

**BYLAW NUMBER 50M2007**

**BEING A BYLAW OF THE CITY OF  
CALGARY RESPECTING A LEVY ON  
AGGREGATE MINING OPERATIONS**

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**WHEREAS** pursuant to Section 409.1 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26 as amended, a Council may pass a community aggregate payment levy bylaw to authorize the imposition of 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** *Community Aggregate Payment Levy Regulation 263/2005* applies to all municipalities that have passed a community aggregate payment levy bylaw;

**AND WHEREAS** Council for The City of Calgary has considered Report LPT2007-21 titled "Community Aggregate Payment Levy" and wishes to pass a community aggregate payment levy bylaw;

**NOW THEREFORE THE COUNCIL OF THE CITY OF CALGARY HEREBY ENACTS  
AS FOLLOWS:**

**1. TITLE**

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

**2. INTERPRETATION**

- (a) All attached Schedules form part of this Bylaw.
- (b) Within this Bylaw, any reference to laws are meant to refer to the current laws applicable within the Province of Alberta as at the time this Bylaw was enacted and as they are amended from time to time, and includes successor legislation.
- (c) Nothing in this Bylaw relieves a person from complying with any Federal or Provincial law or regulation, other bylaw or any requirement of any lawful permit, order or licence.
- (d) Any headings or subheadings in this Bylaw are included for guidance purposes and convenience only, and shall not form part of this Bylaw.
- (e) Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of

competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

**3. DEFINITIONS:**

- (a) In this bylaw:
- (1) *"Aggregate"* means gravel or sand, individually or in combination;
  - (2) *"City"* means the municipal corporation of The City of Calgary and includes the geographical area within the boundaries of the city of Calgary where the context so requires;
  - (3) *"Crown"* means The Crown in right of Alberta or Canada;
  - (4) *"Levy"* means the community aggregate payment levy imposed pursuant to this Bylaw under the authority of the Municipal Government Act;
  - (5) *"Municipal Government Act"* means the Municipal Government Act being R.S.A 2000 c.M-26, as amended;
  - (6) *"Sand and Gravel Operator"* means a person engaged in extracting sand and gravel for *Shipment*; and
  - (7) *"Shipment"* means the quantity of *Aggregate* hauled from the pit where it was extracted.

**4. TERMS AND RATES**

- (a) Subject to Section 5 a *Sand and Gravel Operator* operating within the *City* shall be subject to a \$0.25 per tonne *Levy* on *Shipments*.
- (b) The amount of *Levy* to be imposed on a *Sand and Gravel Operator* is calculated by multiplying the number of tonnes of *Shipments* recorded on the Aggregate Shipments Annual Report, in the form of Schedule "A", for that *Sand and Gravel Operator* for the calendar year by the *Levy* referred to in Subsection 4(a).
- (c) A *Sand and Gravel Operator* who is unable to weigh the amount of sand and gravel in a *Shipment* because a weigh scale is unavailable, must apply the uniform conversion rates set out in Subsection 4(d) to the volume of aggregate shipped to calculate and record the weight of *Shipments* for the purposes of reporting under Subsection 4(e)(1).

- (d) The uniform conversion rate is:
- (1) 1 cubic metre = 1.365 tonnes, for sand; and
  - (2) 1 cubic metre = 1.632 tonnes, for gravel,
- where 1 cubic metre is equal to 1.308 cubic yards.
- (e) A *Sand and Gravel Operator* operating within the *City* shall:
- (1) deliver to the *City*, Roads Business Unit, a completed Aggregate Shipments Annual Report;
  - (2) ensure the Aggregate Shipments Annual Report referred to in Subsection 4(e)(1) is delivered to the *City*, Roads Business Unit prior to January 31<sup>st</sup> of each year for the prior calendar year's *Shipments*;
  - (3) pay the *Levy* to *City*, Roads Business Unit:
    - (i) within 30 days of the date of mailing the levy notice issued under Subsection 4(f); or
    - (ii) by monthly installments if they have previously arranged with the *City*, Roads Business Unit to do so.
- (f) The *City* will issue levy notices to the *Sand and Gravel Operators* prior to February 28<sup>th</sup> of each year.
- (g) The *Levy* shall be imposed on *Sand and Gravel Operators* until the *Sand and Gravel Operator* is no longer engaged in extracting *Aggregate* for *Shipment* and official notification to that effect is received by the *City*, Roads Business Unit.

## **5. EXEMPTIONS**

- (a) No *Levy* shall be imposed on the following classes of *Shipments*:
- (1) a *Shipment* from a pit owned or leased by the *Crown* for a use or project that is undertaken by or on behalf of the *Crown*;
  - (2) a *Shipment* from a pit owned or leased by the *City* for a use or project that is undertaken by or on behalf of a municipality; or

- (3) a Shipment from a pit owned or leased by the *Crown* or the *City* for a use or project that is being undertaken by or on behalf of the *Crown* or a municipality.

**6. PENALTIES**

- (a) Any person who fails to comply with Sections 4(e)(1), 4(e)(2), or 4(e)(3) 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 of a term not exceeding Six (6) months.

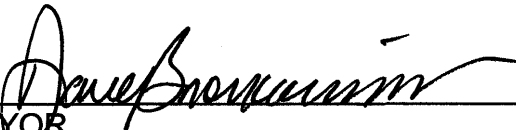
**7. EFFECTIVE DATE**


This Bylaw comes into force January 1<sup>st</sup>, 2008.

READ A FIRST TIME THIS 26<sup>th</sup> DAY OF NOVEMBER, 2007.

READ A SECOND TIME THIS 26<sup>th</sup> DAY OF NOVEMBER, 2007.

READ A THIRD TIME THIS 26<sup>th</sup> DAY OF NOVEMBER, 2007.

  
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MAYOR  
SIGNED THIS 26<sup>th</sup> DAY OF NOVEMBER, 2007.

  
\_\_\_\_\_  
CITY CLERK  
SIGNED THIS 26<sup>th</sup> DAY OF NOVEMBER, 2007.

**The City of Calgary  
Community Aggregate Payment Levy Bylaw**

**Schedule "A"  
Aggregate Shipments Annual Report**

**This report must be submitted for each pit from which an operator has extracted Aggregate in the previous calendar year.**

Name of Operator	
Mailing Address of Operator	

Telephone Number	
Fax Number	
E-Mail Address	

Location of Sand/Gravel Pit including Legal Address	
Calendar Year Reported	

Name of Owner of Parcel where Pit is located	
Mailing Address of Owner of Parcel	

Telephone Number	
Fax Number	
E-mail Address	

<b>Total aggregate that you shipped from this pit in the previous calendar year (tonnes)</b>	<b>TOTAL A</b>	
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**Please complete Sections E1 to E3 only if this pit is:**

- ☐ **Owned by the Crown or a municipality, or**  
☐ **Leased by the Crown or a municipality from another party**

<b>E1) Total aggregate that you shipped from this pit to Crown projects in the calendar year (tonnes)</b>	
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**The City of Calgary  
Community Aggregate Payment Levy Bylaw**

**Schedule "A" (continued)  
Aggregate Shipments Annual Report**

E2) Total aggregate that you shipped from this pit to a project being completed by or for the City of Calgary projects in the previous calendar year (tonnes)		
E3) Total aggregate that you shipped from this pit to projects being completed by or for other municipalities (excluding the City of Calgary) in the previous calendar year (tonnes)		
<b>Total Exempted shipments [add E1+E2+E3] (tonnes)</b>	<b>TOTAL B</b>	<b>-</b>

<b>This gives the Shipments subject to Community Aggregate Payment Levy (tonnes)</b>	<b>TOTAL A minus TOTAL B</b>	<b>=</b>
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<p>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:</p> <p>1 cubic meter = 1.365 tonnes, for sand  1 cubic meter = 1.632 tonnes, for gravel  Where 1 cubic meter = 1.308 cubic yards</p>
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**DATE:** 2007 November 20

**TO:** CITY CLERK

**FROM:** AMANDA MASTERS  
BARRISTER & SOLICITOR

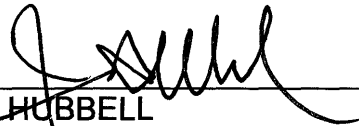
**RE:** **BYLAW NUMBER 50M2007**

**BEING A BYLAW OF THE CITY OF  
CALGARY TO ~~AMEND BYLAW 32M98~~ THE  
~~BUSINESS LICENCE BYLAW~~**

*all.*  
FOR A LEVY ON AGGREGATE MINING OPERATIONS

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APPROVAL AS TO CONTENT

  
\_\_\_\_\_  
JOHN HUBBELL  
General Manager, Transportation

APPROVED AS TO FORM

  
\_\_\_\_\_  
AMANDA MASTERS  
Barrister & Solicitor, Law Department

BUDGET PROGRAM NO.  
(if applicable)

\_\_\_\_\_

DATE OF COUNCIL INSTRUCTION  
(if applicable)

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