

## BYLAW 1400/18

### COMMUNITY AGGREGATE PAYMENT LEVY BYLAW

#### STURGEON COUNTY, MORINVILLE, ALBERTA

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BYLAW 1400/18 BEING A BYLAW OF STURGEON COUNTY, MORINVILLE, ALBERTA FOR THE PURPOSE OF AUTHORIZING COUNCIL TO IMPOSE A LEVY IN RESPECT TO ALL SAND AND GRAVEL BUSINESS OPERATING IN THE MUNICIPALITY AND TO RAISE REVENUE TO BE USED TOWARD THE [PAYMENT OF INFRASTRUCTURE COMMUNITY ENHANCEMENT](#) AND OTHER COSTS IN THE MUNICIPALITY.

**WHEREAS**, the *Municipal Government Act*, R.S.A. 2000 C.M-26, any amendments or successor legislation thereto authorizes Council to establish and aggregate levy bylaw;

**AND WHEREAS**, *Alberta Regulation 263/2005* establishes provisions that apply to all municipalities that have passed a community aggregate payment levy bylaw;

**AND WHEREAS**, the Alberta Sand and Gravel Association supports the collection of the levy to provide communities a visible and tangible benefit for local aggregate operations;

**NOW THEREFORE BE IT RESOLVED**, that the Council of Sturgeon County, duly assembled, hereby enacts as follows:

1. All sand and gravel operators must report to Sturgeon County all shipments on a sand and gravel shipped tonnage roll, in tonnes, on a quarterly basis within fourteen (14) days of the last business day in March, June, September and December of each calendar year.
2. Sturgeon County will send out a levy notice to each operator setting out the amount of the levy payable by the operator based on the aggregate shipped within thirty days (30) of the last business day in March, June, September and December in each calendar year.
3. The shipped tonnage roll is based on the tonnage of sand and gravel in an operator's shipment, as reported by the operator, and is subject to random information audits and requests for operating records.
4. The levy rate is set by Sturgeon County is \$0.40 per tonne of sand and gravel.
5. An amount owing to the County by an operator as shown on the levy notice shall be paid within 30 days or be subject to penalties, 1½ % per month, for late payment as identified in Sturgeon County's annual fees and charges schedule.
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 conversion rates set out under subsection (1)(f) of the *Alberta Regulation*.
7. Exemptions from the levy may be imposed consistent with those identified in the *Alberta Regulation*.
8. Any operator who violates any provisions of the Bylaw, or who neglects to do 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.
  - 8.1. A person who violates or contravenes the provisions of this Bylaw is guilty of an offence and is liable for a fine of \$10,000 for the first offence and \$20,000 for each subsequent offence.

- 8.2. A Bylaw Enforcement Officer may issue, with respect to an offence under this Bylaw, a violation ticket.
- 8.3. Where a violation ticket specifies a fine a voluntary payment equal to the specified fine amount may be made.
- 9. The provisions of this Bylaw shall come into force and take effect July 1, 2018.
- 10. Bylaw 1078/06 is hereby repealed effective June 30, 2018.

Read a first time this 13<sup>th</sup> day of February 2018.

Read a second time this      day of                      2018.

Read a third time this      day of                      2018.

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MAYOR

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COUNTY COMMISSIONER (CAO)

**If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.**