



BYLAW NO. 07-533

of the Municipal District of Greenview No. 16

**A Bylaw of the Municipal District of Greenview No. 16, in the
Province of Alberta, to authorize the imposition of a levy in respect of all
sand and gravel businesses operating in the Municipal District of
Greenview No. 16**

WHEREAS pursuant to the provisions contained in the *Municipal Government Act* (Alberta), section 409.1, the Council of the M.D. of Greenview #16 is authorized to pass a community aggregate payment levy by-law to impose a levy in respect of all sand and gravel businesses operating in the M.D. of Greenview #16; and

WHEREAS Alberta Regulation 263/2005 made pursuant to section 409.3 of the said Act specifies that any By-Law passed pursuant to section 409.1 must contain certain provisions including the maximum levy which may be imposed under the By-Law; and

WHEREAS the Council of the M.D. of Greenview #16 has determined that it is in the best interests of the residents of the M.D. of Greenview #16 that a By-Law be passed pursuant to section 409.1 of the said Act to impose a levy in respect of all sand and gravel businesses operating in the M.D. of Greenview #16;

NOW THEREFORE the Council of the M.D. of Greenview #16 in council duly assembled hereby enacts as follows:

DEFINITIONS

1. In this By-Law:
 - 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. “M.D.” means the M.D. of Greenview #16
 - d. “Crown” means the Crown in the right of Alberta or Canada;
 - e. “Levy” means the Community Aggregate Payment Levy (CAPL) as authorized by this By-Law;
 - f. “Operator” means a person engaged in extracting Aggregate for Shipment;
 - g. “Pit” means a location where Aggregate can be, is or has been extracted from its naturally occurring location;
 - h. “Shipment” means a quantity of Aggregate hauled from the Pit where it was extracted;

OPERATOR REPORTING REQUIREMENTS

2. All Operators in the M.D. shall report all Shipments of Aggregate in tonnes from any Pit within the boundaries of the M.D. on a quarterly basis within fourteen (14) days of March 31, June 30, September 30 and December 31 in each calendar year, such report to be in the form attached as Schedule “A” to this By-Law.

3. The M.D. 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 By-Law.
4. The M.D. shall send out a levy notice under this By-Law to each Operator setting out the amount of the Levy payable by the Operator based upon the Aggregate shipped tonnage roll recorded by the M.D. pursuant to section 3 of this By-Law within thirty (30) days of March 31, June 30, September 30 and December 31 in each calendar year.
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 Shipments in tonnes for the purpose of reporting under section 2 of this By-Law:
 - 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

LEVY RATE AND PAYMENT AND COLLECTION OF LEVY

6. The uniform Levy Rate for all Shipments of Aggregate from a Pit within the M.D. shall be established annually by resolution of Council as part of the Schedule of Fees. No GST will be payable on the Levy. 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 By-Law, by the Levy Rate as specified by this By-Law.
7. An amount owing to the M.D. by an Operator as shown on the Levy notice sent to the Operator pursuant to section 4 of this By-Law shall be paid by the Operator within thirty (30) days of the date of mailing of the Levy notice.
8. An Operator shall provide the M.D. with written notice of a mailing address to which all notices under this By-Law and Division 7.1 of Part 10 of the Act may be sent.
9. All Levies received for the CAPL will be placed in a gravel or transportation reserve account for infrastructure upgrading purposes.

EXEMPTIONS FROM LEVY

10. No Levy under this By-Law shall be imposed by the M.D. on the following Shipments of Aggregate:
 - a. A Shipment for a use or a project that is being undertaken by or on behalf of the M.D. of Greenview;
 - b. 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; and
 - c. 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 described in the said agreements that is necessary to provide access to the Pit from which the Aggregate is extracted.

11. An Operator shall report all Shipments of Aggregate as provided for in this By-Law even though one or more of such Shipments may be exempt under this By-Law from the Levy.

PENALTIES

12. Any person who fails to comply with any provision of this By-Law 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.

Bylaw 06-507 is hereby repealed.

This Bylaw shall come into force and effect upon the day of final passing.

Read a first time this 27th day of June, A.D., 2007

Read a second time this 27th day of June, A.D., 2007

Read a third time and finally passed this 11th day of July, A.D., 2007.



REEVE



MUNICIPAL MANAGER

SCHEDULE "A"

to Bylaw No. 07-533

MUNICIPAL DISTRICT OF GREENVIEW NO. 16

Aggregate Production Quarterly Report

Name of Aggregate Producer.	
Business Address of Aggregate Producer	
Location of Aggregate Pit	
Telephone Number	
Fax Number	
E-mail Address	

Name of Aggregate Pit Owner	
Business Address of Pit Owner	
Location of Aggregate Pit	
Telephone Number	
Fax Number	
E-mail Address	

Total Aggregate shipped in preceding 3 month period (tonnes)	
Less Amount of Aggregate shipped 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	
NET AGGREGATE PRODUCTION	

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 ten (10) working days at the end of each quarter.