



*Ville de
Métis-sur-Mer*

**REGULATION # 12-62
REGARDING THE CONSTITUTION OF A
LOCAL FUND RESERVED FOR THE REPAIRS
AND MAINTENANCE OF CERTAIN PUBLIC ROADS**

PROVINCE OF QUEBEC
VILLE DE MÉTIS-SUR-MER

REGULATION #12-62
REGARDING THE CONSTITUTION OF A LOCAL FUND RESERVED FOR THE REPAIRS
AND MAINTENANCE OF CERTAIN PUBLIC ROADS

WHEREAS articles 78.1 and following of the *Municipal competence Act* (L.R.Q. c. C-47.1) which enforces the obligation to every local municipality whose territory includes a quarry or sandpit, to constitute a fund reserved for the repairs and maintenance of certain public roads;

WHEREAS the presence of quarries and sandpits on the municipality's territory;

WHEREAS the absence of the constitution of a regional fund reserved for the repairs and maintenance of certain public roads with regards to Article 110.1 of the *Municipal competence Act*;

WHEREAS a notice of motion of the present by-law was duly given by Councillor Lysanne Desrosiers at the Council meeting held on January 10th, 2012;

For these reasons,

It's proposed by Councillor Mrs. June Smith et resolved unanimously that the Council of the Town of Métis-sur-Mer ordains and statues that a regulation number 12-62 be and is hereby adopted to enact the following:

ARTICLE 1 - PREAMBLE

The preamble to the present by-law forms an integral part as if it were reproduced in its entirety.

ARTICLE 2 - DEFINITIONS

Quarry or sandpit:	Any location as defined in Article 1 of the <i>By-law regarding quarries and sandpits</i> (R.R.Q. c. Q-2, r.2). The term sandpit includes, particularly, the term gravel pit by the terms of this by-law.
Owner of a quarry or sandpit:	Person or company that runs a sandpit, specifically, that proceeds with the extraction or recycling of substances deemed to be sold off for its own use.
Subjected substances:	Are subject to the present by-law, substances which are transformed or not, which are transported or not from a quarry or sandpit. These substances include surface mineral substances listed in Article 1 of the <i>Mines Act</i> (L.R.Q. c. M-13.1), such as, sand, gravel, clay, small stones, crushed stone, mineral used for the fabrication of cement and inert mining residue, with the exclusion of turf. These substances also include those coming from recyclable demolition debris from properties, bridges, roads or other structures.

ARTICLE 3 - ESTABLISHMENT OF FUNDS

Council decreed, by the present by-law, the constitution of a local fund reserved for the repairs and maintenance of certain public roads.

ARTICLE 4 - DESTINATION OF FUNDS

The amounts paid into the fund will be used, less those reserved for administering the regime as stipulated in the present by-law:

1. For repairs or maintenance of all or part of public roads, by which will pass through or are susceptible of passing through, from quarry or sandpit sites located on the Municipality's territory, substances subject to having fees payable, as per the present by-law;
2. For work aimed at offsetting inconveniences linked to the transportation of subjected substances;

ARTICLE 5 - ROYALTIES TO BE COLLECTED

To be provided for the needs of the funds by royalties payable by each quarry or sandpit located on the Municipality’s territory by royalties payable by each owner of a quarry or sandpit located on the Municipality’s territory whose operation is susceptible to incur the transit, on public municipal roads, substances subjected by the present by-law.

The royalties payable by the owner of a quarry or sandpit is calculated as per the quantity, calculated by metric ton (*cubic meter*), of substances, transformed or not, which transit from his site and are substances subjected by the present by-law.

ARTICLE 6 - EXCLUSION

No rights are payable with regards to substances that are transformed within a property included in a valuation unit including the site and listed under column « 2-3--- MANUFACTURING INDUSTRY », with the exception of columns « 3650 Prepared concrete industry » and « 3791 Fabrication of bituminous concrete Industry », stipulated in the manual which refers to the by-law, specifically paragraph 10 of Article 263 of the *Municipal tax Act* (L.R.Q. c. F-2.1). The exclusion also applies when the property is included in a valuation unit and that it is adjacent to the one which includes the site.

When an owner of a quarry or sandpit produces a signed declaration as stipulated in Article 8 and that this declaration establishes that no subjected substances are susceptible of being transported by public municipal roads from his site, he is also exempt from any right with regards to the period covered by the declaration.

ARTICLE 7 - AMOUNT OF FEES PAYABLE PER METRIC TON

For the 2012 municipal financial year, the fees payable are 0.53 \$ per metric ton for any subjected substance. For any subsequent year, the fees payable per metric ton is the result obtained when indexing the increase of the amount applicable for the previous year. The percentage corresponds to the increased rate, as per Statistique Canada, of the price index for Canada’s consumption. In accordance to Article 78.3 of the *Municipal competence Act*, this percentage as well as the amount applicable are published in the *Quebec Official Gazette* before the beginning of the specified year.

ARTICLE 8 - AMOUNT OF THE FEES PAYABLE PER METRIC CUBE

For the 2012 municipal financial year, the fees payable are 1.01 \$ per cubic meter for any subjected substance with the exception of, in the case of small stone, as the price is \$ 1,43 per metric cube. For any subsequent year, the fees payable per cubic meter is the result obtained when multiplying the amount payable per metric ton by the conversion factor of 1,9 or, in the case of small stone, by the factor 2.7. In accordance to Article 78.3 of the *Municipal competence Act*, the applicable amount is published annually by the *Quebec Official Gazette* before the beginning of the specified year.

ARTICLE 9 - DECLARATION OF THE OWNER OF A QUARRY OR SANDPIT

Any owner of a quarry or sandpit must declare to the Municipality:

- 1. If substances subject to a fee payable as per the present by-law are susceptible to being transported by public municipal roads from each site being operated during the period covered by the declaration;
- 2. In such case, the quantity of substances, measured in metric ton or in cubic meter, which have been transported from each site being operated during the period covered by the declaration;
- 3. If the declaration specified in the first paragraph of the present article establishes that no substances are susceptible of being transported by public municipal roads from a site during the period covered, this declaration must be sworn-in and reasons must be specified.

ARTICLE 10 - OWNER’S DECLARATION PERIOD

Any owner of a quarry or sandpit must present a sworn-in declaration (Annex A) to the Municipality:

- 1. Before June 15th of the year for substances that have been transported from January 1st to May 31st of the year;
- 2. Before October 15th of the year for substances that have been transported from June 1st to September 30th of the year;

3. Before January 15th of the following year for substances that have been transported from October 1st to December 31st of the year in which the fees are payable.

On receipt of the operator's declaration, the municipality will send an invoice covering the fees applicable to the quantities declared:

- For the period from January 1st to May 31st, the invoice will be sent to the operator before July 1st.
- For the period from June 1st to September 31st, the invoice will be sent to the operator before November 1st.
- For the period from October 1st to December 31st, the invoice will be sent to the operator before February 1st.

ARTICLE 11 - REQUIREMENT OF FEES PAYABLE AND FORWARDING OF AN ACCOUNT

The fees payable by an owner are required as of the 30th day following the forwarding of an account by the municipal employee responsible for collecting the fees. Interest runs as of this date at the rate in effect for interests on municipal taxes in arrear.

The account notifies the debtor of the regulations stipulated in the first paragraph.

The fees payable by an owner for subjected substances that have been transported from each site being operated, during the municipal financial year, is however not eligible before:

1. August 1st of the year for substances which have been transported from January 1st to May 31st of the year;
2. December 1st of the year for substances that have been transported from June 1st to September 30th, of the year;
3. March 1st of the following year for substances that have been transported from October 1st to December 31st of the year the fees are payable.

ARTICLE 12 - VERIFICATION OF THE ACCURACY OF THE STATEMENT

The municipality has the right to obtain the copies of documents certifying the accuracy of the operator's statement: reports of weighing of trucks, delivery slips, list of customers and/or contracts, report on the exhaustion of the resource according to the annual financial statements prepared by the external accounting firm, as well as any other significant document to verify the quantities declared. Access to a surveyor must also be given in the event of taking geodetic data. The Director General and the Treasurer of the municipality also have the authority to obtain all the necessary documents to ensure the accuracy of the declarations made by the operator.

ARTICLE 13 - MODIFICATION TO THE ACCOUNT

When a municipal employee responsible for collecting fees agrees that, after having obtained information, that an owner was wrongly exempted of the fees payable with regards to a site pursuant to a declaration made by the owner, or the quantity of substances that have been transported from a site which is different from the one mentioned in the declaration, he must mention any change he believes must be made to such a declaration.

The fees payable with regards to the modifications made to the account, subject to the ruling given resulting in proceedings undertaken for the enforcement of the present by-law.

ARTICLE 14 - DESIGNATED MUNICIPAL EMPLOYEE

The municipal Council designates the Director General and the Treasurer as municipal officials responsible for the application of this regulation, including the perception of fees.

ARTICLE 15 - PENAL PROVISIONS

Any individual or legal entity who fails to provide a declaration as required by this by-law or who presents a false declaration, commits an offence and is liable, along with fees,

- 1) For a first offence, a minimum fine of \$ 500 and a maximum fine of \$ 1,000 for an individual or a minimum fine of \$ 1,000 and a maximum fine of \$ 2,000 for a legal entity.
- 20 In case of repeat offences, a minimum fine of \$ 1,000 and a maximum fine of \$ 5,000 for an individual or a minimum fine of \$ 5,000 and a maximum fine of \$ 10,000 for a legal entity.

ARTICLE 16 - ENTERING INTO EFFECT

The present by-law enters into effect in accordance to the Law.

Notice of motion: January 10, 2012
Adoption: February 6, 2012
Publication: February 7, 2012

Jean-Pierre Pelletier, Mayor

Stéphane Marcheterre,
Director General and secretary-Treasurer

ANNEXE A
Ville de Métis-sur-Mer

Operator’s declaration of a plot of land on which is located a quarry, a sand pit or a gravel pit located in whole or in part on the territory of Métis-sur-Mer

Operator: _____

Mailing Address: _____

Telephone number: _____

Name of contact person: _____

For each site in operation, specify if substances subject for which a fee is payable under the regulation #12-62, have been transported by public municipal roads.

Declaration filled before June 15th, 2012 of the year for substances that have been transported from February 12th to May 31st, 2012 of the year.

<u>Extraction site</u>	<u>Materials collected</u>		<u>Quantities collected</u>			
(Name, lot...)	Yes	No	Type of Material	m ³ or t.m.	Space reserved to the administration	
						\$
						\$
						\$
						\$
						\$

Declaration filled before October 15th, 2012 of the year for substances that have been transported from June 1st to September 30th, 2012 of the year.

<u>Extraction site</u>	<u>Materials collected</u>		<u>Quantities collected</u>			
(Name, lot...)	Yes	No	Type of Material	m ³ or t.m.	Space reserved to the administration	
						\$
						\$
						\$
						\$
						\$

Declaration filled before January 15th, 2013 of the following year for substances that have been transported from October 1st to December 31st, 2012 of the year

<u>Extraction site</u>	<u>Materials collected</u>		<u>Quantities collected</u>			
(Name, lot...)	Yes	No	Type of Material	m ³ or t.m.	Space reserved to the administration	
						\$
						\$
						\$
						\$
						\$

If no substance on one or more sites during the period covered by the statement is likely to pass through municipal public roads, complete section 3 on the third page in the presence of a Commissioner for oaths.

Declaration: In compliance with Regulation #12-62, with regards to the establishment of a regional fund reserve for the repair and maintenance of certain public roads, I declare that I am the operator of a quarry, sand or gravel pit as identified above. I also declare that the information given above is true and correct.

Name: _____

Signature: _____

Date: _____

Section 3

Pursuant to subsection 3 of the article 9 of the regulation #12-62, I, undersigned,
_____ responsible duly authorized by the company
_____ certifies hereby that no substance is likely to pass
through the municipal public roads from the site following for the period above mentioned.

AIMED SITES	JUSTIFICATION

Sworn before me at _____ this _____ day of _____.

Commissioner of oaths

Name: _____

Number: _____

Signature: _____

Date: _____