

BYLAW 788.18
OF LAMONT COUNTY
IN THE PROVINCE OF ALBERTA

THIS BYLAW, BEING BYLAW NO. 788.18 OF LAMONT COUNTY, IS TO AUTHORIZE A LEVY PERTAINING TO ALL SAND AND GRAVEL BUSINESSES OPERATING IN LAMONT COUNTY.

WHEREAS pursuant to the provisions contained in the *Municipal Government Act* (Alberta), the Council of Lamont County is authorized to pass a community aggregate payment levy bylaw to impose a levy pertaining to all sand and gravel businesses operating in Lamont County; and

WHEREAS Alberta Regulation 263/2005, made pursuant to the *Municipal Government Act*, specifies that any aggregate payment levy bylaw passed must contain certain provisions including the uniform levy rate to be applied throughout the municipality, subject to the maximum levy rate; and

WHEREAS the Council of Lamont County has determined that it is in the best interests of the residents of Lamont County that a Bylaw be passed pursuant to the *Municipal Government Act* to impose a levy pertaining to all sand and gravel businesses operating in Lamont County;

NOW THEREFORE the Council of Lamont County in council duly assembled hereby enacts as follows:

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) **“Applicant”** means an applicant for a Development Permit;
- d) **“County”** means Lamont County;
- e) **“Crown”** means the Crown in the right of Alberta or Canada;
- f) **“Landowner”** means the “owner” of a “parcel of land” as those terms are defined under the Act, s. 1;
- g) **“Levy”** means the Community Aggregate Payment Levy, as authorized by this Bylaw;
- h) **“Operator”** means a person engaged in extracting Aggregate for shipment;

- i) **“Pit”** means a location where Aggregate can be, is or has been extracted from its naturally occurring location;
- j) **“Shipment”** means a quantity of Aggregate hauled from the Pit from which 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. Reports shall be provided within fourteen (14) days of March 31, June 30, September 30 and December 31 in each calendar year, and shall contain the information prescribed in this bylaw 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. The levy notice shall be sent to the Operators within thirty (30) days of March 31, June 30, September 30 and December 31, or fifteen (15) days of receipt of the Operators’ quarterly report, whichever is later.

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 Shipment 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 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 **\$0.40** 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 roll provided for in 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.

EXEMPTIONS FROM LEVY

9. 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 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;

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 identified in the said agreement, that is necessary to provide access to the Pit from which the Aggregate is extracted.

e. 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 County.

PENALTIES

10. Any Operator or Landowner who violates any provisions of this Bylaw, or who neglects to do so, or refrains from doing anything required to be done by the provisions of this Bylaw, or fails to comply with any notice or direction given under this Bylaw, commits an offence.

a. A person who violates or contravenes the provisions of this Bylaw is guilty of an offence and is liable for a fine of up to \$5,000.00.

b. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues, and a person guilty of such an offence is liable to a fine in the amount of up to \$5,000.00 for the first offence and up to \$1,000.00 for each subsequent offence.

c. A Bylaw Enforcement Officer may issue, with respect to an offence under this Bylaw, a violation ticket.

d. Where a violation ticket specifies a fine a voluntary payment equal to the specified fine amount may be made.

APPLICATION

11. All Operators and Landowners shall comply with this Bylaw.

12(1). All Operators shall provide the County and its agents with access to pertinent Lands and all records necessary and beneficial to satisfy the County that the Operator has complied with this Bylaw, including, but without limiting the generality of the foregoing:

- a) All necessary information verifying the details contained in the Aggregate shipped tonnage roll for the Lands;
- b) Tonnage of Aggregate stockpiled on the Lands or elsewhere;
- c) Tonnage of Aggregate removed from the Lands;
- d) Tonnage of Aggregate removed for uses exempted from the Levy;
- e) Tonnage of Aggregate removed from the Lands for uses subject to the Levy;
- f) Agreements between the Operator and the Landowner; and
- g) Payments made by the Operator to the Landowner.

12(2) The Landowner, if requested by the County, shall provide the County with access to any information that the Landowner has in relation to the Operator's operations, including the information referenced in subsection (1) above.

12(3). Without limiting the generality of the foregoing, the access referred to in subsection (1) shall include the ability of the County or its agents to audit the operations of the Operator to ensure compliance with this Bylaw, and impose the costs for the audit on the Operator or Landowner if it is found that the Operator or Landowner did not provide accurate or complete information including aggregate levels.

13. 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.

14. In addition to the requirements of this Bylaw, the Operator shall ensure compliance with all provincial requirements with respect to Aggregate extraction sites and reclamation.

15. Compliance with this Bylaw shall not be deemed to constitute compliance with federal or provincial environmental standards.

LIABILITY

16. At no time shall the County be in any way liable for any actions taken pursuant to this Bylaw, nor shall any costs be incurred by the County.

17. Despite compliance with this Bylaw, all Aggregate mining and transportation activities must be carried out so as to create a minimum of dust, noise and environmental disturbance.

EFFECTIVE DATE

18. The provisions of this Bylaw shall come into force and take effect July 1, 2018.

REPEAL

19. This Bylaw repeals and replaces Bylaw 683.07 effective June 30, 2018.

READ for a first time this 12th day of June, 2018.

READ for a second time this 12th day of June, 2018.

READ a third time and finally passed this 12th day of June, 2018.


Reeve


Chief Administrative Officer

LAMONT COUNTY AGGREGATE PAYMENT LEVY BYLAW: SCHEDULE "A"
Aggregate Production Quarterly Report

Name of Aggregate Operator
Business Address of 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 3 month period (tonnes)
Less Amount of Aggregate exempt from levy (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, or required pursuant to a road haul agreement or development agreement, all as prescribed in Bylaw). Describe amounts and exemptions:
NET AGGREGATE PRODUCTION

Method used to determine weight of Aggregate shipped:

On-site scale: ____

Off-site scale: ____

Date of the Quarter End: _____

Location: _____

Estimate: _____

Describe methodology utilized: _____

Note: Three (3) month periods are: January – March, April – June, July – September and October – December of each year. Aggregate Production Quarterly Report is due within fourteen (14) days at the end of each quarter.

I declare, on behalf of the Operator that the information contained in this report is true, to the best of my knowledge:

 Printed Name of individual Declarant

 Signature of Declarant