

# BRAZEAU COUNTY

## BYLAW NO: 1232-26

**BEING A BYLAW OF BRAZEAU COUNTY, IN THE PROVINCE OF ALBERTA, TO AUTHORIZE THE IMPOSITION OF A COMMUNITY AGGREGATE PAYMENT LEVY.**

**WHEREAS**, the *Municipal Government Act*, Section Part 10, Division 7.1, authorizes a Municipal Council 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 be used toward the payment of infrastructure and other costs in the municipality; and

**WHEREAS**, the *Community Aggregate Payment Levy Regulation*, Alberta Regulation 263/2005 applies to all municipalities that have passed a Community Aggregate Payment Levy bylaw; and

**WHEREAS**, the Council of Brazeau County has determined that it is in the best interests of the residents of Brazeau County to pass a Community Aggregate Payment Levy bylaw;

**NOW THEREFORE**, the Council of Brazeau County, duly assembled, enacts as follows:

### **DEFINITIONS**

1. In this Bylaw:

- a. "Act" means the *Municipal Government Act* R.S.A 2000 c. M-26, as amended from time to time;
- b. "Aggregate" means sand or gravel or both as found naturally or stockpiled;
- c. "County" means Brazeau County;
- d. "Crown" means the Crown in the right of Alberta or Canada;
- e. "Levy" means the Community Aggregate Payment Levy as authorized by this Bylaw;
- f. "Operator" means a person or corporate entity engaged in extracting sand and gravel for Shipment;
- g. "Peace Officer" means any member of the Royal Canadian Mounted Police, and any Bylaw Enforcement Officer or Community Peace Officer, or other person appointed by the County to enforce County Bylaws.

- h. "Pit" means a location where Aggregate can be, is or has been extracted from its naturally occurring location;
- i. "Shipment" means a quantity of Aggregate hauled from the Pit where it was extracted.

### **OPERATOR REPORTING REQUIREMENTS**

- 2. All Operators in the County shall report their Shipments, in tonnes, from each individual Pit within the boundaries of the County, on a quarterly basis, within thirty (30) days after March 31, June 30, September 30 and December 31 of each year, in the form prescribed by the County (the "Report").
- 3. The County shall record the Aggregate shipped by each Operator for each quarter on an Aggregate Shipped Tonnage Roll (the "Roll") based upon the Report filed by each Operator pursuant to section 2 of this Bylaw.
- 4. In the case of any Operator who shall be unable to provide a weight measurement 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 Bylaw:
  - a. 1 cubic metre = 1.365 tonnes for sand; and
  - b. 1 cubic metre = 1.632 tonnes for gravelWhere 1 cubic metre is equal to 1.308 cubic yards.
- 5. An Operator shall provide the County with written notice of a mailing address to which all notices under this Bylaw and Division 7.1 of Part 10 of the Act may be sent.

### **LEVY RATE AND PAYMENT AND COLLECTION OF LEVY**

- 6. The uniform Levy Rate for all Shipments from a Pit located within the County shall be as per the current Brazeau County Schedule of Fees Bylaw ("Schedule of Fees"), as amended from time to time.

7. The amount of the Levy shall be determined by multiplying the number of tonnes of Aggregate for each quarter (as shown on the Roll provided for in section 3) by the Levy Rate.
8. Within thirty (30) days of receiving the report described in section 2, the County shall send out Community Aggregate Payment Levy Notices (“Notice(s)”) setting out the amount of the Levy payable by the Operator.
9. A Notice is deemed to have been received 7 days after it is sent.
10. An amount owing to the County by an Operator as shown on the Notice sent to the Operator pursuant to section 8 of this Bylaw shall be paid by the Operator within thirty (30) days from the date of mailing of the Notice.

#### **EXEMPTIONS FROM LEVY**

11. 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.
12. 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.
13. 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.
14. An Operator shall report all Shipments of Aggregate as provided for in this Bylaw, even though one or more of such Shipments may be exempt under this Bylaw from the Levy.

## **INSPECTION AND PRODUCTION OF RECORDS**

15. For the purposes of verifying compliance with this Bylaw, the County or its designate may, at any reasonable time, require an Operator to produce all records, scale tickets, haul logs, invoices, contracts, weigh scale summaries, production estimates, or any other documents relating to the extraction, production, or Shipment of Aggregate.
16. The County may also enter upon land, other than a dwelling, for the purpose of inspecting Pits, stockpiles, scales, or other facilities associated with Aggregate extraction or Shipment, subject to providing reasonable notice.
17. Failure to produce the required records constitutes an offence under this Bylaw.
18. If following an inspection and/or a review of the Shipment records provided by the Operator, or both, it is discovered that there is an error, omission, or incorrect description with respect to any of the information shown on a Roll, the County may correct the Roll, and, if applicable, issue an amended Notice to account for the difference between the actual Shipments during the reporting period and the Shipments initially reported by the Operator.

## **PENALTIES**

19.
  - a. In addition to any other remedy under this Bylaw, if an Operator fails to report their Shipments in the timeframe set out in Section 2 of this Bylaw, the County may impose a late reporting surcharge in addition to the principal amount owing under the Notice, as set out in the Schedule of Fees as amended by resolution of Council from time to time.
  - b. Where the Levy imposed under a Notice is not paid within the time limit set out in Section 8 of this Bylaw, Brazeau County may impose a late payment penalty in addition to the principal amount owing under the specific Notice, as set out in the Schedule of Fees as amended by resolution of Council from time to time.
  - c. The Chief Administrative Officer (CAO) or designate may waive, cancel or adjust a late reporting surcharge or late payment penalty applied to an account in accordance with Section 19.

## **ENFORCEMENT**

20. A Peace Officer who has reasonable and probable grounds to believe that an offence under this Bylaw has been committed is authorized to take enforcement action in accordance with this Bylaw.
21. Any Operator who contravenes any provision of this Bylaw is guilty of an offence and is liable, upon summary conviction, to a penalty as set out in the County's Schedule of Fees.
22. If the Operator is in default of complying with this Bylaw, on notice of the default, the County may carry out necessary actions to rectify the default and charge the cost of the expenses thereof to the aforementioned.
23. A Peace Officer is authorized to issue a Violation Tag to any Person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
24. A Violation Tag may be served:
  - a. personally upon the Operator;
  - b. in the case of a corporation, by serving the Manager, Secretary, or other executive officer;
  - c. by leaving it with a person who appears to be at least eighteen (18) years of age at the place of business; or
  - d. by registered mail.
25. A Violation Tag shall be in a form approved by the County and shall state:
  - a. the name of the Person or Operator;
  - b. the offence;
  - c. the applicable penalty as set out in the Schedule of Fees;
  - d. the time period for payment; and
  - e. any other information required by the County.
26. Where a Violation Tag has been issued, the Person or Operator to whom it is issued may, in lieu of prosecution, pay the penalty specified on the Violation Tag within the time period indicated.

27. Where a Violation Tag has been issued and the penalty has not been paid within the prescribed time, a Peace Officer is authorized to issue a Violation Ticket pursuant to Part 2 of the Provincial Offences Procedure Act, RSA 2000, c. P-34, as amended from time to time.
28. Where a contravention of this Bylaw is of a continuing nature, a Peace Officer may issue additional Violation Tags, provided that no more than one Violation Tag shall be issued for each day that the offence continues.
29. Violation Tickets
  - a. Notwithstanding any other section of this Bylaw, a Peace Officer may immediately issue a Violation Ticket where the Peace Officer has reasonable and probable grounds to believe a contravention has occurred.
  - b. Where a Violation Ticket has been issued to an Operator under this Bylaw, 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.
30. A conviction under this Bylaw does not relieve a Person from the requirement to comply with this Bylaw, nor does it prevent further enforcement action for continued non-compliance.
31. Except where otherwise provided, any Person convicted of an offence under this Bylaw is liable to a fine of not less than two hundred and fifty dollars (\$250.00) and not more than five thousand dollars (\$5,000.00), or to imprisonment for a term not exceeding six (6) months, or to both.
32. Any fine or penalty imposed under this bylaw inures to the benefit of the County.

**REPEAL**

33. Bylaw 1105-22 and any amendments thereto are hereby repealed.

**EFFECTIVE DATE**

34. This Bylaw shall become effective on the date on which this Bylaw is passed pursuant to the Act.

**READ** a first time this 17<sup>th</sup> day of February, 2026.

**READ** a second time this 17<sup>th</sup> day of February, 2026.

**READ** a third time and finally passed this 17<sup>th</sup> day of February, 2026.

  
\_\_\_\_\_  
Reeve

  
\_\_\_\_\_  
Chief Administrative Officer

