

BYLAW NO. 2023-04

A BYLAW OF WHEATLAND COUNTY, IN THE PROVINCE OF ALBERTA, TO AUTHORIZE THE IMPOSITION OF A COMMUNITY AGGREGATE PAYMENT LEVY ON LANDS WITHIN WHEATLAND COUNTY.

WHEREAS the Municipal Government Act, Part 10, Division 7.1, authorizes the Council of Wheatland County to pass a community aggregate payment levy bylaw to impose a levy in respect of all aggregate 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 Wheatland County has determined that it is in the best interest of Wheatland County to pass a community aggregate payment levy bylaw;

NOW THEREFORE be it resolved that the Council of Wheatland County in the Province of Alberta, duly assembled, enacts as follows:

SHORT TITLE

1. The short title of this bylaw is *"Community Aggregate Payment Levy Bylaw."*

DEFINITIONS

2. In this Bylaw:
 - a. "Aggregate" means any sand, gravel, marl, clay or shale that is excavated from a pit, whether in a processed or unprocessed form;
 - b. "Crown" means the Crown in right of Alberta or Canada;
 - c. "Levy" means community aggregate payment levy;
 - d. "Peace Officer" means a person employed for the purposes of preserving and maintaining the public peace;
 - e. "Pit" means any duly constituted opening, excavation or working of the surface or subsurface made for the purpose of removing aggregate, and includes any associated infrastructure, but does not include a mine or quarry;
 - f. "Aggregate Operator" means a person duly engaged in extracting aggregate for shipment;
 - g. "Shipment" means a quantity of aggregate duly hauled from the pit from which it was extracted;
 - h. "Personal use" means generally accepted uses such as access to and development of the registered landowner or their agricultural development with these uses to be the end use of the aggregate.

TERMS AND RATES

3. All Aggregate Operators in Wheatland County shall report their shipments, in tonnes, accompanied by payment for each individual pit within the boundaries of Wheatland County, semi-annually, within thirty (30) days after June 30th, and December 31st of each year, on the form attached as Schedule "A" to this bylaw.
4. Wheatland County shall record the tonnage of aggregate in an aggregate operator's shipment on an aggregate shipped tonnage roll based on the tonnage of aggregate in an operator's shipment, as reported by the Operator.
5. The levy rate to be applied throughout Wheatland County in calculating the amount of the levy is \$0.40 per tonne of aggregate.

6. Where an Aggregate Operator is unable to provide a measurement of weight for the amount of aggregate in a shipment, the Aggregate 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 crushed gravel

1 cubic metre = 1.940 tonnes, for pit run gravel

1 cubic metre = 1.480 tonnes, for clay

1 cubic metre = 1.270 tonnes, for topsoil

Where 1 cubic yard = 0.765 cubic metre
7. The amount of levy to be imposed in respect of an Aggregate Operator is calculated by multiplying the number of tonnes of aggregate recorded on the aggregate shipped tonnage roll for that Aggregate Operator for the reporting period by the levy rate.
8. No levy may be imposed on the following classes of shipments of aggregate:
 - 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;
9. No levy may be imposed on shipments of aggregate that are subject to another tax, levy or payment that is established by and payable to a municipality.
10. No levy may be imposed on shipments of aggregate 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 aggregate is extracted.
11. The Community Aggregate Payment Levy will not apply on aggregate for personal use when it is removed from the lands of the registered landowner and placed on lands of the same registered owner.
12. A person who purchases an aggregate business or in any other manner becomes liable to be shown on the aggregate shipped tonnage roll as liable to pay a levy must give Wheatland County written notice of a mailing address to which notices under the Municipal Government Act, Part 10, Division 7.1, may be sent.
13. Where the levy imposed under a community aggregate payment levy notice is not paid within the time limit set out in Section 2, Wheatland County may impose a late payment penalty in addition to the principal amount owing under the specific community aggregate payment levy notice, as set out at Schedule "B," as amended by resolution of Council from time to time.
14. Any Aggregate Operator that fails to comply with the requirement of this bylaw is guilty of an offence and is liable, upon summary conviction, to a fine as set out in Schedule "C" of this bylaw.
15. Under no circumstances shall an Aggregate Operator convicted of an offence under this bylaw be subject to a penalty of imprisonment.
16. Where a Peace Officer has reasonable grounds to believe that an offence has been committed under this bylaw, the Peace Officer may issue a Violation Ticket to that Aggregate Operator, pursuant to Part II of the Provincial Offences Procedures Act, RSA 2000 c.P-34, as amended or repealed and replaced from time to time.
17. Where a Violation Ticket has been issued to an Aggregate Operator under this bylaw, the Operator may enter a plea of guilt by making a voluntary payment in the amount shown on the ticket to a Provincial Court Office. The recording of the payment by the Clerk of the Court is an acceptance of the guilty plea and constitutes a conviction.

18. Aggregate Operators who have paid the Community Aggregate Payment Levy and are members of the Alberta Sand and Gravel Association may request the installation of signage to promote or notify the public about a specific project or improvement funded by the levy. All costs associated with the signage, including installation, will be the responsibility of the Aggregate Operators. Wheatland County Administration must approve all signage before installation can proceed.
19. The enactment of this Bylaw shall supersede any previous similar agreements already established between the County and the operator of an Aggregate Mine.

Effective Date




Bylaw 2018-05 is hereby repealed effective end of day, June 30th, 2023.

This Bylaw shall come into force and effect on July 1, 2023.

Read a first time this 7 day of MARCH, 2023

Read a second time this 7 day of MARCH, 2023

Read a third time this 7 day of MARCH, 2023


  Reeve

Chief Administrative Officer

Wheatland County Community Aggregate Payment Levy Bylaw No. 2023-04
SCHEDULE "A"

COMMUNITY AGGREGATE REPORT FORM



Wheatland County
Community Aggregate Payment Levy
Shipments Semi-Annual Report
242006 Range Road 243, Wheatland County, AB, T1P 2C4

This report (including zero reports) must be received by Wheatland County within thirty (30) days from the last day of the reporting period.

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

Name of Operator
Mailing Address of Operator
Telephone Number / Fax Number
E-mail Address
Location of Aggregate Pit
Type of Pit (Sand/Crushed/Pit Run/Clay/Topsoil)
Reporting Period (Jan-Jun / July-Dec)
Name of Owner of Parcel where Pit is Located
Mailing Address of Owner of Parcel
Telephone Number / Fax Number
E-mail Address

Total Aggregate 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 Aggregate 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:
- owned by the Government of Alberta or a municipality, or
 - leased by the Government of Alberta or a municipality from another party

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

E3) Total Aggregate that you shipped from this pit to Wheatland County projects in the reporting period (tonnes)

E4) Total Aggregate that you shipped from this pit to projects of other municipalities (excluding Wheatland County) in the reporting period (tonnes)

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

TOTAL A minus TOTAL B = TOTAL C →	=
This gives the shipments subject to Community Aggregate Payment Levy (tonnes)	
TOTAL AGGREGATE LEVY PAYABLE [Total C (taxable tonnes) * \$0.40]	TOTAL PAYABLE → =

The weight of Aggregate in individual shipments may be estimated if weigh scales are unavailable. The conversion rates to be used in estimating the tonnage are as follows:

1 cubic metre = 1.365 tonnes, for sand	1 cubic metre = 1.480 tonnes, for clay
1 cubic metre = 1.632 tonnes, for crushed gravel	1 cubic metre = 1.270 tonnes, for topsoil
1 cubic metre = 1.940 tonnes, for pit run gravel	where 1 cubic yard = 0.765 cubic metre

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SCHEDULE “B”

LATE PAYMENT PENATIES

A penalty of ten (10%) shall be added to the current levy that remains unpaid after forty-five (45) calendar days following the end of the reporting period.

A penalty of ten (10%) shall be added to any levy that remains unpaid on the anniversary of the due date specified in section 3.2.

SCHEDULE “C”

FINES

	<u>Penalties</u>	<u>Section</u>
Failure to report shipments	\$500	2.
Second or subsequent offence within a Twelve (12) month period	\$1,000	2.