

Agricultural Tile Drainage Installation Act

R.R.O. 1990, REGULATION 18

GENERAL

Consolidation Period: From July 16, 2009 to the e-Laws currency date.

Last amendment: O. Reg. 268/09.

This is the English version of a bilingual regulation.

1. In this Regulation,

“advanced course” means the advanced course of instruction prescribed in this Regulation, or any course considered equivalent thereto by the Director; (“cours de perfectionnement”)

“Drainage Guide” means Publication No. 29 of the Ontario Ministry of Agriculture and Food entitled “Drainage Guide for Ontario”; (“Guide de drainage”)

“machine” means a machine used in installing a drainage work; (“machine”)

“primary course” means the primary course of instruction prescribed in this Regulation, or any course equivalent thereto satisfactory to the Director; (“cours de base”)

“tile” means tile, pipe or tubing of any material used in the installation of a drainage work. (“tuyau”) R.R.O. 1990, Reg. 18, s. 1.

2. (1) A licence to carry on the business of installing drainage works expires on March 31 of the year following the year in which the licence was issued. O. Reg. 268/09, s. 1.

(2) The licence is not transferable. O. Reg. 459/95, s. 1.

(3) The fee for the issue or renewal of the licence is \$250. O. Reg. 506/97, s. 1.

3. (1) A licence to be the operator of a machine used in installing drainage works expires at the end of the second year after the year in which it is issued. O. Reg. 506/97, s. 2.

(2) The licence is not transferable. O. Reg. 506/97, s. 2.

(3) The fee for the issue or renewal of the licence is \$50. O. Reg. 506/97, s. 2.

4. (1) Subject to subsection (2), a licence for a machine used in installing drainage works expires at the end of the second year after the year in which it is issued. O. Reg. 506/97, s. 2.

(2) A licence for a machine used solely for demonstration purposes expires one year after the date of issue. O. Reg. 506/97, s. 2.

(3) The fee for the issue or renewal of a licence is,

(a) \$10 for a licence mentioned in subsection (2); and

(b) \$50 for all other licences mentioned in this section. O. Reg. 506/97, s. 2.

5. Revoked: O. Reg. 495/95, s. 1.

6. The following fees shall be paid in addition to the fees prescribed by sections 2, 3 and 4:

1.
For an operator's examination
\$5.00
2.
For an operator's change of class
5.00
3.
For the transfer of a machine licence
5.00

R.R.O. 1990, Reg. 18, s. 6; O. Reg. 459/95, s. 2.

7. (1) The following classes of machine operator are established:

1. Class A.
2. Class B.
3. Class C. R.R.O. 1990, Reg. 18, s. 7 (1).

(2) An operator,

(a) who is qualified,

(i) to operate and maintain the machine to be operated by him or her,

(ii) to set a system of grade control for the machine he or she operates,

(iii) to interpret drainage plans based upon topographic and profile surveys,

(iv) to implement a drainage work plan, and

(v) to advise on or carry out all other functions connected with the installation of a drainage work;

(b) who has attended the primary and advanced courses and has passed the examinations therefor;

(c) who was previously the holder of a licence as a Class B operator; and

(d) who has had at least 500 hours previous experience in operating machines in the installation of drainage works,

is a Class A operator. R.R.O. 1990, Reg. 18, s. 7 (2); O. Reg. 268/09, s. 2 (1).

(3) An operator,

(a) who is not qualified,

(i) to set up a system of grade control for the machine to be operated by him or her,

(ii) to interpret drainage plans based upon topographic and profile surveys, or

- (iii) to implement a drainage work plan;
- (b) who is qualified,
 - (i) to operate and maintain the machine to be operated by him or her,
 - (ii) to maintain the grade control established for such machine, and
 - (iii) to carry out all other duties connected with the installation of a drainage work except the duties mentioned in clause (a);
- (c) who has attended the primary course and has passed the examinations therefor;
- (d) who was previously the holder of a licence as a Class C operator; and
- (e) who has had at least 250 hours previous experience in operating machines in the installation of drainage works,

is a Class B operator. R.R.O. 1990, Reg. 18, s. 7 (3); O. Reg. 268/09, s. 2 (2).

- (4) An operator,
 - (a) who is being trained to operate and maintain a machine; and
 - (b) who has had at least sixty days previous experience in carrying out other duties connected with the installation of drainage works,

is a Class C operator. R.R.O. 1990, Reg. 18, s. 7 (4).

8. (1) A licence as a Class A operator is issued on the terms and conditions that, where a licensed Class B or Class C operator is operating a machine under the Class A operator's supervision,

- (a) the Class A operator is present and in actual communication with the Class B operator at least once in every three-hour period; or
- (b) the Class A operator is present with the Class C operator at all times. R.R.O. 1990, Reg. 18, s. (1).

(2) A licence as a Class B operator is issued on the terms and conditions that,

- (a) where the holder is operating a machine; or
- (b) where a Class C operator is operating a machine in the presence of the holder,

a licensed Class A operator is present and in actual communication with him or her at least once in every three-hour period. R.R.O. 1990, Reg. 18, s. 8 (2).

(3) A licence as a Class C operator is issued on the terms and conditions that the holder,

- (a) shall operate a machine in the installation of a drainage work only in the presence of an operator licensed as a Class A or Class B operator; and
- (b) shall attend the primary course within one year from the date on which the licence was issued. R.R.O. 1990, Reg. 18, s. 8 (3).

9. Where a change in ownership of a machine is made,

(a) the licence therefor shall remain with the machine; and

(b) a notice of transfer, and the prescribed transfer fee, shall be sent to the Director within ten days next following the date of transfer. R.R.O. 1990, Reg. 18, s. 9; O. Reg. 459/95, s. 3.

10. A licence to carry on the business of installing drainage works is issued on the terms and conditions that,

(a) the holder or a person employed by the holder on a full-time basis is licensed as a Class A operator or, where the holder is a corporation, it employs on a full-time basis an operator licensed as a Class A operator;

(b) every person who operates a machine,

(i) is the holder of a licence, and

(ii) complies with the terms and conditions on which the licence is issued;

(c) every machine used in installing drainage works is licensed; and

(d) whenever the holder or a person employed by the holder completes a drainage work, the holder completes and delivers to the Director before March 31 of the year following the year in which the licence was issued a report in a form provided by or approved by the Director. R.R.O. 1990, Reg. 18, s. 10; O. Reg. 459/95, s. 4; O. Reg. 268/09, s. 3.

11. (1) Except in the case of machines that, in the opinion of the Director, are used solely for demonstration purposes, every machine shall,

(a) be capable of excavating a trench or laying tile to a grade that does not deviate from the grade established by the drainage work plan by more than,

(i) 15 per cent of the internal diameter of the tile where the diameter is eight inches or less, or

(ii) 10 per cent of the internal diameter of the tile, where the diameter exceeds eight inches; and

(b) for the purpose of excavating trenches, be equipped with a wheel, chain or other device capable of excavating a trench that exceeds the diameter of the tile to be installed by at least six inches. R.R.O. 1990, Reg. 18, s. 11 (1).

(2) For the purposes of subsection (1),

(a) the grade deviation allowed by clause (a) of that subsection is subject to the conditions that such deviations,

(i) occur on a gradual basis over a distance of not less than thirty feet, and

(ii) do not occur consecutively above and below the established grade within a distance of 100 feet; and

(b) the trench width mentioned in clause (b) of that subsection shall be measured at a level above the trench bottom equal to the diameter of the tile. R.R.O. 1990, Reg. 18, s. 11 (2).

12. Where,

(a) any matter arises for which this Regulation makes no provision; and

(b) a recommendation respecting such matter is set out in the Drainage Guide,

the Director, in making his or her decision, may take notice of the recommendation or of any other generally recognized technical facts, information or opinions within the Director's knowledge. R.R.O. 1990, Reg. 18, s. 12.

13. (1) The Director may, at such times and in such places as he or she considers advisable, provide courses of instruction as follows:

1. A primary course that includes instruction and practice in surveying and in the principles that apply to the installation of drainage works.

2. An advanced course that includes instruction and practice in the design of drainage works. R.R.O. 1990, Reg. 18, s. 13 (1); O. Reg. 268/09, s. 4.

(2) Examinations shall be conducted at the end of a course under the supervision of the instructors. R.R.O. 1990, Reg. 18, s. 13 (2).

14. In addition to the grounds for refusal to renew or to suspend or revoke licences mentioned in section 5 of the Act, the Director may refuse to renew or may suspend or revoke a licence to carry on the business of installing drainage works or to be the operator of a machine used in installing drainage works if, after a hearing,

(a) the Director is of the opinion that any ground mentioned in section 4 of the Act for refusal to issue such licence exists;

(b) the Director finds that the licensee has failed to comply with, perform or carry out any term and condition on which such licence was issued;

(c) in the case of a person licensed as a Class A operator, the past performance of the licensee affords reasonable grounds for belief that the qualifications therefor do not exist; or

(d) in the case of a person licensed as a Class B operator, the past performance of the licensee affords reasonable ground for belief that the qualifications therefor do not exist. R.R.O. 1990, Reg. 18, s. 14; O. Reg. 459/95, s. 5.

FORMS 1-8 Revoked: O. Reg. 459/95, s. 6.