



## **VULCAN COUNTY**

Vulcan - Alberta

### **BYLAW 2017-027**

Being a bylaw of Vulcan County, in the province of Alberta, to authorize a Community Aggregate Payment Levy for road construction improvements on Lands within Vulcan County for Aggregate Mining Development by a developer or corporation;

WHEREAS the Municipal Government Act, Section 409.1 authorizes any municipality to pass a bylaw imposing a Community Aggregate Payment Levy that authorizes the council to impose a levy in respect of all sand and gravel businesses operating in a municipality to raise revenue to be used toward the payment of infrastructure and other costs in the municipality.

AND WHEREAS development of aggregate mining lands will require the upgrading of road infrastructure or greater maintenance requirements than would otherwise be necessary and that such upgrading or greater maintenance is required during the lifetime of the development;

AND WHEREAS the Council of Vulcan County deems it just and reasonable that the impact created by the mining industry on road infrastructure within the development area be offset by the collection of funds to build, upgrade and maintain road infrastructure;

NOW THEREFORE the Council of Vulcan County, in the Province of Alberta, duly assembled enacts as follows:

#### **1. Title**

This Bylaw shall be known as the "Vulcan County Community Aggregate Payment Levy Bylaw".

#### **2. Definitions**

a) "Aggregate" means gravel, sand, marl, clay or shale, individually or in combination with two or more such materials;

- b) "Aggregate Mine" means the location where aggregates are excavated from the Land and includes the crushing, processing (includes the mixing of asphalt) and removal of the materials from the Land;
- c) "Aggregate Mining" means the excavating and removal of Aggregates from the Land and includes the crushing, processing (includes the mixing of asphalt) and removal of the materials from the Land;
- d) "Capital Costs" means the 'capital costs as referred to in Section 648 of the Municipal Government Act;
- e) "Conversion Rate" means
  - i) 1 cubic metre = 1.365 tonnes for sand, and
  - ii) 1 cubic metre = 1.632 tonnes for gravel,where 1 cubic metre is equal to 1.308 cubic yards;
- f) "County" means Vulcan County;
- g) "Crown" means the Crown in right of Alberta or Canada;
- h) "Development" means 'development' as defined in the Municipal Government Act;
- i) "Development Area" means those various areas of Lands within Vulcan County;
- j) "Lands" means the private title lands in accordance with the Land Titles Act, as amended;
- k) "Levy" means the Community Aggregate Payment Levy imposed pursuant to the Bylaw under the authority of the Municipal Government Act;
- l) "Municipal Government Act" means the 'Municipal Government Act being RSA 2000 cM-26, as amended;
- m) "Operator" means the person engaged in extracting aggregates for shipment;
- n) "Roads" means new or expanded roads required for or impacted by Aggregate Mines identified within the development area;

- o) "Shipment" means movement of aggregates from the Aggregate Mine;

### **3. Objective**

The object of this Bylaw shall be to establish the authority to levy and collect funds to be allotted towards financing of the cost of:

- a) New or expanded roads required for or impacted by aggregate mining;
- b) The acquisition of related lands as required;
- c) The maintenance of the road network serving aggregate mines.

### **4. Application**

A Community Aggregate Payment Levy shall be imposed upon the following lands:

- a) All lands within the Development Area upon which aggregate mining takes place after the date of passing of this Bylaw, or:
- b) All lands within the Development Areas for which aggregate mining approval is obtained after the date of passing of this Bylaw.

### **5. Recording**

- a) Each Operator shall record on a daily basis, in tonnes, the total amount of aggregate that is shipped from each of their aggregate mines.
- b) Within fourteen (14) days of December 31<sup>st</sup> and June 30<sup>th</sup> of each calendar year, every Operator shall report to the County the total amount in tonnes of aggregate shipped from each of their aggregate mines in the previous six calendar months.
- c) All tonnage reports will be submitted on the form attached as Schedule "A".
- d) Where an operator is unable to provide a measurement of weight for the amount of aggregate in a shipment, the Operator must use the conversion rates set out in 2(e) above to record shipments, in tonnes, for the purpose of reporting under Subsection 5(b) above.
- e) The total tonnage subject to the collection of the Community Aggregate Payment Levy will be an agreed tonnage between the County

and the Operator or Aggregate Mining Industry prior to February 28 of each year and will be supported by semiannual tonnage reports as outlined in 5(b) submitted to the County.

## **6. Addresses**

A person who purchases an aggregate mining business or in any manner becomes liable to be shown on the aggregate shipped tonnage roll as liable to pay a levy must give Vulcan County written notice of a mailing address to which notices may be sent.

## **7. Notices**

a) The County shall mail to each Operator a notice stating the amount of the Community Aggregate Payment Levy within thirty (30) days of December 31<sup>st</sup> and June 30<sup>th</sup> of each calendar year setting out the amount of the Levy payable by the Operator.

b) Each Operator shall pay to the County the amount shown on the Levy Notice within forty-five (45) days of the issuance of the levy notice.

## **8. Levy**

The Community Aggregate Payment Levy shall be \$0.25 per tonne of aggregate shipped.

## **9. Exceptions**

a) No Levy shall be imposed on aggregate shipped from an aggregate mine if the shipment is from a pit owned or leased by the Crown, Vulcan County, or another municipality for a use or project that is being undertaken by or on behalf of the Crown, Vulcan County, or another municipality.

b) No Levy shall be imposed on shipments of aggregate that are required pursuant to a road haul agreement or 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 aggregate is extracted.

## **10. Default**

a) If an Operator is in default of fulfilling the requirement to pay the community aggregate levy under this bylaw, the County, on notice of the default, may impose penalties in addition to the principal amount

owing as per the specific community aggregate levy notice as set out in schedule "B", as amended by Council from time to time.

b) If an Operator is in default of fulfilling the requirement to report aggregate shipments under this bylaw in accordance with the stated deadlines, the County, on notice of the default, may impose fines in addition to any other outstanding amounts under this bylaw as set out in schedule "B", as amended by Council from time to time.

## **11. Mine Closure**

The Levy shall be imposed on lands upon which aggregate mining is occurring until written notification is received by the County that the aggregate mining has been terminated or completed within the boundaries of the aggregate mine.

## **12. Interest**

The interest earned upon funds collected by the Levy will be retained by the County.

## **13. Refunds**

There will be no refunds on collected levies.

## **14. Effective Date**

This bylaw shall take effect on January 1, 2018.

Bylaw 2006-016 is hereby rescinded.

Received first reading this 16<sup>th</sup> day of August, 2017

[original signed]

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Jason Schneider, Reeve

[original signed]

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Nels Peterson, CAO

Received second reading this 16<sup>th</sup> day of August, 2017

[original signed]

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Jason Schneider, Reeve

[original signed]

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Nels Peterson, CAO

Presented for unanimous consent of Council to proceed to third reading  
this 16<sup>th</sup> day of August, 2017

[original signed]

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Jason Schneider, Reeve

[original signed]

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Nels Petersen, CAO

Received third reading and finally passed this 16<sup>th</sup> day of August, 2017

[original signed]

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Jason Schneider, Reeve

[original signed]

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Nels Peterson, CAO

**Schedule "A"**  
Sand and Gravel Shipments Semi Annual Report

This report must be received by Vulcan County within fourteen (14) days of December 31<sup>st</sup> and June 30<sup>th</sup> of each calendar year. 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	_____
Email Address	_____
Location of Aggregate Mine	_____
Reporting Period	_____
Name of Land Owner where this Pit is located	_____
Telephone Number	_____
Fax Number	_____
Email Address	_____

**Total sand and gravel shipped form this mine (in tonnes):** \_\_\_\_\_ (1)

**Shipments exempted from Community Aggregate Levy**

Total sand and gravel shipped from this pit pursuant to Government of Alberta Projects(s) in the reporting period (in tonnes): \_\_\_\_\_ (2)

Total sand and gravel shipped from this pit to a project being completed by or for the County in the reporting period (in tonnes): \_\_\_\_\_ (3)

Total sand and gravel shipped form this pit to a project being completed by or for another municipality in this reporting period (in tonnes): \_\_\_\_\_ (4)

**Total exempted shipments (2+3+4):** \_\_\_\_\_ (5)

**Total shipments subject to the Community Aggregate Levy (1-5):** \_\_\_\_\_

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 meter = 1.365 tonnes for sand  
1 cubic meter = 1.632 tonnes for gravel

Where 1 cubic meter = 1.308 cubic yards

**Schedule "B"**  
Penalties and Fines

**LATE PAYMENT PENALTIES**

A penalty of 16% shall be added to the current levy that remains unpaid after the forty-five (45) calendar days of the date of issuance of a levy notice.

A penalty of 16% shall be added to any levy that remains unpaid on the anniversary of the due date specified in 7.b).

**FINES**

Failure to report shipments by the due date specified in 5.b) will result in a \$500 fine.

A second or subsequent failure to report shipments by the due date specified in 5.b) within a twenty-four (24) month period will result in a \$1,000 fine.