# Bylaw # <u>3106</u>
## Of The
## <u>County of Grande Prairie No. 1</u>

A By-Law of the County of Grande Prairie No. 1 to
Authorize the Imposition of a levy in respect of all sand
and gravel businesses operating in the County of
Grande Prairie No. 1.

**WHEREAS** pursuant to the provisions of the Municipal Government Act, Part 10, Division 7.1, R.S.A 2000, and amendments thereto, the Council of the County of Grande Prairie No. 1 is authorized 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 Grande Prairie;

**AND WHEREAS** Alberta Regulation 263 / 2005 made pursuant to the 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 Grande Prairie No. 1 has determined that it is in the best interest of the residents of the County of Grande Prairie No. 1 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 Grande Prairie.

**THEREFORE** be it resolved that the Council of the County of Grande Prairie No. 1, hereinafter referred to as "the County" in the Province of Alberta, duly assembled, enacts as follows:

## INTERPRETATION

1.  This Bylaw shall be cited as the "<u>Community Aggregate Payment Levy</u> "
2.  Headings in this Bylaw are for reference purposes only.
3.  Words in the masculine gender will include the feminine gender whenever the context so requires and vice versa.
4.  Words in the singular shall include the plural or vice versa whenever the context so requires.

## DEFINITIONS
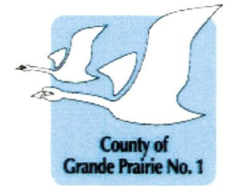
e) "Operator" means a person duly engaged in extracting sand and gravel for shipment;

f) "Pit" means any duly constituted opening, excavation 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;

g) "Shipment" means a quantity of aggregate duly hauled from the pit from which it was extracted.

## REPORTING OF SHIPMENTS

2. All sand and gravel operators in the County shall report all shipments, in tonnes, from any pit within the boundaries of the County, on a semi-annual basis, within fourteen (14) days after March 31st and September 30th of each calendar year, such report to be in the form attached as Schedule "A" to this Bylaw.

## LEVY NOTICES AND PAYMENT

3. 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 Aggregate shipped tonnage roll recorded by the County pursuant to section 7 of this Bylaw within thirty (30) days of the date of the levy notice.

## SAND AND GRAVEL SHIPPED TONNAGE ROLL

4. 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 operator.

## UNIFORM LEVY RATE

5. Please see the County's current year Schedule of Fees Bylaw for the uniform levy rate for all shipments of Aggregate from a Pit within the County. The amount of the levy for each semi annual period to be imposed upon an Operator shall be determined by multiplying the number of tones of Aggregate for the semi annual period, as shown on the Aggregate shipped tonnage roll provided for in section 2 of this Bylaw, by the levy rate as specified by this Bylaw.

## UNIFORM CONVERSION RATE

6. 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 must use the following conversion rates to report shipments in tonnes:

## EXEMPTIONS FROM LEVY

8.1     No levy may be imposed on the following 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; or

(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; or

(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.

8.2     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.

8.3     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.

## PERSON LIABLE TO PAY LEVY

9.0     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 written notice of a mailing address to which notices under the Municipal Government Act, Part 10, Division 7.1 may be sent.

## PENALTIES

10.1    Any person who fails to comply with Section 2 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 and, in default of payment, to imprisonment of a term not exceeding six (6) months.

10.2    Any levy unpaid after 45 days of mailing of notice by the County of Grande Prairie No. 1 may be added to taxes pursuant to Section 410(e) and 437(c) of the Municipal Government Act.
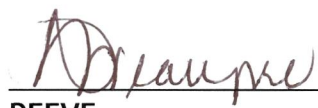
## SEVERABILITY

11.     Each Section of this Bylaw shall be read and construed as being separate and severable from each other Section. Furthermore, should any Section or Part of this Bylaw be found to have been improperly enacted for any reason, then such Section or Part shall be regarded as being severable from the rest of the Bylaw and Bylaw remaining after such severance shall be effective

## EFFECTIVE DATE

1.  Bylaw <u>2780</u> and amendments thereto be hereby rescinded.
2.  This Bylaw shall come into force and effect on the third and final reading.

Read a FIRST time this _17<sup>TH</sup>_ Day of _DECEMBER_ 201_8_

_[signature]_
**REEVE**

_[signature]_
**COUNTY ADMINISTRATOR**

Read a SECOND time this _17<sup>TH</sup>_ Day of _DECEMBER_ 201_8_

_[signature]_
**REEVE**

_[signature]_
**COUNTY ADMINISTRATOR**

Read a THIRD and FINAL time this _17<sup>TH</sup>_ Day of _DECEMBER_ 201_8_

_[signature]_
**REEVE**

_[signature]_
**COUNTY ADMINISTRATOR**

**ATTACHMENTS:**
Schedule "A" – Sand and Gravel Shipments quarterly/Monthly Report
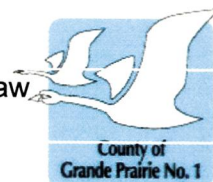
SCHEDULE "A"

## Sand and Gravel Shipments Semi Annual Report

This report must be received by the County of Grande Prairie No. 1 within fourteen (14) days from the last day of the reporting period.

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

| | |
|---|---|
| Name of Operator | _____ |
| Mailing Address of Operator | _____ |
| Telephone Number | _____ |
| Fax Number | _____ |
| E-mail Address | _____ |

| | |
|---|---|
| Location of Sand/Gravel Pit | |
| Reporting Period (Semi Annually) | |

| | |
|---|---|
| Name of Owner of Parcel where Pit is Located | _____ |
| Mailing Address of Owner of Parcel | _____ |
| Telephone Number | _____ |
| Fax Number | _____ |
| E-mail Address | _____ |

**Total sand and gravel that you shipped from this pit in the reporting period (tonnes)**

**TOTAL A** ⟹

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Shipments exempted from Community Aggregate Payment Levy

E1) Total sand and gravel that you shipped from this pit, pursuant to a road haul agreement or a development agreement, for the construction, repair or maintenance of access roads to this pit (tonnes)

*Please complete sections E2 to E4 only if this pit is:*
 1. owned by the Government of Alberta or a municipality, or
 2. leased by the Government of Alberta or a municipality from another party

E2) Total sand and gravel that you shipped from this pit to Government of Alberta projects in the reporting period (tonnes)

E3) Total sand and gravel that you shipped from this pit to County of Grande Prairie No. 1 projects in the reporting period (tonnes)

E4) Total sand and gravel that you shipped from this pit to projects of other municipalities (excluding the County of Grande Prairie No. 1) in the reporting period (tonnes)

**Total Exempted Shipments** [Add E1+E2+E3+E4] (tonnes) **TOTAL B** ⟹ -