

**BYLAW 1128-2009
OF THE COUNTY OF THORHILD
IN THE PROVINCE OF ALBERTA**

THIS BYLAW, BEING **BYLAW NO.1128-2009** OF THE COUNTY OF THORHILD NO. 7 IS TO AUTHORIZE A LEVY PERTAINING TO ALL SAND AND GRAVEL BUSINESSES OPERATING IN COUNTY OF THORHILD NO.7.

WHEREAS pursuant to the provisions contained in the *Municipal Government Act*, the Council of The County of Thorhild No. 7 is authorized to pass a Community Aggregate Payment Levy Bylaw to impose a levy pertaining to all sand and gravel businesses operating in the County of Thorhild No. 7; and

WHEREAS Alberta Regulation 263/2005, made pursuant to section 409.3 of the said 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 The County of Thorhild No. 7 has determined that it is in the best interests of the residents of The County of Thorhild No. 7 that a Bylaw be passed pursuant to the *Municipal Government Act* to impose a levy pertaining to all sand and gravel businesses operating in The County of Thorhild No. 7;

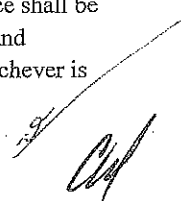
NOW THEREFORE the Council of The County of Thorhild No. 7 in council duly assembled hereby enacts as follows:

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 The County of Thorhild No. 7;
 - e) "Landowner" means the "owner" of a "parcel of land" as those terms are defined under the Act, s.1;
 - 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 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;
 - i) "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, October 31, 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, October 31, and December 31, 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 the 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.

OPERATOR/LANDOWNER REQUIREMENTS

6. All Operators and Landowners need to obtain a Development Permit, Business License, and Road Use Agreement prior to opening/operating new sites and for existing operating sites.

LEVY RATE AND PAYMENT AND COLLECTION OF LEVY

- 7. 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 roll provided for in section 3 of this bylaw, by the Levy Rate as specified by this Bylaw.
- 8. 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.
- 9. 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

- 10. 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 the 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.

PENALTIES

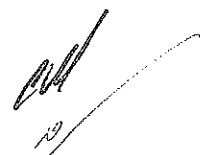
11. Any person who fails to comply with any provision of this Bylaw shall be guilty of an offence and liable on summary conviction to a fine of not more than One Thousand (\$1,000.00) Dollars and, in default of payment, to imprisonment for a term not exceeding six (6) months.

APPLICATON

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

13 (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 Land 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;



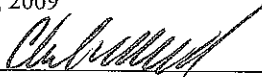
- f) Agreements between the Operator and the Landowner; and
- g) Payments made by the Operator to the Landowner.

- 13 (2). The Landowner, if requested by the County shall provide the County with access to and information that the Landowner has in relation to the Operators' operations, including the information referenced in subsection (1) above.
- 13 (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.
- 14. 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.
- 15. 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.
- 16. Compliance with this Bylaw shall not be deemed to constitute compliance with federal or provincial environmental standards.

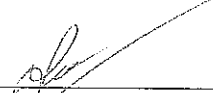
LIABILITY

- 17. 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.
- 18. 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.
- 19. This Bylaw shall become effective on the date on which this Bylaw is passed pursuant to the Act.

READ for a first time this 27th day of October, 2009



Reeve

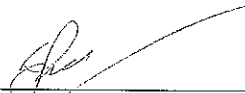


County Manager

READ for a second time this 27th day of October, 2009.

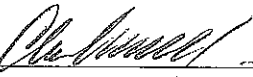


Reeve



County Manager

READ a third time and with the unanimous consent of all councilors present, finally passed this 27th day of October, 2009.



Reeve



County Manager

SCHEDULE "A"
SAND AND GRAVEL SHIPMENTS QUARTERLY REPORT

This report must be received by the County within fourteen (14) days from the last day of reporting period (March 31, June 30, September 30, and December 31).

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 and Gravel Pit | |
| Reporting Period: January 1 – March 31 April 1 – June 30 July 1 – September 30 October 1 – December 31 | |
| 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 |
|--|

| | |
|---|--|
| 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 or 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 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 the County projects in this reporting period (tonnes) | |
| E4) Total sand and gravel that you shipped from this pit to projects of other municipalities (excluding the County) in the reporting period (tonnes) | |
| TOTAL EXEMPTED SHIPMENTS [ADD E1 + E2 + E3 + E4] (tonnes) | |
| TOTAL B | |

| |
|---|
| TOTAL A minus TOTAL B This gives the Shipments subject to Community Aggregate Payment Levy (tonnes) |
|---|

The weight of sand and gravel 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; and 1 cubic metre = 1.632 tonnes for gravel; where 1 cubic metre = 1.308 cubic yards