produce identification on request, and will attempt to contact the owner or occupant prior to entry

**SECTION 8 - SEVERABILITY**

- 8.01 Each provision of this bylaw is independent of all other provisions. If any such provision is declared invalid by a Court of competent jurisdiction, all other provisions of this bylaw will remain valid and enforceable.

**SECTION 9 - EFFECTIVE DATE**

- 9.01 This Bylaw shall come into effect on January 1, 2012.

9.02 Enactment of this bylaw shall supersede any previous similar agreements established between the Municipality and Aggregate mining industry.

Read the first time this 21 day of September 2011.

Read the second time this 19 day of October 2011.

Read the third time this 19 day of October 2011.

October 26, 2011

Date of Signing

**MOUNTAIN VIEW COUNTY COMMUNITY AGGREGATE  
PAYMENT LEVY BYLAW  
SCHEDULE "A"  
TONNAGE ROLL**

**Aggregate Production Semi Annual Report**

|  |  |
|--|--|
| Name of Aggregate Operator             |  |
| Business Address of Aggregate Operator |  |
| Location of Aggregate Pit              |  |
| Telephone Number                       |  |
| Fax Number                             |  |
| E-mail Address                         |  |

|                               |  |
|-------------------------------|--|
| Name of Aggregate Pit Owner   |  |
| Business Address of Pit Owner |  |
| Location of Aggregate Pit     |  |
| Telephone Number              |  |
| Fax Number                    |  |
| E-mail Address                |  |

|   |  |
|---|--|
| Total Aggregate shipped in preceding 6 month period (tonnes)  |  |
| Less Amount of Aggregate shipped 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 |  |
| <b>NET AGGREGATE PRODUCTION</b>   |  |

Method used to determine weight of Aggregate shipped:

On-site scale

Off-site scale  
Location: \_\_\_\_\_

Estimate  
Describe methodology utilized: \_\_\_\_\_

**Note: Semi Annual reporting periods are: January - June and July -December of each year. Aggregate Production semi annual reports are due within thirty (30) days of June 30 and December 31.**

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|---|
| <p>1 cubic metre = 1.365 tonnes for sand;</p> <p>1 cubic metre = 1.632 tonnes for gravel</p> <p>where 1 cubic metre is equal to 1.308 cubic yards</p> |
|---|