

**TOWN OF PEACE RIVER
BYLAW NO. 2017**

BEING A BYLAW OF THE TOWN OF PEACE RIVER IN THE PROVINCE OF ALBERTA TO AUTHORIZE THE IMPOSITION OF A COMMUNITY AGGREGATE PAYMENT LEVY

WHEREAS, the *Municipal Government Act*, Part 10, Division 7.1, authorizes the Council of the Town of Peace River 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;

WHEREAS, the *Municipal Government Act*, Part 2, Division 1, Section 7, authorizes the Council of the Town of Peace River to pass bylaws regarding the enforcement of bylaws and inspections to enable the Town of Peace River to determine compliance with bylaws;

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;

WHEREAS, the Council of the Town of Peace River has determined that it is in the best interest of the Town of Peace River to pass a community aggregate payment levy bylaw;

NOW THEREFORE, the Council of the Town of Peace River, in the Province of Alberta, duly assembled, enacts as follows:

TITLE

1. This bylaw may be cited as the "Community Aggregate Levy Bylaw".

INTERPRETATION

2. In this bylaw:
 - a) "Aggregate" means any sand or gravel that is excavated from a pit, whether in a processed or unprocessed form;
 - b) "Bylaw Enforcement Officer" means a person employed for the purposes of preserving and maintaining the public peace;
 - c) "CAO" mean the Chief Administrative Officer of the Town of Peace River or authorized delegate;
 - d) "Crown" means the Crown in the right of Alberta or Canada;
 - e) "Levy" means community aggregate payment levy;
 - f) "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;

- g) "Sand and gravel operator" means a person duly engaged in extracting sand and gravel for shipment;
- h) "Shipment" means a quantity of sand and gravel duly hauled from the pit from which it was extracted;
- i) "Town" means the Town of Peace River.

REPORTING OF SHIPMENTS

3. All sand and gravel operations in the Town of Peace River shall report their shipments, in tonnes, from each individual pit within the boundaries of the Town of Peace River, on a quarterly basis, within fourteen (14) days after March 31, June 30, September 30, and December 31 of each year, on Form TPR-SQR1 provided by the Town.

LEVY NOTICES AND PAYMENTS

- 4.1 The Town of Peace River 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.
- 4.2 The levy shown on a levy notice shall be paid the Town of Peace River by the operator within thirty (30) days of the date of receipt of the levy notice.

SAND AND GRAVEL SHIPPED TONNAGE ROLL

5. The Town of Peace River 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 or as the Town of Peace River determines should have been reported by the operator based on the Town's review of the operator's records.

UNIFORM LEVY RATE

6. The levy rate to be applied throughout the Town of Peace River in calculating the amount of the levy is \$0.40 per tonne of sand and gravel.

UNIFORM CONVERSION RATE

7. 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 shipment 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

AMOUNT OF LEVY

8. 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.

EXEMPTIONS FROM LEVY

- 9.1 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.
- 9.2 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.
- 9.3 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.

PERSON LIABLE TO PAY LEVY

10. 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 Town of Peace River written notice of a mailing address to which notices under the *Municipal Government Act*, Part 10, Division 7.1, may be sent.

INSPECTIONS AND PRODUCTION OF RECORDS

- 11.1 For the purposes of determining compliance with this Bylaw, the CAO of the Town of Peace River may, after providing reasonable notice to the sand and gravel operator, enter on lands being used for sand and gravel operations, including any structures, at any reasonable time for the purposes of inspecting the sand and gravel operations, including any shipments.
- 11.2 During an inspection under 11.1, or at any other time, a designated officer of the Town of Peace River may request that a sand and gravel operator produce any and all records relating to shipments of

sand and gravel from the operator's operations so that the Town of Peace River may determine whether the sand and gravel operation is in compliance with this Bylaw.

- 11.3 During an inspection, or at any other time, the CAO of the Town of Peace River may request a sand and gravel operator to make copies of any record referred to in 11.2 of this Bylaw or may make copies of such records.

PENALTIES

- 12.1 Where the levy imposed under a community aggregate payment levy notice is not paid within the time limit set out in section 4.2, the Town of Peace River may impose a late payment penalty in addition to the principal amount owing under the specific community aggregate payment levy notice, as set out in Schedule "A", as amended by resolution of Council from time to time.
- 12.2 The Town may waive, cancel, or adjust a late payment penalty applied to an account in accordance with Section 12.1.

ENFORCEMENT

- 13.1 Any sand and gravel 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 "B" of this Bylaw.
- 13.2 Where a Bylaw Enforcement Officer or Peace Officer has reasonable grounds to believe that an offence has been committed under this Bylaw, the Bylaw Enforcement or Peace Officer may issue a Violation Ticket to that sand and gravel 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.
- 13.3 Where a violation Ticket has been issued to a sand and gravel operator under Section 13.2, that 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.

SEVERABILITY

14. If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed.

SCHEDULES

15. This bylaw contains Schedule "A" Late Payment Penalties and Schedule "B" Fines, which form a part of this bylaw.

EFFECTIVE DATE

16. This bylaw shall come into force and have effect on the date of third and final reading.

READ a first time this 12 day of February, 2018.

READ a second time this 12 day of February, 2018.

READ a third and final time this 12 day of March, 2018.

SIGNED by the Mayor and Chief Administrative Officer this 12 day of March, 2018.



Thomas Tarpey
Mayor



Christopher J. Parker
Chief Administrative Officer

Schedule "A"
Late Payment Penalties

A penalty of two (2%) percent per month shall be added to any levy that remains unpaid after thirty (30) days of the date of issuance of a levy notice.

Schedule "B"
Fines

| | <u>Penalty</u> | <u>Section</u> |
|---|----------------|----------------|
| Failure to report shipments | \$500.00 | 2. |
| Second or subsequent offence within a twelve (12) months period | \$1,000.00 | 2. |