

**DISTRICT OF PORT EDWARD
BYLAW NO. 315**

**A BYLAW TO LICENSE, SET FEES AND REGULATE BLASTING WITHIN
THE LIMITS OF THE DISTRICT OF PORT EDWARD**

WHEREAS section 933 (1) (b) of the *Municipal Act* R.S.B.C. 1979 Chapter 290 authorizes Council, by bylaw, to regulate or prohibit the use of any explosive agents or blasting, and regulate persons engaged in blasting, and require persons engaged in blasting to give security for damage to persons who, or whose property, may be injured by it:

AND WHEREAS the Council of the District of Port Edward deems it advisable to regulate blasting within the District.

NOW THEREFORE, the Council of the District of Port Edward, in open meeting assembled, enacts as follows:

DIVISION I - DEFINITIONS

1:01 In this bylaw, the following words or terms shall include the meaning hereby assigned to them.

1:02 **Agent** means agent of an owner.

Engineer means the Public Works Superintendent or other persons designated by Council.

Blast means the lighting, igniting, firing or discharging of gunpowder, stumping powder, dynamite, guncotton, nitroglycerine, or detonation of blasting agent or any other explosive substance or mixture for the purpose of moving, breaking, disturbing, loosening or splitting of any material, substance or thing for any purpose whatsoever.

Blaster means a person who is the holder of a valid Blaster's Certificate granted by the Workers' Compensation Board of British Columbia.

Blasting Area means any area, extending not less than 46 m (50 yards) in all directions, from any place in which explosives are being prepared or fixed, or in which unexploded charges are known or believed to exist.

District means the District of Port Edward.

Owner in the respect of any real property means:

- (a) The registered owner as appears on the records of the Land Title Office as an Estate in Fee Simple, or;
- (b) In the event of there being registered in the Land Title Office a life estate, includes a tenant for life, or;
- (c) In the event there is registered in the Land Title Office an agreement for sale and purchase, the registered holder of the last registered agreement for sale or purchase, or;
- (d) In the case of real property held in the manner described in Section 409 and 410 of the Municipal Act, means the holder or occupier therein as set out, or;
- (e) Any lessee or tenant of real property who, under the terms of the lease or tenancy, is entitled to do construction on the real property.

Public Utility includes, but is not limited to, a public services such as water lines, sewer lines, electric lines, gas lines, or service distributed to the public above or below the ground.

DIVISION II - REGULATIONS

- 2:01 No person shall blast or carry on blasting operations without first obtaining a blasting permit from the Engineer.
- 2:02 No blasting permit shall be issued to anyone other than a blaster or blasters, as herein defined, who shall produce proof of certification when asked to do so.
- 2:03 No person shall carry on any blasting operations that are at variance with any description, plans, specifications or other information supplied to the Engineer in support of the application for the blasting permit.
- 2:04 No permit for blasting shall be issued by the Engineer until the applicant has provided security for against all loss, claims, damage or demands which may be made in consequence of such blasting. Such security shall consist of a comprehensive general liability insurance policy which adequately covers the risk involved in any particular blasting situations and shall be determined by the Engineer:
- (i) Bodily Injury Liability \$1,000,000.00 minimum
 - (ii) Property Damage Liability \$1,000,000.00 minimum
 - (iii) Third Party Liability \$1,000,000.00 minimum

The liability of the blaster is in no way limited to the amount of security required to be provided.

- 2:05 The blaster, the owner or agent of the property shall ensure that the Workers' Compensation Board procedures are followed, the regulations of the Explosive Act (Canada) are adhered to, and the stipulations of the blasters insurance policy are met.
- 2:06 The blaster, and the owner or agent for the owner of the property on which blasting has occurred shall, after completion of the blasting, restore the surface of the blasting area and any other area affected by the blasting.
- 2:07 After blasting has been completed, the blaster shall contact the Engineer for a final inspection and approval of the blasting area.
- 2:08 No permit issued under this bylaw shall be transferable and all blasting operations under any permit shall be personally conducted by the blaster or blasters.
- 2:09 The application and permit to blast shall be in the form prescribed from time to time by the Engineer.
- 2:10 Upon receipt of any application for a blasting permit, the Engineer may grant or refuse a permit accordingly.
- 2:11 The Engineer shall have the power at any time to cancel or suspend any blasting permit. If in the opinion of the Engineer, blasting operations are carried on in a dangerous, incompetent, negligent or unsafe manner he shall give written notice of the cancellation of the permit to the holder of said permit.
- (a) The notice shall be delivered in person, or sent by registered mail to the address given on the application for the blasting permit, or by the posting of a Stop Work Order at the blasting site.
 - (b) The holder of the cancelled permit shall immediately return the permit to the Engineer.
 - (c) No person whose blasting permit has been cancelled or suspended shall engage in or carry on blasting within the District.
- 2:12 (a) All blasting within the District shall be carried out between the hours of 9:00 a.m. and 9:00 p.m. Monday to Saturday inclusive, unless permission is otherwise granted by the Engineer.
- (b) Blasting will not be permitted when atmospheric conditions prevent a clear observation at a distance of not less than 91.44 m (300 ft) from the place where the blasting is to be carried out.

- 2:13 (a) No person shall blast within 91.44 m (300 ft.) radius of any occupied building without previously giving the inhabitants 24 hours notice either verbal or written, and without taking necessary precautions to protect property likely to be effected by the blasting operations.
- (b) If the blasting is to take place on or adjacent to any public thoroughfare within the District, the blaster shall provide traffic control by means of barricades, signs, or lights, to ensure the safety of vehicular and pedestrian traffic, following all directions of the Engineer.
- (c) No person shall carry on blasting within a radius of 304.8 m (1,000 ft.) of any school building between the hours of 8:00 a.m. and 4:30 p.m. on regular school days; or of any hospital until the Administrator or the person in charge of the school or hospital shall have been given 24 hours notice in writing, setting forth the time and exact location where such blasting is to be carried on.
- (d) Before blasting upon any property adjacent to any public utility, the blaster shall give at least 24 hours notice in writing to the owner thereof, setting out the time and exact location where such blasting will be carried on. The blaster shall safeguard such public utility from injury or damage from such blasting.
- 2:14 No person shall interfere with or obstruct the Engineer in the enforcement or administration of this bylaw.

DIVISION III - PERMITS AND FEES

- 3:01 Subject as hereinafter provided, blasting permits issued pursuant to this bylaw shall terminate on the day specified thereon.
- 3:02 There shall be a fee payable to the District of Port Edward of \$35.00 for each seven day period or part thereof for which a blasting permit is issued. The fee shall be paid to the District of Port Edward.
- 3:03 The application and permit to blast shall be in the form prescribed from time to time by the Engineer.
- 3:04 Upon receipt of any application for a blasting permit, the Engineer may grant or refuse a permit accordingly.

DIVISION IV - OFFENCE/PENALTY

4:01 Offence

Any person who

- (a) fails to furnish any information or documentation as required by the provisions of this bylaw, or;
- (b) fails to comply with the regulations of this bylaw, or;
- (c) violates, or performs any act or thing which violates, any provisions of this bylaw, or;
- (d) suffers or permits any act or thing to be performed in violation of this bylaw, or;
- (e) neglects or refrains from doing anything required to be done by any of the provisions of this bylaw; is guilty of an offence.

4:02 Penalty


- (a) Any person guilty of an offence is punishable in accordance with the Offence Act.

READ a first time this 23rd day of February, 1993.

READ a second time this 23rd day of February, 1993.

READ a third time this 23rd day of February, 1993.

RECONSIDERED and adopted this 9th day of March, 1993.



Mayor




Clerk

Certified a true copy of bylaw 315,
cited as "District of Port Edward
Blasting Bylaw No. 315, 1993".



Clerk

*A true copy of By-Law No. 315
registered in the office of the Inspector
of Municipalities this 23rd day of
April 1993.*


Deputy Inspector of Municipalities