

CANADA  
PROVINCE OF QUEBEC  
M.R.C. DES COLLINES-DE-L'OUTAOUAIS  
MUNICIPALITY OF PONTIAC

**BY-LAW 05-13**

**BY-LAW 05-13 ABROGATING BY-LAW 15-08 REGARDING THE CONSTITUTION OF  
A LOCAL RESERVED BUSINESS FUND FOR THE REPAIRS AND MAINTENANCE OF  
CERTAIN PUBLIC ROADS IN THE MUNICIPALITY OF PONTIAC**

**1. PREAMBLE**

The above noted preamble is an integral part of the present by-law.

**2. DEFINITIONS**

Quarry or sandpit : Any place as described in article 1 of the *By-law with respect to quarries and sandpits* (R.R.Q. c. Q-2, r.2). The word sandpit also includes the word gravel pit in the sense of this by-law.

Sandpit or quarry operator: A person or a business who operates a quarry or a sandpit; meaning the extraction or the recycling of its subjected material, be it for sale or personal use.

Subjected material : Material which is transformed or not, that is transported out from the site of a quarry or a sandpit is subject to this by-law. The materials include surface mineral substances listed in section 1 of the *Act respecting mines* (L.R.Q. c. M-13.1), particularly sand, gravel, clay, broken ashlar, crushed stone and ore, used to make cement and inert mine residues, with the exclusion of peat. Also included are mineral substances coming from the recycled fragments of demolished buildings, bridges, roads or other structures.

Municipality : Refers to the Municipality of Pontiac.

Public roads : The surface of an area or an engineering structure which is under the maintenance of the Municipality and on a part of which one or more road surfaces are open to public traffic.

**3. ESTABLISHMENT OF FUND**

With this by-law the Council decrees the creation of a local reserved fund for the repairs and maintenance of certain public roads.

#### **4. PURPOSE OF THE FUND**

The amounts put in the fund, except for the amounts needed for the cost of administration of the present by-law, will be used for the following:

1. For the repairs or maintenance of all, or part of a public road on which subjected material is carried or is likely to be carried, coming from the site of a quarry or a sandpit, on the territory of the Municipality and for which a fee is payable in virtue of article 5;
2. For work aimed at compensating for inconveniences related to the transportation of subjected materials.

#### **5. RECEIVABLE FEES**

Each operator of a quarry or a sandpit located in the Municipality and who might transit on a municipal road carrying subjected material will have to pay a fee to have the right to do so;

Fees payable by a quarry or a sandpit operator is based on quantity, shown in metric tons, *if the operator uses a scale* or in cubic metres *if the operator does not have access to a scale*, of materials transformed or not, which is being carried from the site and that are materials subjected to the present by-law;

#### **6. EXCLUSIONS**

There is no fee for materials transformed in a structure within an evaluation unit on the site and identified under category « 2-3---MANUFACTURING INDUSTRY » with the exception of category « 3650 ready-mixed concrete » and « 3791 fabrication of bituminous concrete », included in the guide to which the by-law refers to paragraph 1<sup>0</sup> of article 263 of the *Act respecting municipal taxation* (R.S.Q. c. F-2.1). The exclusion also applies when the structure is located in an evaluation unit and is adjacent to the one with the site.

The operator of a quarry or a sandpit is also exempt of all fees pertaining to the period covered by the declaration, if his declaration is made under oath, as provided for in article 8, and that the declaration states that none of the subjected material is likely to be carried from his site via municipal public roads.

#### **7. PAYABLE FEES PER METRIC TON**

For the 2009 municipal fiscal year, the fee is \$0.50 per metric ton for all subjected material.

For all subsequent years, the fee for each metric ton will be the result you get when indexing an increased rate of the fee applicable from the previous year. The percentage corresponds to the increased rate of the Consumer's price indicator for Canada, according to Statistics Canada. In accordance to article 78.3 of the *Municipal Powers Act*, this percentage as well as the applicable fee are published annually in the *Québec official gazette*, before the beginning of the said year.

##### **7.1. AMOUNT OF PAYABLE FEES PER CUBIC METRES**

For the 2009 municipal fiscal year, the fee is \$0.95 per cubic metre for all subjected material, except in the case of broken ashlar, for which the amount is \$1.35 per cubic metre.

For all subsequent years, the fee for each cubic metre will be the result you get when multiplying the amount payable per metric ton by the conversion factor 1.9 or, in the case of broken ashlar, by the factor 2.7. In accordance with article 78.3 of the *Municipal Powers Act*, the applicable fee is published annually in the *Québec Official Gazette*, before the beginning of the said year.

## **8. DECLARATION FROM THE OPERATOR OF A QUARRY OR A SANDPIT**

Any sandpit or quarry operator must declare the following information to the Municipality, using the form entitled « *Formulaire pour les redevances des exploitants de carrières et sablières* » which is attached to the present by-law as appendix 1:

1. If some subjected materials for which a fee is payable in virtue of the present by-law, which will possibly be carried via Municipal public roads from each of the sites being worked, for the period covered by the declaration.
2. If so, the quantity of the subjected materials, in metric tons or cubic metres, that have been carried from each site during the period covered by the declaration.
3. If the declaration noted in the first paragraph of the present article states that none of the subjected materials are going to be carried via public municipal roads from a site during the period covered by the declaration, the said declaration must be made under oath and reasons must be given.

## **9. COLLECTION OF FEES AND PROCEDURE**

Declarations noted in paragraph « 1. and 2. » of the above article no. 8 must be submitted according to the following intervals:

1. Between June 15<sup>th</sup> and July 15<sup>th</sup> of each year for materials which have been carried from January 1<sup>st</sup> to May 31<sup>st</sup>;
2. Between October 15<sup>th</sup> and November 15<sup>th</sup>, for materials which have been carried from June 1<sup>st</sup> to September 30<sup>th</sup>;
3. Between January 15<sup>th</sup> and February 15<sup>th</sup> for materials which have been carried from October 1<sup>st</sup> to December 31<sup>st</sup>;

Declarations noted in paragraph « 3. » of the above article no. 8 must also be submitted according to the same intervals.

Following reception of the operator's declarations, the municipal officer in charge of collecting fees will make the necessary calculation in order to produce an invoice and will issue it on August 1<sup>st</sup> and December 1<sup>st</sup> of each year, as well as the March 1<sup>st</sup> of the following year.

## **10. PAYMENT OF FEES AND TRANSMISSION OF THE INVOICE**

The payment of fees is due 30 days following the issuance of the invoice by the municipal officer in charge of collecting. Interest is calculated from that day at the current rate for arrears on municipal taxes.

The invoice informs the debtor of the rules in the first paragraph.

Fees payable by an operator for material that have been carried from each of the sites he operates, during a municipal fiscal year, is, however, not eligible before:

1. August 1<sup>st</sup> of that fiscal year for materials that have been carried from January 1<sup>st</sup> to May 31<sup>st</sup> of the same fiscal year;
2. December 1<sup>st</sup> of that fiscal year, for materials that have been carried from June 1<sup>st</sup> to September 1<sup>st</sup> of the same fiscal year;
3. March 1<sup>st</sup> of that fiscal year, for materials that have been carried from October 1<sup>st</sup> to December 31<sup>st</sup> of the same fiscal year;

## **11. VERIFYING THE ACCURACY OF THE DECLARATION**

Once a year, the accuracy of information within the operator's declarations will have to be certified by a professional accountant (C.P.A.) or a recognized firm doing bookkeeping for the operator or his accounting.

Despite certification issued from a professional accountant, the Municipality may use any other form of control to validate the operator's declaration, which notably may include an aerial photograph, a site visit, etc.

The Director General of the Municipality, the Director of the Public works department or their representatives are also mandated to act in the name of the Municipality when an on-site inspection is required.

## **12. MODIFICATION TO THE INVOICE**

If the municipal officer in charge of accounts receivable believes that, by applying the provisions in article 11, after having received all the information that an operator was falsely exempted from fees payable with regard to a site, following a declaration made in virtue of article 8, or that the quantity of materials that have been carried from a site differs from what is written in the declaration, on the invoice he must mention any change which he deems necessary to the notes of the said declaration.

Fees are payable according to the modified notes on the invoice, subject to judgment-in-law, resulting in a lawsuit for the implementation of the present by-law.

## **13. DESIGNATED MUNICIPAL OFFICER**

The Municipal Council designates the Director General as the municipal officer in charge of implementing the present by-law, notably to include the collection fees.

## **14. PENAL PROVISIONS OF THE LAW**

Any person or corporation who fails to produce a declaration, as required by the present by-law, or who submits a false declaration commits an offence and is liable for the following fines, in addition to fees:

1. For a first offence, an individual will face a minimum fine of \$500 and a maximum fine of \$3,000; a corporation will face a minimum fine of \$1,500 and a maximum fine of \$10,000.
2. In the event of a subsequent offence, an individual will face a minimum fine of \$1,000 and a maximum fine of \$5,000; a corporation will face a minimum fine of \$3,000 and a maximum fine of \$15,000.

If an offence continues, it constitutes a new and distinct offence for each passing day and the offender is liable to a fine each day that the offence continues and that a report to that effect is issued.

Any actions taken in virtue of the present by-law are done according to the provisions of the Criminal code (L.R.Q., c.C.-25.1, modified by L.Q. 1992 c.61).

## **15. COMING INTO FORCE**

The present by-law will come into force in accordance with the law.

**GIVEN IN** Pontiac, Quebec, this 9<sup>th</sup> of April 2013.

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**EDWARD J. MCCANN**  
**MAYOR**

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**SYLVAIN BERTRAND**  
**DIRECTOR GENERAL**

Notice of motion given on: March 12, 2013

Adopted on: April 9, 2013

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