

Government Amendments

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BILL 127

An Act to revise  
The Pits and Quarries Control Act, 1971

MOTION TO BE MOVED IN COMMITTEE

MR. AULD

Section 1(i)

I MOVE that clause i of subsection 1 of the Bill be struck out and the following substituted therefor:

- (i) "inspector" means any employee of the Ministry or of a municipality who is designated in writing by the Minister as an inspector for the purposes of this Act.

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MR. AULD

Section 1

I MOVE that section 1 of the Bill be amended by adding thereto the following clause:

- (ka) "management" means providing for the identification and protection of the aggregate and Crown aggregate resources of Ontario to ensure their orderly development and wise use.

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MR. AULD

Section 1(z)

I MOVE that clause z of section 1 of the Bill be struck out and the following substituted therefor:

(z) "wayside pit or quarry" means land from which consolidated or unconsolidated aggregate, as the case may be, has been, is being or may be excavated for use in a project of a public authority and that is located outside the limits of the right of way of a highway, but does not include,

- (i) an excavation for a building, a structure or a project of any kind that in the opinion of the Minister is not a wayside pit or quarry, or
- (ii) a pit or quarry;

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MR. AULD

Section 1

I MOVE that section 1 of the Bill be amended by  
adding thereto the following subsection:

- Idem
- (2) For the purposes of this Act,  
"restricted area by-law" includes  
an order made under clause a of  
subsection 1 of section 32 of  
The Planning Act and a land use  
regulation made under subsection 1  
of section 6 of The Parkway Planning  
and Development Act, 1973.
- R.S.O.1970,  
c.349  
1973,c.53

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MR. AULD

Section 2

I MOVE that section 2 of the Bill be amended by striking out "and" at the end of clause b, by adding "and" at the end of clause c and by adding thereto the following clause:

- (d) to preserve the character of the environment in respect of the operation of pits and quarries, wayside pits and quarries and Crown aggregate pits and quarries.

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MR. AULD

Section 3(2)

I MOVE that clause f of subsection 2 of section  
3 of the Bill be struck out and the following substituted therefor

- (f) advise ministries and municipalities  
on planning matters related to  
aggregates.

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MR. AULD

Section 4(1)

I MOVE that subsection 1 of section 4 of the Bill  
be struck out and the following substituted therefor:

Designation  
of  
inspectors

- (1) The Minister may designate in writing  
any employee of the Ministry or of a  
municipality as an inspector for the  
purposes of this Act.



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Section 5.

I MOVE that section 5 of the Bill be amended by  
adding thereto the following subsection:

Redesignation  
of  
designated  
part  
1971, c. 96

- (3) The Lieutenant Governor in Council may, for the purposes of this Act and the regulations, redesignate the parts of Ontario that have been designated under The Pits and Quarries Control Act, 1971, and such redesignation shall be deemed not to be a designation to which section 65 applies.

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Section 8(2)

I MOVE that paragraphs 2 and 3 of subsection 2 of section 8 of the Bill be struck out and the following substituted therefor:

2. Operational Plan
3. Rehabilitation Plan

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MR. AULD

Section 8(4)

I MOVE that clause 1 of subsection 4 of section 8 of the Bill be struck out and the following substituted therefor:

- (1) the water table and any existing and proposed drainage facilities on the site;
- (1a) the location of water wells within 150 metres of the site.

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MR. AULD

Section 9

I MOVE that section 9 of the Bill be struck out  
and the following substituted therefor:

Report  
of  
technical  
information

9.- (1) The report accompanying an application  
for a Class A licence shall provide technical  
information for evaluation by the Minister,

- (a) as to the suitability of the  
rehabilitation plans having regard  
to the character of the surrounding  
lands;
- (b) respecting the quality and quantity  
of the aggregate on the site;
- (c) as to the main haulage routes to and  
from the site and the traffic density  
thereon;
- (d) supplementing clause m of subsection 1  
of section 8;
- (e) describing the location and size of  
existing and proposed stockpiles of  
aggregate, topsoil and subsoil; and
- (f) respecting any planning and land use  
considerations,

and may provide such other technical information  
as the applicant considers advisable.

Report  
of  
enviro  
mental  
information

(2) The report mentioned in subsection 1 shall provide environmental information for evaluation by the Minister,

(a) describing the environment that may be expected to be affected by the pit or quarry operation;

(b) as to the environmental impact that may be caused by the pit or quarry operation; and

(c) describing the measures that will be taken to prevent or mitigate any adverse environmental impact arising from the pit or quarry operation,

and may provide such other environmental information as the applicant considers advisable.

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Section 11

I MOVE that section 11 of the Bill be struck out and the following substituted therefor:

Matters  
to be  
considered  
by  
Minister

11. The Minister in considering an application for a licence shall have regard to,
- (a) the preservation of the character of the environment;
  - (b) the availability of natural environment for the enjoyment of the public;
  - (c) the effect of the operation on nearby communities;
  - (d) any comments provided by the municipalities in which the site is located;
  - (e) the rehabilitation of the site;
  - (f) the suitability of the rehabilitation plans having regard to the character of the surrounding lands;
  - (g) any possible effects on ground and surface water patterns;
  - (h) any possible effects of the operation on agricultural resources;

- (i) the proper management of the aggregate resources of Ontario;
- (j) any planning and land use consideration;
- (k) the main haulage routes to and from the site and the traffic density thereon;
- (l) the quality and quantity of the aggregate on the site;
- (m) the location and size of existing and proposed stockpiles of aggregate, topsoil and subsoil; and
- (n) such other matters as he considers appropriate.

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MR. AULD

Section 12(5)(6)

I MOVE that subsections 5 and 6 of section 12 of the  
Bill be struck out and the following substituted therefor:

Notice  
of  
objection

(5) Any person, including any municipality,  
may serve upon the Minister on or before  
the day fixed under subsection 2 or within  
such further period as the Minister may allow  
a notice that he or it objects to the issue  
of the licence applied for and the reasons  
therefor.

Notice  
requiring  
hearing

(6) Any person who has served notice under  
subsection 5 may, in addition, serve upon  
the Minister on or before the day fixed under  
subsection 2 or within such further period as  
the Minister may allow a notice that he requires  
a hearing of the matter before the Board.



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MR. AULD

Section 13(1)

I MOVE that subsection 1 of section 13 of the Bill  
be struck out and the following substituted therefor:

Issue of  
licences

- (1) Subject to section 22, the Minister  
may in his discretion issue a licence,  
subject to such conditions as he  
considers necessary.

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MR. AULD

Section 13

I MOVE that section 13 of the Bill be amended by  
adding thereto the following subsection:

to action  
except  
after  
notice  
by  
Minister

- (2a) The Minister shall serve notice of his proposed action under subsection 2, including reasons therefor, upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located for their information and comment, if any, and any comment provided by the municipalities shall be served upon the Minister within thirty days after service of the said notice and the Minister shall take no action under subsection 2 until the said thirty days have elapsed.

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MR. AULD

Section 13(3)

I MOVE that subsection 3 of section 13 of the Bill be struck out and the following substituted therefor:

Restricted  
area  
by-laws

- (3) The Minister may, subject to subsection 4 of section 64, issue a licence only if the location of the pit or quarry complies with any relevant restricted area by-law.

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MR. AULD

Section 14

I MOVE that section 14 of the Bill be amended by adding thereto the following subsections:

licen-  
tion  
fee

- (1a) For the purpose of calculating the annual licence fee, no amount is payable in respect of aggregate provided for a project of a public authority.

. . . . .

paid  
licence  
fees

- (5) Where a licensee or former licensee has failed to pay his annual licence fee in accordance with subsection 1, the amount not so paid is a debt due to the Crown and may be recovered by the Crown in any court of competent jurisdiction.

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MR. AULD

Section 16

I MOVE that section 16 of the Bill be amended by  
adding thereto the following subsection:

No action  
except  
after  
notice,  
by  
Minister

- (3) The Minister shall serve notice of his proposed action under subsection 1 or 2, including reasons therefor, upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located for their information and comment, if any, and any comments provided by the municipalities shall be served upon the Minister within thirty days after service of the said notice and the Minister shall take no action under subsection 1 or 2 until the said thirty days have elapsed.

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MOTION TO BE MOVED IN COMMITTEE

MR. AULD

Section 17(1)

I MOVE that subsection 1 of section 17 of the Bill  
be struck out and the following substituted therefor:

- annual  
inspection,  
review  
and  
report
- (1) The Minister at least once a year shall,
    - (a) cause each site to be inspected;
    - (b) review each site plan and the conditions of each licence; and
    - (c) consider any comments provided by the municipalities in which the site is located,

for the purpose of assessing the licensee's compliance with this Act, the regulations, the conditions of the licence and the requirements of the site plan and the Minister shall prepare an annual report in respect of each assessment.

- Copy of  
annual  
report
- (1a) Any person may, during normal office hours of the Ministry, examine an annual report made under subsection 1 and upon a request therefor and payment of a reasonable fee, such person shall be provided with a copy of the annual report or extracts therefrom.

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MR. AULD

Section 17a

I MOVE that the Bill be amended by adding thereto  
the following section:

itten  
port  
spectator

17a.- (1) When an inspector completes an inspection of a site, the inspector shall prepare a written report and the report shall include a description of any practice or procedure of the licensee or any matter related to the site that, in the opinion of the inspector, is a contravention of the Act, the regulations, the conditions of the licence or permit and the requirements of the site plan.

py of  
spectator's  
port

(2) Any person may, during normal business hours of the Ministry, examine a report made under subsection 1 and upon a request therefor and payment of a reasonable fee, such person shall be provided with a copy of the report or extracts therefrom.

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MOTION TO BE MOVED IN COMMITTEE

MR. AULD

Section 18

I MOVE that section 18 of the Bill be amended by  
adding thereto the following subsection:

- (3) Upon the transfer of a licence, the Minister shall serve a copy of the licence in the name of the transferee upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located for their information.

Copy to  
municipal-  
ities



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MOTION TO BE MOVED IN COMMITTEE

MR. AULD

Section 19(1)

I MOVE that subsection 1 of section 19 of the Bill  
be struck out and the following substituted therefor:

Surrender  
of licence

- (1) Upon being satisfied that a licensee's annual licence fee and his rehabilitation security which are then payable or payable at a future time have been paid on or before the day the licensee applies to surrender his licence and that his rehabilitation work has been done in accordance with this Act, the regulations, the conditions of his licence and the requirements of his site plan, the Minister may accept the surrender of his licence.

BILL, 127

*a new  
one  
substituted?*

An Act to revise  
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MOTION TO BE MOVED IN COMMITTEE

MR. AULD

Section 21(3)

I MOVE that subsection 3 of section 21 of the Bill be struck out and the following substituted therefor:

Notice to  
licensee

- (3) Where the Minister,
- (a) has refused to issue a licence and the application has not been referred to the Board for a hearing under section 12;
  - (b) has refused to consent to the transfer of a licence;
  - (c) has revoked a licence;
  - (d) proposes to take action under subsection 1 or 2 of section 16 respecting the amendment of a site plan; or
  - (e) proposes to take action under subsection 2 of section 13 respecting the adding of a condition to a licence after its issue or the rescinding or varying of a condition of a licence,

he shall serve forthwith notice thereof, including reasons therefor, upon the applicant or licensee and where the Minister takes action under clause a, b or c, upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located for their information.

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MR. AULD

Section 21(4)

I MOVE that subsection 4 of section 21 of the Bill  
be struck out and the following substituted therefor:

- (4) Any action of the Minister under clause  
a, b or c of subsection 3 is effective  
as soon as the notice mentioned in that  
subsection is served upon the applicant  
or licensee and, notwithstanding that the  
applicant or licensee requires a hearing  
by the Board, remains effective until the  
Minister takes action after considering  
the report of the Board or until the  
Lieutenant Governor in Council takes action  
under subsection 6 of section 22, as the  
case may be.

Time of  
making  
effect

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MOTION TO BE MOVED IN COMMITTEE

MR. AULD

Section 22(3,4,5)

I MOVE that subsections 3, 4 and 5 of section 22 of the Bill be struck out and the following substituted therefor:

Decision  
of  
Board

(3) The Board shall, at the conclusion of a hearing under this section, make a decision as to the matter to which the hearing relates and shall send a copy of its decision to each party to the proceedings.

Board  
may  
recommend  
conditions

(4) Where the decision of the Board provides that a licence shall be issued by the Minister, the Board may recommend to the Minister that the licence be issued subject to such conditions as the Board considers advisable.

Lieutenant  
Governor  
in Council  
may confirm  
or rescind  
decision

(5) Any party to the proceedings before the Board may, within twenty-eight days after the date of the decision of the Board, refer the decision to the Clerk of the Executive Council and the Lieutenant Governor in Council may confirm or rescind the decision of the Board.

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MOTION TO BE MOVED IN COMMITTEE

MR. AULD

Section 22

I MOVE that section 22 of the Bill be amended adding thereto the following subsection:

- Referral  
Executive  
Council
- (6) Where the Board in its report under subsection 3 recommends that,
    - (a) a licence be issued or not be issued,
    - (b) a licence be transferred,
    - (c) a licence not be revoked,

and the decision of the Minister under subsection 5 is contrary to the recommendation of the Board in respect of any of the matters mentioned in this subsection, any party to the proceedings before the Board may within twenty-eight days after service of notice of the decision of the Minister refer the decision of the Minister to the Clerk of the Executive Council and the Lieutenant Governor in Council may confirm or rescind the decision of the Minister.

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MOTION TO BE MOVED IN COMMITTEE

MR. AULD

Section 25(1) (n)

I MOVE that clauses 1 and n of section 25 of the Bill be struck out and the following substituted therefor:

- (1) the water table and any existing and proposed drainage facilities on the site;
- (1a) the location of water wells within 150 metres of the site;
- . . . . .
- (n) the rehabilitation plan.

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MOTION TO BE MOVED IN COMMITTEE

MR. AULD

Section 26

I MOVE that section 26 of the Bill be amended by adding thereto the following clauses:

(aa) the preservation of the character of the environment;

. . . . .

(ea) any possible effects on ground and surface water patterns.

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MR. AULD

Section 27(2)

I MOVE that subsection 2 of section 27 of the Bill be struck out.



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MOTION TO BE MOVED IN COMMITTEE

MR. AULD

Section 30

I MOVE that section 30 of the Bill be amended by adding thereto the following subsection:

- tice  
ni-  
palities
- (2) Where the Minister has taken any action under subsection 1, he shall serve notice thereof, including reasons therefor, upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located for their information.

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MOTION TO BE MOVED IN COMMITTEE

MR. AULD

Section 32

I MOVE that section 32 of the Bill be amended by  
adding thereto the following subsection:

- (2) Where the Minister has taken any  
action under subsection 1, he shall  
serve notice thereof, including reasons  
therefor, upon the clerk of the regional  
municipality or county, as the case may be,  
and upon the clerk of the local municipality  
in which the site is located for their  
information.

Notice  
to  
muni-  
cipalities

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MOTION TO BE MOVED IN COMMITTEE

MR. AULD

Section 33(2)(a)

I MOVE that clause a of subsection 2 of section 33 of the Bill be amended by striking out "or" at the end thereof and inserting in lieu thereof "and".

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MR. AULD

Section 35(f)

I MOVE that clause f of section 35 of the Bill be amended by striking out "plans" and inserting in lieu thereof "plan".

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MOTION TO BE MOVED IN COMMITTEE

MR. AULD

Section 35a

I MOVE that the Bill be amended by adding thereto the following section:

35a. The Minister in considering an application for a Crown aggregate permit shall have regard to,

- (a) the preservation of the character of the environment;
- (b) the proper management of the Crown aggregate resources of the area;
- (c) the rehabilitation of the site;
- (d) any previous permits for the site;
- (e) any proposed aesthetic improvements to the landscape; and
- (f) such other matters as he considers appropriate.

matters  
to be  
considered  
by  
the Minister

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MOTION TO BE MOVED IN COMMITTEE

MR. AULD

Section 40

I MOVE that section 40 of the Bill be struck out and the following substituted therefor:

- Permit fee
- 40.--(1) Every Crown aggregate permittee shall pay to the Treasurer on or before the tenth day of the month immediately following the month in which the Crown aggregate is removed from the site, his permit fee calculated by multiplying the number of tonnes removed from the site by the prescribed rate per tonne of Crown aggregate.
- Calculation of permit fee
- (2) For the purposes of calculating the permit fee, no amount is payable in respect of aggregate provided for a project of a public authority.
- Disbursal of permit fees
- (3) The prescribed percentage of the total of the Crown aggregate permit fees shall be disbursed to such municipalities and in such amounts and manner as are prescribed.
- Rehabilitation of abandoned pits and quarries
- (4) The prescribed percentage of the total of the Crown aggregate permit fees shall be set apart as a fund for the purposes mentioned in subsection 2 of section 33.
- Unpaid permit fees
- (5) Where a Crown aggregate permittee or former Crown aggregate permittee has failed to pay his permit fee in accordance with subsection 1, the amount not so paid is a debt due to the Crown and may be recovered by the Crown in any court of competent jurisdiction.

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MOTION TO BE MOVED IN COMMITTEE

MR. AULD

Section 42

I MOVE that section 42 of the Bill be amended by  
adding thereto the following subsection:

transfer  
of  
rehab-  
ilitation  
security

- (2) Upon the transfer of a Crown aggregate permit, any sum in the rehabilitation security account of the transferor shall be transferred to an account in the name of the transferee and the right, title and interest in such sum vest in the transferee.

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MR. AULD

Section 46

I MOVE that section 46 of the Bill be amended  
by adding thereto the following subsection:

- (3) For the purposes of this Part  
"agent" includes an independent  
contractor who excavates aggregate  
or Crown aggregate for use in a  
project of the Crown.

Agent of  
the Crown



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MR. AULD

Section 47(2)

I MOVE that subsection 2 of section 47 of the Bill be struck out and the following substituted therefor:

- Crown
- (2) Where the Crown or its agent excavates aggregate or Crown aggregate, the Crown or its agent shall rehabilitate the pit or quarry, wayside pit or quarry or Crown aggregate pit or quarry, as the case may be, to the satisfaction of the Minister.

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MR. AULD

Section 47

I MOVE that section 47 of the Bill be amended by  
adding thereto the following subsection:

Minister's  
Order  
requiring  
progressive  
rehabilitation

(2a) Where the Minister is satisfied that the licensee or Crown aggregate permittee has not performed adequate progressive rehabilitation on his site, the Minister may order the licensee or Crown aggregate permittee, as the case may be, to perform within a specified period of time such progressive rehabilitation as the Minister considers necessary and the licensee or Crown aggregate permittee shall comply with the order.

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MR. AULD

Section 48(1)

I MOVE that subsection 1 of section 48 of the Bill be amended by striking out "excavated" in the third line and inserting in lieu thereof "removed".

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MOTION TO BE MOVED IN COMMITTEE

MR. AULD

Section 48

I MOVE that section 48 of the Bill be amended by  
adding thereto the following subsection:

Aggregate  
deemed  
removed

(1a) For the purposes of subsection 1,  
where aggregate is not removed from  
the site as such but is used on the  
site in the manufacture of cement, con-  
crete blocks, concrete pipes, bricks,  
asphalt, concrete mix or any other  
product, such aggregate shall be deemed  
to have been removed from the site.

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MR. AULD

Section 54(2)

I MOVE that subsection 2 of section 54 of the Bill be amended by striking out "into the Consolidated Revenue Fund" in the fifth line.

RA

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MR. AULD

Section 57

I MOVE that section 57 of the Bill be struck out.

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MOTION TO BE MOVED IN COMMITTEE

MR. AULD

Section 58

I MOVE that section 58 of the Bill be struck out and the following substituted therefor:

Restraining Orders. 58. Where it appears that any person does not comply or intend to comply with any provision of this Act or the regulations, notwithstanding the imposition of any penalty in respect of such noncompliance, the Minister or any other person may apply to the Supreme Court for an order directing such person to comply with such provision, and upon the application the court may make such order as the court considers proper.

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MR. AULD

SECTION 61

I MOVE that section 61 of the Bill be struck out  
and the following substituted therefor:

Conflict

61. In the event that a provision of this Act or the regulations and a provision of a municipal by-law treat the same subject matter in different ways the provision of this Act or the regulation, as the case may be, prevails and the provision of the by-law is inoperative for the purposes of this Act. 1971, c. 96, s. 17(2), amended.



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MR. AULD

Section 62

I MOVE that section 62 of the Bill be amended by adding thereto the following clause:

- (ea) prescribing a rate per tonne of aggregate or Crown aggregate for the purpose of calculating fees;

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MOTION TO BE MOVED IN COMMITTEE

MR. AULD

Section 62

I MOVE that clauses f and g of section 62 of the Bill be struck out and the following substituted therefor:

- (f) prescribing the percentage of the total of the annual licence fees and Crown aggregate permit fees that shall be disbursed to municipalities, prescribing the amounts and manner of such disbursements and prescribing the municipalities to which such disbursements shall be made;
- (g) prescribing the percentage of the total annual licence fees and Crown aggregate permit fees that shall be set apart as a fund and disbursed for the purposes mentioned in subsection 2 of section 33;

BILL 127

An Act to revise  
The Pits and Quarries Control Act, 1971

MOTION TO BE MOVED IN COMMITTEE

Mr. AULD

Section 62

I MOVE that clause h of section 62 of the Bill  
be struck out and the following be substituted therefor:

- (h) respecting the control and operation  
of pits and quarries, wayside pits and  
quarries and Crown aggregate pits and  
quarries;

BILL 127

An Act to revise  
The Pits and Quarries Control Act, 1971

MOTION TO BE MOVED IN COMMITTEE

MR. AULD

Section 63

I MOVE that section 63 of the Bill be amended  
by adding thereto the following subsection:

No action  
except  
after  
notice  
by  
Minister

- (3) The Minister shall serve notice of his proposed action under subsection 1 or 2 in respect of a licensee or Crown aggregate permittee, including reasons therefor, upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located for their information and comment, and the Minister shall take no action under subsection 1 or 2 until he is served with comments provided by the municipalities or thirty days after he serves the said notice, whichever occurs first.

BILL 127

An Act to revise The Pits and Quarries Control Act, 1971

MOTION TO BE MOVED IN COMMITTEE

MR. AULD

Section 64(6)

I MOVE that subsection 6 of section 64 of the Bill be amended by striking out "8" in the second line and inserting in lieu thereof "9".

BILL 127

An Act to revise The Pits and Quarries Control Act, 1971

MOTION TO BE MOVED IN COMMITTEE

MR. AULD

Section 65(4)

I MOVE that subsection 4 of section 65 of the Bill be amended by striking out "8" in the first line and inserting in lieu thereof "9".

BILL 127

An Act to revise  
The Pits and Quarries Control Act, 1971

MOTION TO BE MOVED IN COMMITTEE

MR. AULD

Section 65(5)

I MOVE that subsection 5 of section 65 of the  
Bill be struck out.

BILL 127

An Act to revise  
The Pits and Quarries Control Act, 1971

MOTION TO BE MOVED IN COMMITTEE

MR. AULD

I MOVE that the Bill be amended by adding thereto the following section:

- Quarrying  
near  
Niagara  
escarp-  
ment
- 67a.-(1) Notwithstanding that a licence or permit has been issued under this Act, no person shall operate a quarry, way-side quarry or Crown aggregate quarry at any point nearer to the natural edge of the Niagara escarpment than ninety metres measured horizontally.
- Deter-  
mination  
of  
natural  
edge
- (2) For the purposes of subsection 1, the natural edge of the Niagara escarpment is the natural edge determined by the Minister.



BILL 127

An Act to revise  
The Pits and Quarries Control Act, 1971

MOTION TO BE MOVED IN COMMITTEE

MR. AULD

Section 67b

I MOVE that the Bill be amended by adding thereto  
the following section.

67b. For the purposes of section 27 and  
subsection 4 of section 64, where the  
location of a pit or quarry or a wayside  
pit or quarry for which a licence or per-  
mit has been issued contravenes any  
relevant restricted area by-law, the  
licence or permit prevails and the by-  
law does not apply to the pit or quarry  
or wayside pit or quarry, as the case  
may be.

ence or  
pit  
walls.