

**BY-LAW NO. 1081  
OF STARLAND COUNTY  
IN THE PROVINCE OF ALBERTA, CANADA**

A Bylaw of Starland County to authorize the imposition of a Community Aggregate Payment Levy in respect of all sand and gravel businesses operating in the County

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

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

**1.0 Interpretation**

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) "County" means Starland County;
  - c) "Crown" means the Crown in right of Alberta or Canada;
  - d) "Levy" means community aggregate payment levy as authorized by this bylaw;
  - 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.

**2.0 Reporting of Shipments**

2.0 All sand and gravel operators in the County shall report their shipments, in tonnes, from each individual pit within the boundaries of the County, on a monthly basis, within fourteen (14) days after the last day of each month, on the form attached as Schedule "A" to this bylaw.

**3.0 Levy Notices and Payment**

3.0 The County 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.

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3.1 The levy shown on a levy notice shall be paid to the County by the operator within thirty (30) days of the date of receipt of the levy notice.

**4.0 Sand and Gravel Shipped Tonnage Roll**

4.0 The County 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.

**5.0 Uniform Levy Rate**

5.0 The levy rate to be applied throughout the County in calculating the amount of the levy is \$0.25 (25 cents) per tonne of sand and gravel.

**6.0 Uniform Conversion Rate**

6.0 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

**7.0 Amount of Levy**

7.0 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.

**8.0 Exemptions from Levy**

8.0 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.

8.1 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.

8.2 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.

## **9.0 Person Liable to Pay Levy**

9.0 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 County written notice of a mailing address to which notices under the Municipal Government Act, Part 10, Division 7.1, may be sent.

## **10.0 Penalties**

10.0 If the Developer or Aggregate Mining Industry is in default of fulfilling the intention of the Bylaw of the Municipality, on notice of the default, the municipality may carry out necessary actions to rectify the default and charge the cost of the expenses thereof to the aforementioned.

10.1 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.

## **11.0 Effective Date**

The provisions of this Bylaw takes effect immediately upon third and final reading thereof.

First reading on motion of Councillor Avramenko done in Council this 25th day of April, 2006.

Second reading on motion of Councillor Hoover, done in Council this 25th day of April, 2006.

Third and final reading on motion of Reeve McLeod, done in Council this 25th day of April, 2006.

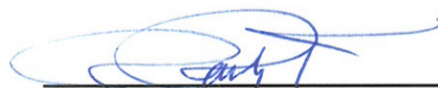
Done and Passed in Council this 25th day of April, 2006.

### **STARLAND COUNTY**



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**K. BARRY MCLEOD  
REEVE**



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**ROSS D. RAWLUSYK  
CHIEF ADMINISTRATIVE OFFICER**

**Starland County Community Aggregate Payment Levy Bylaw No. 1081**

**Schedule "A"**

**Sand and Gravel Shipments Quarterly/Monthly Report**

This report must be received by Starland County within fourteen (14) days from the last day of the reporting period.

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/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  
E-mail Address

<p><b>Total sand and gravel that you shipped from this pit in the reporting period (tonnes)</b></p>	<div style="border: 1px solid black; display: inline-block; padding: 2px 5px;"><b>TOTAL A</b></div>
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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 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 sand and gravel that you shipped from this pit to Government of Alberta projects in the reporting period (tonnes)

Provincial Project: \_\_\_\_\_

E3) Total sand and gravel that you shipped from this pit to Starland County projects in the reporting period (tonnes)

E4) Total sand and gravel that you shipped from this pit to projects of other municipalities (excluding Starland County) in the reporting period (tonnes)

**Total Exempted Shipments** [Add E1+E2+E3+E4] (tonnes)

**TOTAL B**
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<p>This gives the <b>Shipments subject to Community Aggregate Payment Levy (tonnes)</b></p>	<p>TOTAL A minus TOTAL B =</p>
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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

1 cubic metre = 1.632 tonnes, for gravel

where 1 cubic metre = 1.308 cubic yards