

**CANADA
PROVINCE OF QUEBEC
MUNICIPALITY OF GROSSE ILE**

**BYLAW 2019-007
CONTROL OF VEHICLE CIRCULATION ON BEACHES AND DUNES**

- CONSIDERING** the fragility of certain natural environments, such as dunes, beaches, coastlines and wetlands, and the importance of these environments for fauna, flora, lagoons and other natural habitats;
- CONSIDERING** the importance of these natural environments as part of the collective heritage and, in addition, as a product of appeal, leading to maintaining and developing the tourism industry;
- CONSIDERING** the circulation of vehicles in fragile environments constitutes a nuisance, both environmentally and in terms of safety for swimmers, hikers and other beach users;
- CONSIDERING** the increase of our knowledge on the dynamics and fragility of these natural environments;
- CONSIDERING** the responsibility of the Municipality in terms of planning and protecting the territory;
- CONSIDERING** that the *Act Respecting Municipal Powers* allows the Municipality to regulate nuisances and to control the circulation and parking of vehicles in order to ensure the population's safety and the integrity of the territory;
- CONSIDERING** that a notion of motion was given at the regular sitting of Council on June 10, 2019 regarding the presentation of a bylaw concerning the circulation of vehicles on beaches and dunes and the draft bylaw was also presented at this same sitting;
- CONSIDERING** that a copy of this bylaw was given to each member of council at least seventy-two (72) hours prior to the present sitting;
- CONSIDERING** that the members of council present declare having read this bylaw;
- CONSIDERING** that during the course of the sitting, the Director General mentions the content and scope of the bylaw;

THEREFORE

It is moved by Nancy Clark
Seconded by Miles Clarke
And unanimously approved by the Councillors present

THAT bylaw 2019-007 entitled «Control of vehicle circulation on beaches and dunes» be hereby adopted and that the following is ordered and decreed by the said bylaw:

ARTICLE 1 Preamble and Annex

The preamble and annex are an integral part of this present bylaw.

ARTICLE 2 Purpose of the bylaw

The purpose of this bylaw is to protect specific areas of the territory of the Municipality and to ensure peoples' safety by controlling circulation and the presence of vehicles inside fragile natural environments.

ARTICLE 3 Territory of application

This present bylaw applies to the territory under the authority of the Municipality of Grosse Ile.

ARTICLE 4 People subject to this bylaw

Any individual or corporation, association, society or any other public organization is subject to this bylaw.

ARTICLE 5 Terminology

In this present bylaw, the following words have the meaning indicated below:

Dune

An accumulation of sand (hills) piled up in ridges and peaks formed by the wind. The definition of «dune» refers to and includes the following three types of environments:

- Deflation holes (or deep blowouts) and gaps, often bare of vegetation and sometimes flooded. We identify them by their rough edges;
- The active or mobile dune whose vegetation is more or less dense depending on the location. The active dune starts where we find the first hint of vegetation on the beach.
- The immovable dune entirely covered with vegetation, which is recognized by the presence of diversified species of lichens, herbaceous plants, small shrubs and sometimes trees.

Beach

Flat and low extent of a shore where waves break and which consists of more or less fine mineral debris (silt, sand, rocks).

The definition of «beach» includes:

- The foreshore which corresponds to the portion of the shoreline that is always flooded, that being the limit of the low tides until the zone of the breaking of the waves;
- The bottom of the beach which corresponds to the portion of coastline covered or uncovered by the sea at the rhythm of the tides;
- The top of the beach which corresponds to the portion of the coastline located between the part affected by the waves of strong storms and the highest seas. The presence of plants generally indicates the limits.

Path

Narrow lane physically bounded by markers, fences, total or partial or by a sign indicating the limits and conditions of access or circulation.

Vehicle

- Motorized vehicle

«**By motorized vehicle**» signifies a vehicle powered by an engine including the typical passenger vehicle, the all-terrain vehicle (four-wheel drive vehicle or «4x4») and the off-road motorized vehicle.

- Non-motorized vehicle

«**By non-motorized vehicle**» signifies a vehicle powered by any other way than an engine, including a wind-drawn vehicle using a sail or a kite.

ARTICLE 6 General rule

Constitutes a nuisance and is prohibited to circulate or park in a motorized or non-motorized vehicle on the section of Old Harry Beach outlined in annex A of this present bylaw.

ARTICLE 7 Exception to the general rule – Circulation on beaches

Vehicle circulation is exceptionally permitted in the area outlined in Annex A of this present bylaw between September 15 and April 30 of each year.

ARTICLE 8 Exception to the general rule – Circulation for emergency situations

This present bylaw does not apply to emergency or rescue situations that require the use of motorized vehicles.

ARTICLE 9 Exception to the general rule – Circulation for maintenance

This present bylaw does not apply to municipal vehicles for beach maintenance.

ARTICLE 10 Exception to the general rule – Circulation for research purposes

This present bylaw does not apply to vehicles authorized by the municipality for research purposes.

ARTICLE 11 Bylaw enforcement

Any municipal officer designated for this purpose or any police officer is authorized to enforce this bylaw.

ARTICLE 12 Fine

Anyone who violates any of the provisions of this bylaw commits an offence and is liable to a fine, with or without fees; the amount of the fine is established as follows:

1. Individual

- a) First offence, a minimum fine of \$300 and a maximum of \$1000.
- b) Recurrence within a period of one year, a minimum fine of \$600 and a maximum of \$2000.

2. Corporation

- a) First offence, a minimum fine of \$600 and a maximum of \$2000.
- b) Recurrence within a period of one year, a minimum fine of \$1000 and a maximum of \$4000.

A continuous violation of any of the provisions of this bylaw constitutes, day by day, a separate and distinct offence.

ARTICLE 13 Legal proceedings

The Municipality can use legal proceedings against anyone who violates this bylaw.

ARTICLE 14 Civil lawsuit initiative

Only the Council is authorized to proceed with civil lawsuits.

ARTICLE 15 Civil and criminal proceedings

To enforce the provisions of this bylaw, the Municipality may cumulatively or alternatively exercise the proceedings provided for in this bylaw, as well as any other appropriate civil or criminal legal action.

ARTICLE 16 Repealed and Replaced Bylaws

This present bylaw repeals and replaces all other bylaws regarding vehicle circulation and parking on beaches and dunes adopted by the Municipality of Grosse-Île and the previous municipalities of the MRC of the Magdalen Islands.

ARTICLE 17 Coming into force

This present bylaw will come into force according to the law.

Rose Elmonde Clarke
Mayor

Janice Turnbull
Director-General

NOTICE OF MOTION: June 10, 2019
 ADOPTION: July 8, 2019
 PUBLICATION: July 10, 2019