

**BYLAW NO. 985/PUB/2022
BEING A BYLAW OF THE
MUNICIPAL DISTRICT OF FAIRVIEW NO. 136
IN THE PROVINCE OF ALBERTA**

A BYLAW OF THE MUNICIPAL DISTRICT OF FAIRVIEW NO. 136 IN THE PROVINCE OF ALBERTA TO AUTHORIZE THE IMPOSITION OF A COMMUNITY AGGREGATE PAYMENT LEVY

WHEREAS the Municipal Government Act, Revised Statutes of Alberta 2000, Part 10, Division 7.1, authorizes the Council of the Municipal District of Fairview No. 136 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; and

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 the Municipal District of Fairview No. 136 has determined that it is in the best interest of the Municipal District of Fairview No. 136 to pass a community aggregate payment levy bylaw;

NOW THEREFORE be it resolved that the Council of the Municipal District of Fairview No. 136, in the Province of Alberta, duly assembled, enacts as follows:

Definitions

1. In this Bylaw:
 - a. "Aggregate" means any sand or gravel that is excavated from a pit, whether in a processed or unprocessed form;
 - b. "Municipality" means the Municipal District of Fairview No. 136 in the Province of Alberta;
 - c. "Crown" means the Crown in right of Alberta or Canada;
 - d. "Levy" means community aggregate payment levy;
 - e. "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;
 - f. "Sand and gravel operator" means a person duly engaged in extracting sand and gravel for shipment;
 - g. "Shipment" means a quantity of sand and gravel duly hauled from the pit from which it was extracted.

Reporting of Shipments

2. All sand and gravel operators in the Municipality shall report their shipments, in tonnes, from each individual pit within the boundaries of the Municipality, on a quarterly basis, within fourteen (14) days after March 31, June 30, September 30 and December 31 of each year, on the form attached as "Schedule A" to this bylaw.

Levy Notices and Payment

- 3.1 The Municipality shall send out community aggregate payment levy notices within thirty (30) 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.
- 3.2 The levy shown on a levy notice shall be paid to the Municipality by the operator within thirty (30) days of the date of the levy notice.

Sand and Gravel Shipped Tonnage Roll

4. The Municipality 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. The levy rate to be applied throughout the Municipality in calculating the amount of the levy is **\$0.40 per tonne** of sand and gravel.

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:

1 cubic metre = 1.365 tonnes, for sand

and

1 cubic metre = 1.632 tonnes, for gravel

where 1 cubic metre = 1.308 cubic yards

Amount of Levy

7. The amount of levy to be imposed in respect of a sand and gravel operator is calculated by multiplying the number of tonnes of sand and gravel recorded on the sand and gravel shipped tonnage roll for that operator for the reporting period by the levy rate.

Exemptions From Levy

- 8.1 No levy may be imposed on the following classes of 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;
 - (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;
 - (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. 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 Municipal District of Fairview No. 135 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 contravenes any provisions of this Bylaw is guilty of an offence.
- 10.2 Persons contravening any section of this bylaw shall be liable for the penalty of Five Thousand (\$5000.00) Dollars for the first offence, and Ten Thousand (\$10,000.00) Dollars for the second and any subsequent occurrence.
- 10.3 A notice of form commonly called an Offence Ticket having printed wording approved by the Chief Administrative Officer, may be issued by a Peace Officer or a Bylaw Enforcement Officer to any person alleged to have breached any provision of this bylaw, and the said notice shall require the payment to the Municipal District in the amount specified in this bylaw.
- 10.4 An Offence Ticket shall be deemed to be sufficiently served:
- a. If served personally on the accused; or
 - b. If mailed to the address of the accused.

Effective Date and Repeal

- 11.1 Should any provision of this Bylaw be deemed invalid, then the invalid provision shall be severed and the remaining Bylaw shall be maintained.
- 11.2 This Bylaw shall come into force and take effect on January 1, 2023.

First reading given on the 12th day of April, 2022.


Philip Kolodychuk, Reeve


Robert Jorgensen, Chief Administrative Officer


Second Reading given on the 26th day of April, 2022.


Philip Kolodychuk, Reeve


Robert Jorgensen, Chief Administrative Officer

Third Reading and Assent given on the 26th day of April, 2022.


Philip Kolodychuk, Reeve


Robert Jorgensen, Chief Administrative Officer

**Municipal District of Fairview No. 136
Community Aggregate Payment Levy Bylaw No. 985/PUB/2022
Schedule "A"**

Aggregate Production Quarterly Report

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 _____
Email Address _____

Location of Sand/Gravel Pit _____
Reporting Period (*Enter quarter/month*) _____

Name of Owner of Parcel where Pit is Located _____
Mailing Address of Owner of Parcel _____

Telephone Number _____
Fax Number _____
Email Address _____

Total sand and gravel shipped from this pit in the reporting period (tonnes)	
TOTAL A	

TOTAL shipments exempted from Community Aggregate Payment Levy

TOTAL B - _____

TOTAL A minus TOTAL B	=
NET Shipments Subject to Community Aggregate Payment Levy (tonnes)	

Method used to determine weight of Aggregate shipped:

- On-site scale
- Off-site scale
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 after the end of each quarter.