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Ontario
CHAPTER 31

The Beach Protection Act

1. In this Act,

(a) "licence" means a licence issued under this Act;

(b) "Minister" means the Minister of Mines;

(c) "regulations" means the regulations made under this Act;

(d) "sand" includes earth, gravel and stone. R.S.O. 1950, c. 32, s. 1.

2.-(1) The Minister may issue licences for the taking of sand from the bed, bank, beach, shore or waters of any lake, river or stream or from any bar or flat in any lake, river or stream or adjoining any channel or entrance to any lake, river or stream in accordance with the regulations, and may suspend or cancel any licence.

(2) Each licence is effective only in the geographical area defined therein, and shall contain such particular terms and conditions as to its operation as the Minister directs. R.S.O. 1950, c. 32, s. 2.

3.—(1) No person, unless he is the holder of a licence, shall take or carry away in any boat, vessel, craft, cart, truck or other conveyance, or otherwise transport by land or water or remove by drag-line or other mechanical device, any sand from a bed, bank, beach, shore, waters, bar or flat mentioned in subsection 1 of section 2 whether or not such bed, bank, beach, shore, waters, bar or flat is owned by such person. R.S.O. 1950, c. 32, s. 3 (1).

(2) Subsection 1 does not apply to the removal of sand,

(a) by a municipality for municipal use; or

(b) by a bona fide resident of Ontario for his personal use and not for resale or for use for commercial purposes,
if the removal is with the written consent of an official designated by the council of the local municipality in which the sand is situate. 1959, c. 7, s. 1.

4. Subject to subsection 2 of section 3, no person shall go upon any bed, bank, beach, shore, waters, bar or flat mentioned in subsection 1 of section 2 for the purpose of removing or assisting to remove any sand therefrom except under the authority of a licence. R.S.O. 1950, c. 32, s. 4.

5. No person shall have on board his vessel or on a vessel in his possession or control any sand taken contrary to this Act. R.S.O. 1950, c. 32, s. 5.

6.—(1) Where a person makes oath before a justice of the peace that he has reason to believe and does believe that sand, in contravention of section 3, 4 or 5, is on board any vessel, or at any place, the justice of the peace shall issue a search warrant directed to a sheriff, police officer, constable or bailiff, who shall forthwith proceed to search the vessel or place and, if any sand is found thereon or thereat, he shall seize it and the vessel, if any, in which it is contained, and shall keep them secure until final action as hereinafter provided is had thereon.

(2) The owner, master or person in possession of the vessel, or person in possession of sand, shall, without further information laid, be summoned forthwith by the justice who issued the warrant to appear before a magistrate, and if such owner, master or person in possession fails to appear, or if it is shown to the satisfaction of the magistrate that a contravention has taken place, the magistrate may convict the owner, master or person in possession. R.S.O. 1950, c. 32, s. 6.

7.—(1) No person shall remove any sand from the bed of any river, stream or creek running between two municipalities without the consent of the councils of such municipalities, and in no case shall any sand be removed from the bed of any river, stream or creek so as to injure or endanger the safety of any bridge, drainage pipe, watermain or other structure erected or laid by a municipal corporation.

(2) Every person who contravenes any provision of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than $10 and not more than $25. R.S.O. 1950, c. 32, s. 7.

8.—(1) No person shall remove any sand from any street or road or from the extension of any street or road into any river or lake without the consent of the council of the municipality in which it is situate.
(2) Every person who contravenes any provision of sub-
section 1 is guilty of an offence and on summary conviction
is liable to a fine of not more than $10 for every load removed.
R.S.O. 1950, c. 32, s. 8.

9.—(1) Notwithstanding any other provision of this or
any other Act or in any regulation or order made under
this or any other Act, the Lieutenant Governor in Council
may make regulations prohibiting or restricting, subject to
the terms and conditions contained therein, the taking, re­
moving and carrying away by cart, truck, vessel or any other
vehicle or water craft of any sand from any bed, beach, shore
or waters of or adjacent to any part of the shores of Lake
Erie, Lake Ontario or Lake Huron, or from any land covered
by the waters of any of such lakes adjacent to such shore, or
from any sandbar or flat therein or adjoining any channel or
entrance thereto as described in the regulations.

(2) Such prohibition or restriction extends to the owner,
tenant or occupant of any such bed, beach, shore, sandbar or
flat and to any person claiming under the authority of any
municipal corporation or of any order of the Ontario Munici­
pal Board and to every other individual and corporation.

(3) Every person who contravenes the prohibition or re­
striction contained in any such regulation is guilty of an
offence and on summary conviction is liable to a fine of not
less than $10 and not more than $100. R.S.O. 1950, c. 32, s. 9.

10. Every person who contravenes any of the provisions
of this Act or the regulations is guilty of an offence and on
summary conviction, if no other penalty is provided, is liable
to a fine of not less than $10 and not more than $1,000, but
no prosecution shall be commenced except with the consent
in writing of the Attorney General. R.S.O. 1950, c. 32, s. 10.

11. Save as otherwise provided in this Act, The Summary
Convictions Act applies to all proceedings taken under this
Act. R.S.O. 1950, c. 32, s. 11.

12. In addition to the method of service prescribed by
The Summary Convictions Act, any summons or other proceed­
ing may, where it is directed to a person on board a vessel,
be served by leaving it, or a copy thereof, with the person
who is or appears to be in charge or command of the vessel.
R.S.O. 1950, c. 32, s. 12.
336 Chap. 31 BEACH PROTECTION Sec. 13

**Burden of proof**

13. In any prosecution the burden of proving the right to take sand is upon the person charged with a contravention of the Act. R.S.O. 1950, c. 32, s. 13.

**Royalties**

14.—(1) A person to whom a licence is issued may be required to pay to the Crown, in addition to his licence fee, a fixed sum for every yard of sand removed under the authority of the licence.

(2) The amount to be charged per yard shall be fixed by the Minister according to the location, type, availability and accessibility of the sand.

**Security**

(3) The Minister may require a person to whom such a licence is issued and by whom such sums are payable to the Crown to give security by bond satisfactory to the Minister for the payment of such sums. R.S.O. 1950, c. 32, s. 14.

**Sale of vessel, etc., for payment of penalty**

15.—(1) In addition to the remedies provided by *The Summary Convictions Act* for the recovery of penalties, any penalty imposed for a contravention of this Act, if not paid in accordance with the conviction, may be levied by the sale of any vessel, conveyance, drag-line or other mechanical device involved in the commission of the offence under the warrant of the convicting magistrate.

(2) Upon return being made of the sale, after satisfying the fine and the costs of the sale, the overplus, if any, shall be paid to the owner of the vessel. R.S.O. 1950, c. 32, s. 15.

**Regulations**

16. The Lieutenant Governor in Council may make regulations,

(a) providing for the issue and renewal of licences and prescribing the terms and conditions thereof and the fees payable therefor;

(b) prescribing the form and contents of security bonds;

(c) prescribing forms and providing for their use;

(d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 32, s. 16, amended.