

# BYLAW C-8635-2025

## A bylaw of Rocky View County, in the Province of Alberta, to authorize the County to undertake site monitoring visits to commercial aggregate sites within the County

**WHEREAS** section 7(a) of the *Municipal Government Act* allows Council to pass bylaws respecting the safety, health, and welfare of people and the protection of people and property;

**AND WHEREAS** section 542(1) of the *Municipal Government Act* authorizes a Designated Officer to, enter on to land, after giving reasonable notice to the owner or occupier of land to carry out any inspection, enforcement or action;

**AND WHEREAS** section 630.1 of the *Municipal Government Act* allows Council to establish and charge fees for matters relating to Part 17 of the Act;

**AND WHEREAS** section 645(2) of the *Municipal Government Act* allows the municipality to issue and enforce a Stop Order, where it is found that person is in contravention to the conditions of a development permit;

**NOW THEREFORE** the Council of Rocky View County enacts as follows:

### Title

- 1 This bylaw may be cited as *Aggregate Site Monitoring Bylaw*.

### Definitions

- 2 Words in this Bylaw have the same meaning as set out in the *Municipal Government Act* except for the definitions provided in Schedule 'A' of this Bylaw.

### Bylaw Applicability Effect

- 3 This Bylaw applies to all commercial aggregate sites which obtain or renew a development permit for aggregate extraction and/or processing following the date this Bylaw is brought into effect.

### General Requirements

- 4 Compliance with this Bylaw will be required through conditions imposed upon any development permit relating to commercial aggregate extraction or processing.
- 5 This Bylaw requires that the County, and/or a third party appointed by the County, undertakes visits to commercial aggregate sites to assess compliance with any development permits relating to aggregate extraction or processing on the subject lands. The frequency of such visits is to be determined by the County, in consultation with the aggregate site operator and in accordance with this Bylaw.
- 6 Following completion of any chargeable visit in accordance with this Bylaw, the County shall provide the aggregate site operator a report confirming whether the commercial aggregate site is



compliance with the assessed conditions of the relevant development permit. The County shall keep each monitoring and inspection report on record for public inspection for a minimum period of 10 years from the site visit date.

- 7 Following the completion of any chargeable visits and distribution of the report under section 6 above, the aggregate site operator shall make arrangements with the County to pay the applicable fee within 30 days of the County requesting payment.

### **Rates Charged by County to Aggregate Site Operators**

- 8 Where a visit is made to a commercial aggregate site by the County, and/or a third party appointed by the County, for the purposes of monitoring compliance with all active development permits which relate to the commercial aggregate site, the aggregate site operator shall pay to the County a fee to the amount as outlined in the County Master Rates Bylaw as amended or replaced.
- 9 Where there is more than one (1) aggregate site operator within an commercial aggregate site, the fee shall be divided equally between those operating under the relevant development permit(s).
- 10 The fees set out within the Master Rates Bylaw shall be applied for:
- (1) scheduled visits to commercial aggregate sites required under this Bylaw; and
  - (2) for complaint-driven visits, where an alleged non-compliance against any relevant development permit can be substantiated by the County.

### **Maximum Number of Visits**

- 11 The maximum number of scheduled visits for any one (1) such site for which a fee is payable under this Bylaw in any period of 12 months, beginning with the date of first such visit, is:
- (1) where the site is an active site, four (4); or
  - (2) where the site is an inactive site, one (1).
- 12 Notwithstanding the above, a maximum number of complaint-driven visits to a commercial aggregate sites shall not be set, where an alleged non-compliance against any relevant development relevant to a commercial aggregate site can be substantiated by the County.
- 13 Where continued complaints are made against an aggregate site with no contravention of a development permit condition noted, the County may deem additional complaints to be frivolous and will therefore be dismissed.

### **Responsibilities of County in Entering Aggregate Sites**

- 14 In undertaking monitoring visits to a commercial aggregate sites, the County and/or a third party appointed by the County shall ensure compliance with Section 542(1) of the *Municipal Government Act* by giving reasonable notice of the visit to the aggregate site operator in the event that the County or third party intends to enter on to the site.



- 15 In undertaking monitoring visits to a commercial aggregate sites, the County and/or a third party appointed by the County shall take reasonable steps to comply with health and safety requirements in force within the commercial aggregate site.

### Enforcement

- 16 Where an aggregate site operator is found by the County to be in contravention of any relevant conditions imposed by a relevant development permit, the County, and/or third party appointed by the County shall:
- (1) notify the aggregate site operator as soon as practicable; and
  - (2) provide the aggregate site operator a reasonable period, to be determined by the County in consultation with the aggregate site operator, within which to rectify the contravention.
- 17 Notwithstanding Section 16(2), if an agreement to determine what is a reasonable period to rectify the contravention cannot be made between the County and the aggregate site operator, the contravention shall be referred to the County Enforcement Services Department for further action, where appropriate.
- 18 Where an aggregate site operator fails to rectify a contravention within a reasonable period agreed with the County, the contravention shall be referred to the County Enforcement Services Department for further action, where appropriate.
- 19 Notwithstanding any other provision of this Bylaw the County is not required to provide an aggregate site operator a reasonable period within which to rectify a contravention if in the opinion of the County there is an imminent danger to public safety or of serious harm to property, and the County may require the aggregate site operator to rectify the contravention immediately.

### Repeal and Effective Date

- 20 Bylaw C-8635-2025 is passed and comes into full force and effect three months from when it receives third reading and is signed in accordance with the *Municipal Government Act*.

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2025

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2025

UNANIMOUS PERMISSION FOR THIRD READING this \_\_\_\_\_ day of \_\_\_\_\_, 2025

READ A THIRD AND FINAL TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2025



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Reeve

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Chief Administrative Officer

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Date Bylaw Signed

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**Bylaw C-8635-2025****Schedule 'A' – Definitions**

- (1) **“Active Aggregate Site”** means any aggregate site, or any part of that site, which holds an appropriate designation within the County Land Use Bylaw C-8000-2020 (as amended or replaced) for aggregate extraction and/or processing to which a relevant Development Permit has been issued relating to the activity being carried out to any substantial extent on the site or (as the case may be) that part of it;
- (2) **“Aggregate”** means any sand, gravel, clay, or marl that is excavated from a pit, whether in a processed or unprocessed form, but does not include aggregate expected to be unsuitable for use as a product;
- (3) **“Aggregate Site Operators”** means the person or company carrying out the operations on the land to which the aggregate extraction or processing permit relates;
- (4) **“Commercial Aggregate Site”** means aggregate sites which extract or process saleable aggregate for export;
- (5) **“Council”** means the duly elected Council of Rocky View County;
- (6) **“County”** means the municipality of Rocky View County and any of its employed representatives;
- (7) **“Development Permit”** means a document or permit, which may include attachments, issued pursuant to the County Land Use Bylaw C-8000-2020 (as amended or replaced) authorizing a development;
- (8) **“Inactive Aggregate Site”** means any aggregate site, or any part of that site, that has been not considered by the County to be active for one year, over and above seasonal fluctuations in activity;
- (9) **“Municipal Government Act”** means the *Municipal Government Act*, RSA 2000, c M-26, as amended or replaced from time to time; and
- (10) **“Rocky View County”** means Rocky View County as a municipal corporation and the geographical area within its jurisdictional boundaries, as the context requires.