

**BYLAW NO. 2014-14
PARKLAND COUNTY**

BEING A BYLAW OF PARKLAND COUNTY FOR THE PURPOSE OF AUTHORIZING THE IMPOSITION OF A LEVY IN RESPECT OF ALL SAND AND GRAVEL BUSINESSES OPERATING IN PARKLAND COUNTY

WHEREAS the Council of Parkland County is authorized to pass a Community Aggregate Payment Levy Bylaw pursuant to the provisions contained within the *Municipal Government Act* (Alberta), section 409.1 for the purpose of imposing a levy in respect of all sand and gravel business operating within Parkland County; and

WHEREAS Alberta Regulation 263/2005 made pursuant to section 409.3 of the said 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; and

WHEREAS the Council of Parkland County has determined that it is in the best interests of the residents of Parkland County that a Bylaw be passed pursuant to section 409.1 of the Act to impose a levy in respect of all sand and gravel businesses operating in Parkland County;

NOW THEREFORE the Council of Parkland County duly assembled and under the authority of the Municipal Government Act, as amended, hereby enacts the following:

DEFINITIONS

1) In this Bylaw:

- (a) **“Act”** means the *Municipal Government Act* R.S.A. 2000 c. M-26;
- (b) **“Aggregate”** means sand or gravel or both as found naturally or stockpiled;
- (c) **“Chief Administrative Officer”** means the Chief Administrative Officer of Parkland County or his designate;
- (d) **“County”** means Parkland County;
- (e) **“Crown”** means the Crown in the right of Alberta or Canada;
- (f) **“Levy”** means the Community Aggregate Payment Levy as authorized by this Bylaw;
- (g) **“Operator”** means a person engaged in extracting aggregate for shipment;
- (h) **“Pit”** means a location where aggregate can be, is or has been extracted from its naturally occurring location;
- (i) **“Shipment”** means a quantity of aggregate hauled from the pit where it was extracted.

OPERATOR REPORTING REQUIREMENTS

- 2) All Operators in the County shall report all shipments of Aggregate in tonnes from any Pit within the boundaries of the County on a quarterly basis and within fourteen (14) days after March 31st, June 30th, September 30th and December 31st in each calendar year, such report to be in the form attached as Schedule “A” to this Bylaw.
- 3) The County shall record the Aggregate shipped by each Operator for each quarter on an Aggregate shipped tonnage roll based upon the report or reports filed by each Operator pursuant to section 2 of this Bylaw.
- 4) 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 3 of this Bylaw no later than thirty (30) days after March 31st, June 30th, September 30th and December 31st in each calendar year.

5) 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 2 of this Bylaw:

(a) 1 cubic metre = 1.365 tonnes for sand; and

(b) 1 cubic metre = 1.632 tonnes for gravel,

where one (1) cubic metre is equal to 1.308 cubic yards.

LEVY RATE AND PAYMENT AND COLLECTION OF LEVY

6) The uniform Levy Rate for all Shipments of Aggregate from a Pit within the County shall be \$ 0.25 per tonne of Aggregate and the amount of the Levy for each quarter to be imposed upon an Operator shall be determined by multiplying the number of tonnes of Aggregate for each quarter, as shown on the Aggregate shipped tonnage role provided for section 3 of this Bylaw, by the Levy Rate as specified by this Bylaw.

7) 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 of the Levy notice.

8) 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.

9) Pursuant to section 332 of the Act and section 8 of Alberta Regulation 263/2005 the Levies imposed under this Bylaw are deemed to be imposed on January 1st of the year the Levy is payable.

EXEMPTION FROM LEVY

10) No Levy under this Bylaw shall be imposed by the County on the following Shipments of Aggregates:

(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 a project that is being undertaken by or on behalf of the Crown or a municipality; and

(d) 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 described in the said agreements that is necessary to provide access to the Pit from which the Aggregate is extracted.

11) 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.

PENALTIES

12) Any person who fails to comply with any provision of this Bylaw shall be guilty of an offence and liable on summary conviction to a fine of not more than Ten Thousand (\$10,000.00) Dollars and, in default of payment, to imprisonment for a term not exceeding six (6) months.

INSPECTION AND PRODUCTION OF RECORDS

13) For the purposes of determining compliance with this Bylaw, the CAO may, after providing reasonable notice to the Operator, enter on lands where a Pit is located, including any

structures, at any reasonable time for the purposes of inspecting the Aggregate operations, including any shipments.

- 14) During an inspection under paragraph 13, or at any other time, the CAO of the County may request that an Operator produce any and all records relating to shipments of Aggregate from the Operator's operations so that the County may determine whether the Aggregate operation is or has been in compliance with this Bylaw.
- 15) During an inspection, or at any other time, the CAO of the County may request an Operator to make copies of any record referred to in paragraph 14 of this Bylaw or may make copies of such records.
- 16) If an inspection determines the Bylaw has not been complied with, the County may revise the Aggregate shipped tonnage for the current year, based on the information obtained during such inspection, and the next Levy notice sent by the County shall include any such revised Aggregate shipped tonnage amounts.

TRANSITION

- 17) Bylaw No. 25-2006 is hereby rescinded.
- 18) This Bylaw shall become effective on the date on which this Bylaw is passed pursuant to the Act.

READ A FIRST TIME this 8th day of **April, 2014**.

READ A SECOND TIME this 8th day of **April, 2014**.

READ A THIRD TIME AND FINAL TIME this 8th day of **April, 2014**.

Mayor

Manager, Legislative and Administrative Services