

**MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44
BYLAW C-6214-2006**

THIS BEING a Bylaw of the Municipal District to Rocky View No. 44 in the Province of Alberta, to authorize a Community Aggregate Payment Levy for road infrastructure improvements on Lands within the Municipal District of Rocky View No. 44 proposed for Aggregate Mining Development by a developer or corporation;

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

AND WHEREAS a developer has proposed to develop the Lands by establishment of an Aggregate Mine on Lands within the Municipal District of Rocky View No. 44 geographical boundaries;

AND WHEREAS it is deemed just and reasonable that the impact created by mining industry on road infrastructure within the development area be offset by the collection of funds to build, upgrade and maintain such infrastructure.;

NOW THEREFORE the Council of the Municipal District of Rocky View No. 44, duly assembled, and under the authority of the Municipal Government Act; hereby enacts as follows:

1) TITLE

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

2) INTERPRETATION

For purposes of this Bylaw the following definitions apply:

- a) "Aggregate" means gravel, sand, marl, clay or shale, individually or in combination with two or more such materials;
- b) "Aggregate Mine" means the business of excavating for 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;
- c) "Capital Costs" means "capital costs" as referred to in Section 648 of the Municipal Government Act
- d) "Development" means "development" as defined in the Municipal Government Act;
- e) "Development Area" means those various areas of Lands within the Municipal District of Rocky View No. 44;
- f) "Lands" means the private titled lands in accordance with the Lands Title Act, as amended;

- g) "Levy" means Community Aggregate Payment Levy imposed pursuant to this Bylaw under the authority of the Municipal Government Act;
- h) "Municipal District" means the Municipal District of Rocky View No. 44 or, where the context permits, the geographical area thereof;
- i) "Municipal Government Act" means the Municipal Government Act being RSA 2000 cM-26, as amended;
- j) "Roads" means new or expanded roads required for or impacted by Aggregate Mines identified within the development area;
- k) "Shipment" means the quantity of sand and gravel that is hauled from the pit where it was extracted.

3) ENACTMENT

- a) 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: (i) new or expanded roads or other road maintenance items approved by Council required for or impacted by aggregate mining; (ii) the acquisition of related lands as required.
- b) A Levy shall be imposed upon the following lands:
 - i) All lands within the Development Area upon which aggregate mining takes place after the date of passing of the within Bylaw, or;
 - ii) All lands within the Development Areas for which aggregate mining approval is obtained after the date of passing the within Bylaw.
- c) All attached Schedules and Maps form part of this Bylaw.

4) TERMS AND RATES

- a) All lands upon which aggregate mining is proceeding on Lands within the Municipal District of Rocky View No. 44 boundaries shall be subject to:
 - i) a \$0.25 per tonne of aggregate extracted and removed, by means of trucking or shipment, from the aggregate mining area;
- b) The Community Aggregate Payment Levy will be imposed on the lands that are the subject of an aggregate mining.
- c) The Community Aggregate Payment Levy will be exempt for any shipment of aggregate for use or project being undertaken by the Crown or a Municipality from a pit on land owned or leased by the Crown or a Municipality.
- d) The total tonnage subject to the collection of the Community Aggregate Payment Levy will be an agreed tonnage between the Municipality and the Developer or Aggregate Mining Industry prior to January 31 of each year and will be supported by semi annual tonnage reports submitted to the Municipality. All tonnage reports will be submitted on the form attached as Schedule "A". Notices will be sent out to the Developer or Aggregate Mining Industry in respect of the levy within 30 days of January 31 in each calendar year with payment of the levy by the operator due within 30 days of the date of receipt of the levy notice.

- e) If the Developer or Aggregate Mining Industry is in default of fulfilling the intention of the Bylaw the Municipality, on notice of the default, may carry out necessary actions to rectify the default and charge the cost of the expense thereof to the aforementioned.
- f) The enactment of this Bylaw will supersede any previous similar agreements all ready established between the Municipality and Aggregate Mining industry.
- g) All funds collected and identified to this date under the Road Maintenance Agreements will be applied to the capital cost of road infrastructure as defined by this Bylaw.
- h) The Levy shall be imposed on lands upon which aggregate mining is occurring until official notification is received by the Municipality that the aggregate mining has been terminated or completed within the boundaries of development.
- i) All funds collected pursuant to this Bylaw herein shall be accounted for and expended only as permitted under the provisions of the Municipal Government Act and this Bylaw;
- j) Nothing in this Bylaw precludes the Municipal District from:
 - i) Imposing a different or other off-site Levy, duly enacted by Bylaw, on any portion of the Lands in respect of which the Municipal District has not collected a Levy;
- k) The interest earned upon funds collected by the Levy will be retained by the Municipality.
- l) There will be no refunds on collected Levies.


5) EFFECTIVE DATE

The provision of this Bylaw takes effect immediately upon third and final reading of this Bylaw.

First reading passed in open Council, duly assembled in the City of Calgary, in the Province of Alberta, this February 7, 2006 on a motion by Councilor Branson.

Second reading passed in open Council, duly assembled in the City of Calgary, in the Province of Alberta, this May 2, 2006, on a motion by Councilor Solberg.

Third and final reading passed in open Council, duly assembled in the City of Calgary, in the Province of Alberta, May 2, 2006, on a motion by Councilor Boehlke.

Per: 
Reeve

Per: 
Municipal Secretary

**Municipal District of Rocky View No. 44
Community Aggregate Payment Levy Bylaw C-6214-2006
Schedule "A"
Sand and Gravel Shipments Semi Annually Report**

This report must be received by the Municipal District within fourteen (14) days of July 1 and December 31 of the 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	
E-mail Address	

Location of Sand/Gravel Pit	
Reporting Period	
Name of Owner of Parcel where Pit is located	
Mailing Address of Owner of Parcel	
Telephone Number	
Fax Number	
E-mail Address	

Total sand and gravel that you shipped from this pit in the reporting period (tonnes)	TOTAL A	
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Shipments exempted from Community Aggregate Payment Levy	
E1) Total sand and gravel that you shipped from this pit, pursuant to a road haul agreement, for the construction, repair or maintenance of access roads to this pit (tonnes)	

Please complete sections E2 to E4 only if this pit is:

- Owned by the Government of Alberta or a municipality, or
- Leased by the Government of Alberta or a municipality from another party

E2) Total sand and gravel that you shipped from this pit to Government of Alberta projects in the reporting period (tonnes)	
E3) Total sand and gravel that you shipped from this pit to a project being completed by or for the Municipal District of Rocky View No. 44 projects in the reporting period (tonnes)	
E4) Total sand and gravel that you shipped from this pit to projects being completed by or for other municipalities (excluding the Municipal District of Rocky View No. 44) in the reporting period (tonnes)	
Total Exempted Shipments [add E1+E2+E3+E4] (tonnes)	TOTAL B -

This gives the Shipments subject to Community Aggregate Payment Levy (tonnes)	TOTAL A minus TOTAL B =
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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