

BEING A BY-LAW PURSUANT TO THE PROVISIONS OF SECTION 210 OF THE MUNICIPAL ACT, R.S.O. 1980, c. 302, AS AMENDED, TO REGULATE THE OPERATION OF PITS IN THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE, IN THE REGIONAL MUNICIPALITY OF DURHAM, AND TO REPEAL REGULATORY BY-LAW NO. 75-23.

WHEREAS the Council of the Corporation of the Township of Uxbridge deems it desirable to update its regulating provisions affecting the operation of pits;

AND WHEREAS the By-law hereinafter set out applies to all pits in the Corporation of the Township of Uxbridge.

NOW THEREFORE the Council of the Corporation of the Township of Uxbridge hereby enacts a By-law as follows:

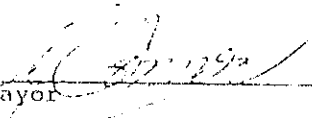
1. THAT By-law No. 75-23 previously passed by the Council of the Corporation of the Township of Uxbridge on the 27th day of May, 1975, is hereby repealed in its entirety.
2. In this By-law:
 - 2.1 "highway" shall mean a highway as defined in The Highway Traffic Act, R.S.O. 1980, c.198, as amended.
 - 2.2 "operator" shall include the owner, the person or persons who own the right to extract material from a pit, and their officers, agents and employees.
 - 2.3 "person" shall mean a natural person, unincorporated association, partnership or incorporated company.
 - 2.4 "pit" shall mean a place where unconsolidated gravel, stone, sand earth, clay, fill, mineral or other material is being or has been removed by means of an open excavation to supply materials for construction, industrial, road building and maintenance, or manufacturing purposes.
3. No person shall operate a pit within the Corporation of the Township of Uxbridge, except in compliance with the provisions of this By-law.
4. Nothing in this By-law is intended to make lawful any operation which would otherwise be unlawful by reason of its constituting the use, occupation or employment of any lands, buildings, structures or excavations for purposes or activities prohibited by a Zoning By-law or any other By-law of the Township of Uxbridge, or by the The Mining Act, R.S.O. 1980, c.268, as amended, or by The Pits and Quarries Control Act, R.S.O. 1980, c. 378, as amended, or for any other reason.
5. No person shall operate a pit or permit the operation of any machinery or equipment used in conjunction therewith, other than water pumping equipment, between the hours of 7:30 p.m. o'clock in the evening of any day and 6:00 a.m. o'clock in the morning of the next day or on any Sunday or holiday.
6.
 - 6.1 Every operator of a pit shall, at regular time intervals, cause all roads within the pit to be treated with calcium chloride, or other dust controlling

substance which is environmentally safe, except water, as often as is necessary to control dust, and whenever requested by the Council of the Township of Uxbridge, the Chief Building Official of the Township of Uxbridge, or such other person as may be appointed by resolution of the Council of the Corporation of the Township of Uxbridge.

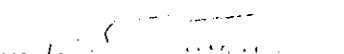
- 6.2 On or before the 1st day of July 1988 every operator of a pit which has a licence from the Ministry of Natural Resources to extract 100,000 tonnes or more annually, shall pave the entrance road into the pit from the edge of the travelled portion of the highway for a minimum distance of 60 metres into the pit. The paved road shall comply with the Design Criteria of the Township, Region of Durham or the Ministry of Transportation and shall make adequate provision for drainage.
- 6.3 On or before the 1st day of July 1988 every operator of a pit which has a licence from the Ministry of Natural Resources to extract less than 100,000 tonnes annually, shall construct the entrance road with pavement as required above, or with a gravel surface from the edge of the travelled portion of the highway for a minimum distance of 60 metres into the pit. The entrance road shall comply with the Design Criteria of the Township, Region of Durham or the Ministry of Transportation and shall make adequate provision for drainage.
7. Every operator of a pit shall erect and maintain in a good state of repair on the surface of the lands around the boundary of the property containing any pit an 8-strand farm-type fence of a minimum height of 1.2 metres sufficient to enclose the pit, except that no fence shall be required to be erected between abutting pit properties. All the entrances or exits shall have gates which shall be kept closed and locked when the pit is not in operation.
8. Test holes shall be fenced by the operator in the manner set out in Section 7 above immediately after being dug and shall be refilled and regraded to the natural land contour level within ten (10) days from the time of the completion of the digging.
9. Every operator of a pit shall locate each and every entrance and exit to the pit so that on a highway there is clear vision of such entrance or exit for a distance of not less than 120 metres in either direction.
10. Every operator of a pit shall erect at points on the highway 150 metres from all entrances and exits, standard "Trucks Turning" signs, which signs shall be not less than 30 centimetres by 45 centimetres and shall also be erected at each entrance and exit.
11. The operator shall ensure that all internal combustion engines operated within the pit shall be properly fitted with sound muffling equipment equal to manufacturers' specifications or better, and all equipment shall be operated without creating any nuisance due to noise.
12. Every operator of a pit shall:
 - 12.1 store within the boundaries of the property all top soil removed from the surface of the land from which the pit is made and shall use such top soil for the dressing of the sides and the floors of the excavation upon completion; and
 - 12.2 remove all derelict machinery, equipment and vehicles, as well as all scrap materials and debris, from the pit. The Township's Property Standards By-law in force at the time shall be complied with.

13. If any provision of this By-law is for any reason held to be invalid by a court of competent jurisdiction, it is hereby declared to be the intention that all the remaining provisions shall remain in full force and effect until repealed, notwithstanding that one or more provisions shall have been declared to be invalid.
14. This By-law shall be administered and enforced by the Chief Building Official or such other person or persons as may be appointed for such purpose by the Council of the Corporation of the Township of Uxbridge.
15. Every person who violates any provision of this By-law, shall be guilty of an offence and upon conviction therefor is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than 6 months, or to both.

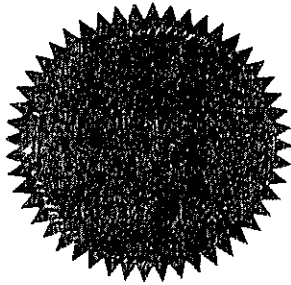
THIS BY-LAW GIVEN ITS FIRST, SECOND and THIRD READINGS on the
25TH day of MAY, 1988.



Mayor



Clerk



BY-LAW NUMBER 89- 6

OF THE

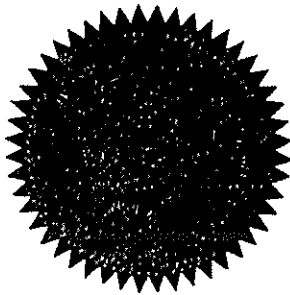
CORPORATION OF THE TOWNSHIP OF UXBRIDGE

BEING A BY-LAW TO AMEND BY-LAW NO. 88-49
PREVIOUSLY PASSED TO REGULATE THE OPERATION
OF PITS IN THE TOWNSHIP OF UXBRIDGE.

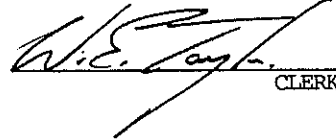
THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE HEREBY ENACTS A
BY-LAW AS FOLLOWS:

1. THAT Section 6.2 and 6.3 of By-law No. 88-49 are hereby amended by deleting the year "1988" in the first line of each of the above referred to Sections and inserting the year "1989".
2. THAT By-law No. 88-49 is only amended to give effect to the foregoing and shall in all other respects remain in full force and effect.

READ a FIRST, SECOND and THIRD time and finally passed this 23rd day of January, 1989.




MAYOR


CLERK

BY-LAW NUMBER 95-063

**OF THE
CORPORATION OF THE TOWNSHIP OF UXBRIDGE**

BEING A BY-LAW PURSUANT TO THE PROVISIONS OF SECTION 210, OF THE MUNICIPAL ACT, R.S.O. 1990, C.M. 45, AS AMENDED, TO AMEND BY-LAW NO. 88-49, AS AMENDED BY BY-LAW NO. 89-6, BEING A BY-LAW TO REGULATE THE OPERATION OF PITS IN THE TOWNSHIP OF UXBRIDGE, IN THE REGIONAL MUNICIPALITY OF DURHAM.

WHEREAS the Council of the Corporation of the Township of Uxbridge deems it desirable to update By-law No. 88-49, as amended which regulates the operation of pits;

AND WHEREAS the Council of the Corporation of the Township of Uxbridge deem it desirable to regulate the number of pits and quarries wherein the recycling of products into aggregate is permitted;

AND WHEREAS the By-law hereinafter set out applies to all pits and quarries in the Corporation of the Township of Uxbridge.

NOW THEREFORE the Council of the Corporation of the Township of Uxbridge hereby enacts a By-law as follows:

1. THAT Section 2 of By-law No. 88-49, as amended, is hereby further amended as follows:

(1) By adding a new definition for "affiliated" immediately following the words "In this by-law." in Section 1, being a new Section 2.1, as follows:

"2.1" affiliated" means (i) a corporation or other entity which, in relation to another corporation or other entity, is controlled by or controls such other corporation or entity or is controlled by the same person, group of persons or certain of them or by the same corporation or entity which controls such other corporation or entity, (ii) a corporation or other entity which, in relation to an individual, is controlled by that individual and/or one or more of his immediate family and (iii) in relation to an individual, one or more members of his immediate family.

(2) By adding a new definition for "aggregate" as Subsection 2.2, immediately following the definition of "affiliated", being subsection 2.1 of the By-law, as follows:

"2.2 "aggregate" means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite and rock other than metallic ores;"

(3) By adding a new Section 2.3, being the definition of "control, controls and controlled:", as follows:

"2.3"control", "controls" and "controlled" and similar expressions mean the holding by a person or group of persons, directly or indirectly, of securities of a corporation or entity or comparable beneficial interests in an entity (for the purposes hereof, "securities" shall include such interests) to which are attached more than 50% of the votes or similar rights of the corporation or entity if such votes or rights are sufficient, if exercised, to elect a majority of directors or similar managing body of the corporation or entity or otherwise is not primarily exercised by a person or group of persons other than the holder of the said securities rather than by such holder in which case such other person or group of persons shall be deemed to control such corporation or entity for all purposes hereof, and provided that for the purposes hereof persons who act in concert in regard to the voting of securities or otherwise in regard to the business and affairs of a corporation or entity shall be considered a group of persons;

- (4) By renumbering the existing Subsections 2.1 to 2.3 inclusive as 2.4 to 2.6 inclusive.
 - (5) By adding the words "and includes all affiliated persons or corporations of the above entities" at the end of the definition of "operator" in the renumbered section 2.5.
 - (6) By deleting the existing Subsection 2.4 and substituting therefore, the following new Subsection 2.7:

"2.7 "pit" means land or land under water from which unconsolidated aggregate is being or has been excavated, and that has not been rehabilitated, but does not mean land or land under water excavated for a building or other work on the excavation site or in relation to which an order has been made under the **Aggregate Resources Act, 1990, c. A.8, as amended;**"
 - (7) By adding a new Subsection 2.8 immediately following the new Subsection 2.7 as follows:

"2.8 "quarry" means land or land under water from which consolidated aggregate is being or has been excavated, and that has not been rehabilitated, but does not mean land or land under water excavated for a building or other work on the excavation site or in relation to which an order has been made under the **Aggregate Resources Act, 1990, c. A. 8, as amended;**"
 - (8) By adding a new Subsection 2.9 immediately following the new Subsection 2.8, as follows:

"2.9 "reclaimed materials" means any waste material or a by-product of waste material which may be adapted to a new use by processing or re-use and which shall include, but is not limited to, glass, demolition material, paper, tin cans, metal, plastics, cardboard, bricks, wood, cloth or other material or fabric, leaves and grass trimmings."
2. **THAT** Section 5 of By-law No. 88-49, as amended, is hereby deleted in its entirety and the following Section 5 is hereby inserted therefor:

" 5. No person shall operate a pit or quarry or permit the operation of any machinery or equipment or commercial vehicle used in conjunction therewith, other than water pumping equipment, between the hours of 7:30 p.m. o'clock in the evening of any day and 6:00 a.m. o'clock in the morning of the next day or on any Sunday or holiday. With the written consent of the Township, in its sole discretion, maintenance may be done on machinery or equipment in a pit or quarry, outside the foregoing noted operating hours, provided such is for a specific period of time.
 3. **THAT** By-law No. 88-49, as amended, is hereby further amended by adding the following Sections 11 and 12 thereto and renumbering the existing Sections 11 to 15, both inclusive as Sections 13 to 17:

"11. Except as expressly permitted by Section 12 hereof, no person shall place, store or bury, or cause or permit to be placed, stored or buried, any concrete, asphalt, used construction materials or rubble or recycled or reclaimed materials, either temporarily or permanently, in or on or under any lands zoned M3 (Extractive Industrial) or M5 (Aggregate Processing) by the Township of Uxbridge Zoning By-law No. 81-19, as amended, unless such storage or burial is expressly stipulated as being permitted for the purposes of rehabilitation on a site plan approved under the **Aggregate Resources Act, 1990, C. A.8, as amended.**

12. The storage of concrete, asphalt, porcelain, glass, or any other material prescribed in Schedule "A" hereto (hereinafter called "product") shall be

permitted on any lands where a pit or quarry is located, for the sole purpose of storing and processing such product into recycled aggregate, in conjunction with the pit or quarry operation, provided the following provisions are complied with:

- 12.1 An operator of a pit or quarry shall make annual application to Council and obtain Council approval for the storage of product on any lands where a pit or quarry is located and such application shall be made on a form provided by the Township and shall be accompanied by the following:
- (a) a letter from the Ministry of Natural Resources confirming:
 - (i) that the Site Plan for the pit or quarry pursuant to the Aggregate Resources Act, shows the proposed product storage site as an approved location for such storage; and
 - (ii) that the pit or quarry is in compliance with all requirements of the Aggregate Resources Act and the associated licence and Site Plans for the lands.
 - (b) a signed copy of Schedule "B" hereto.
 - (c) written confirmation from the applicant that the Ministry of Environment and Energy has been notified, in writing, of the proposed storage of the product;
 - (d) an application fee in the amount of \$800.00 per application, per pit or quarry for an initial application, and \$400.00 per application, per pit or quarry for annual renewal, as the case may be;
 - (e) written confirmation from the Township Treasurer stating that all Realty and Business taxes for the pit or quarry are paid in full to the date of application for the permit;
 - (f) a copy of the Site Plan, approved by the Ministry of Natural Resources, showing the location of the proposed product storage area. Where a licence permits an operator to import material into the pit or quarry, the licence and site plan from MNR must clearly show the product stock pile area for recycling and areas where product is to be used for rehabilitation.
 - (g) the anticipated time frames within which the product will be crushed and used for recycled aggregate.
- 12.2 (a) Council may permit the storage of product by authorizing the issuance of a permit therefor or may refuse to issue such permit if the applicant has not complied with the provisions of this By-law.
- (b) Council shall refuse to issue such permit if the product constitutes "waste" pursuant to Part V of the **Environmental Protection Act**, as amended from time to time and any permit for lands upon which such waste is stored, shall be null and void and shall immediately be revoked by Council.
- 12.3 Not more than 25,000 tonnes of product may be stored at any one time on any lands where a pit or quarry is located prior to the product being crushed and recycled into aggregate, but in any event, all product shall be crushed and/or used on a regular basis. Council may increase

tonnage allowable to an individual pit or quarry where application is made by the Owner. Such increase shall be in the sole discretion of Township Council.

- 12.4 Asphalt may only be stored on lands upon which a pit or quarry is located and only on that portion thereof which is zoned in an Aggregates Processing (M5) Zone, in Zoning By-law No. 81-19, as amended, and upon which an asphalt plant is a permitted use by the Zoning By-law.
 - 12.5 Where an operator owns or controls up to two (2) pits or quarries in the Township, the importation, storage and processing of any and all product shall only be permitted on one (1) pit or quarry within the Township. Where an operator owns or controls three (3) pits or quarries or more in the Township, the importation, storage and processing of any and all product shall only be permitted on up to two (2) pits or quarries within the Township.
 - 12.6 The Township Council annual approval for the storage and recycling of product or the revocation of a permit hereunder, shall be expressed by Resolution thereof.
 - 12.7 Council may revoke or refuse to issue or renew a permit for any recycling operation which does not comply with the provisions of this By-law.
 - 12.8 The operator of a pit or quarry for which a permit has been issued pursuant to this By-law, shall ensure that the storage or processing of product complies with all requirements of this By-law.
 - 12.9 Applications for approval as required by Section 12.1 of this By-law may be made at any time during the calendar year, except that all permits shall be renewed every 12 months following the issuance or each renewal thereof, as the case may be, and applications for any annual renewal shall be submitted no later than 3 months prior to the expiration of the previous permit.
 - 12.10 Any permit issued pursuant to this By-law shall only remain in effect for a period of one year.
 - 12.11 Any area for which the storage of product has been approved pursuant to this by-law shall be screened and buffered so as not to be visible from adjacent streets and residences.
4. THAT By-law No. 88-49, as amended, is hereby further amended by adding the following new Section 18, immediately following the new Section 17, as follows:
- "1: If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in full force and effect."
5. THAT Section 17 of By-law No. 88-49, as amended, (which was renumbered as Section 17 by Section 3 of this By-law) is hereby further amended by deleting the existing Section 17, and substituting therefore the following new Section 17:

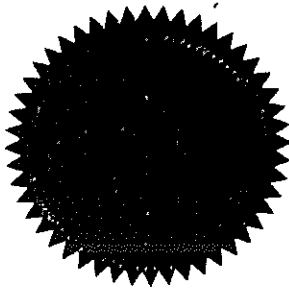
"17(a) Any person who places, stores or buries or causes or permits to be placed, stored or buried any product on any lands without a permit issued pursuant to Section 12 of this By-law is guilty of an offence and upon conviction therefor is liable to a fine of not more than \$5,000.00 imposed pursuant to and recoverable under the **Provincial Offences Act**, as amended.

(b) Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction therefor is liable to a fine of not more than \$5,000.00 imposed pursuant to and recoverable under the **Provincial Offences Act**, as amended."

6. All owners or operators of pits and quarries shall have until the 31st day of December, 1995, to bring their lands and operations into conformity with the provisions of this By-law.
7. **THAT** By-law No. 88-49, as amended, is hereby amended to give effect to the foregoing but By-law No. 88-49, as amended, shall in all other respects remain in full force and effect.

READ a **FIRST**, **SECOND** and **THIRD** time and finally passed this 29th day of May,

1995.




MAYOR


CLERK

SCHEDULE "A"

TO BY-LAW NO. 95-063

In addition to the products listed in clause 12 of By-law No. 95-063, the following products may also be stored on lands, pursuant to the provisions of By-law No. 95-063, for recycling purposes. Such products shall be added by amendment to this By-law.

SCHEDULE "B"

TO BY-LAW NO. 95-063

I hereby confirm that I have read and will comply with all provisions of By-law No. 95-063 of the Corporation of the Township of Uxbridge and that any product imported pursuant to the provisions of this By-law and the Permit issued thereunder will be actively used for recycling purposes.

Dated this _____ day of _____, 1995.

Owner

Applicant (if not owner)