

**BYLAW 2010-003 CONSTITUTING A FUND
RESERVED FOR THE PURPOSE OF IMPROVING
OR MAINTAINING PUBLIC ROADS**

WHEREAS article 78.1 and following of *the Loi sur les compétences municipales* stipulates that any local municipalities, where there is a presence of a gravel or sand pit on their territory, must create a fund reserved for the purpose of improving or maintaining public roads;

WHEREAS there is a presence of a gravel pit on the territory of the Municipality of Grosse Ile;

WHEREAS no regional fund reserved for improving and maintaining of certain public roads has been created in accordance with article 110.1 of the *Loi sur les compétences municipales*;

WHEREAS a notice of motion was given at a sitting of council held January 20, 2010.

THEREFORE

It is moved by Miles Clarke
Seconded by Robert Aitkens
And unanimously approved by the councillors present

THAT By-law 2010-003 be adopted, and that the following is ordered by the said by-law:

ARTICLE 1 PREAMBLE

The preamble of this present bylaw constitutes an integral part thereof.

ARTICLE 2 DEFINITIONS

Sand or Gravel Pit: Any area as described in Article 1 of the Act Regarding Sand and Gravel Pits (R.R.Q.c.Q-2,r.2). The term sand, for the purpose of this present bylaw, also includes the term gravel.

Operator of a Gravel Or Sand Pit: Person or enterprise who exploits a gravel or sand pit, meaning the extraction or recycling of substances for sale or for personal usage.

Concerned Substances Substances that are subject to this present bylaw are substances, transformed or not, that are transported outside of a sand or gravel pit. These substances include surface minerals foreseen in Article 1 of the Mining Act (L.R.Q.c.M-13.1), such as sand, gravel, clay, stone cut to specific size, crushed gravel and minerals used for the fabrication of cement. These substances also include those found in recycled debris from the demolition of buildings, bridges, roads or other structures.

ARTICLE 3 ESTABLISHMENT OF FUNDS

The council decrees, by this present bylaw, the constitution of a local fund reserved for improvements or maintenance to public roads.

ARTICLE 4 DESTINATION OF THE FUNDS

The funds shall be used:

1. To improve or maintain all or part of public roads that are used , or subject to be used, to transport from sand or gravel pit sites situated within the territory of the Municipality, substances that are subject to a fee that is payable in virtue of Article 5 of this present bylaw.
2. For works that will compensate for inconveniences related to the transportation of the concerned substances.

ARTICLE 5 FEES TO BE COLLECTED

The needs of the fund shall be met by a fee payable by each operator of a gravel or sand pit situated within the territory of the Municipality at which time transportation of the substances subject to this present bylaw is carried out on municipal roads.

The fee to be paid by the operator of a gravel or sand pit is calculated in function to the quantity, expressed in metric tons (Article 7.) or in metric cubes (Article 7.1) of substances, transformed or not, subject to this present bylaw.

ARTICLE 6 EXCLUSIONS

Fees cannot be collected on substances that are transformed in a building that is considered a manufacturing industry with the exception of prepared concrete and asphaltting industries.

Whenever an operator of gravel or sand pit produces a sworn declaration as foreseen in Article 8 and this declaration established that none of these substances are transported by means of municipal public roads from the site, the operator is therefore exempt of all fees during the period covered by the declaration.

ARTICLE 7 AMOUNT PAYABLE PER METRIC TON

For the 2009 municipal fiscal year, all substances are subject to an amount payable of \$0.50 per metric ton.

For each subsequent fiscal year, the amount payable per metric ton will be the result of calculating an index based on the highest amount applicable for the previous year. The percentage corresponds to the rate of increase, according to Statistics Canada, based on the cost of living increase for Canada. Conforming to Article 78.3 – *Loi sur les compétences municipales*, this percentage, as well as the amount applicable, are published annually in the Gazette officielle du Québec before the beginning of the fiscal year.

ARTICLE 7.1 AMOUNT PAYABLE PER CUBIC METER

For the 2009 municipal fiscal year, all substances are subject to an amount payable of \$0.95 per cubic meter, except in the case of larger gravel, which will be subject to an amount of \$1.35 per cubic meter.

For each subsequent fiscal year, the amount payable per cubic meter will be the result of multiplying the amount payable per metric ton by the conversion factor of 1.9; in the instance of larger gravel, by the conversion factor of 2.7. Conforming to Article 78.3 – *Loi sur les compétences municipales*, the applicable amount is published annually in the Gazette officielle du Québec before the beginning of the fiscal year.

ARTICLE 8 DECLARATION OF SAND AND GRAVEL PIT OPERATORS

A declaration must be made by sand and gravel pit operators:

1. If substances subject to this present bylaw have been transported by way of public municipal roads from any of the sites being exploited during the period covered by the declaration.
2. The quantity of the substances calculated in metric tons or cubic meters, as the case may be, transported from each of the exploited sites during the period covered by the declaration.

3. If the declaration described in the first paragraph of the current article establishes that no substance will be utilized by municipal public roads from a site during the period it covers, this declaration must be made under oath, explaining the reason why.

ARTICLE 9 REQUIREMENTS

The fee payable by an operator is due thirty days following the sending date of an invoice by the municipal officer responsible for receiving the fees. Interest is added following the due date at the same rate as that in effect for interest on overdue tax accounts of the Municipality.

The invoice informs the operator of the regulations in the first paragraph.

The fee payable by the operator for the substances subject to this present bylaw that were transported from each site being exploited, during the fiscal year of the municipality, is not due until:

1. August 1 of the fiscal year in which substance were transported between January 1 and May 31 of the same fiscal year.
2. December 1 of the fiscal year for substances that were transported between June 1 and September 30 of the same fiscal year.
3. March 1 of the fiscal year for substances that were transported between October 1 and December 1 of the same fiscal year.

ARTICLE 10 MUNICIPAL OFFICER DESIGNATED

The Director-General is hereby designated as the municipal officer responsible for the application of this present bylaw, including the collection of the fees.

ARTICLE 11 FINES

Any physical or moral person that does not produce a declaration that is required by this present bylaw or who makes a false declaration is considered committing an infraction and is subject to, as well as other fees, the following fines:

1. For the first infraction, a fine of no less that \$100.00 but not exceeding \$200.00 for a physical person and a fine of no less that \$200.00 but not exceeding \$400.00 for a moral person.
2. For repeated offences, a fine no less than \$400.00 but not exceeding \$750 for a physical person or a fine no less than \$500 but not exceeding \$1000.00 for a moral person.

ARTICLE 12 COMING INTO FORCE

This present bylaw comes into force at the moment of its publication.

Rose Elmonde Clarke
Mayor

Janice Turnbull
Director General

NOTICE OF MOTION: January 20, 2010
ADOPTION: February 10, 2010
PUBLICATION: Febraury 16, 2010