

DISTRICT OF HIGHLANDS

BYLAW NO. 67

A Bylaw to Regulate Blasting Within the District of Highlands

WHEREAS Section 933(1)(b) of the Local Government Act provides that Council may by Bylaw regulate blasting throughout the municipality,

AND WHEREAS the Council of the District of Highlands deems it desirable to enact a blasting bylaw,

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

1. DEFINITIONS:

"Blasting Log" - A written record of information about a specific blast as may be required by law or regulation including, but not limited to: the drill pattern, delay sequence, collar depth, hole spacing and depth, and maximum weight of explosives detonated per blast.

"Blasting Mat" - A mat constructed from rubber vehicle tires and steel cable, weighing a minimum of 35 pounds per square foot, and measuring a minimum of 118 square feet in size, and used for containment during blasting operations.

"Major Blast" - An explosion which moves ten cubic meters or more of rock.

"Minor Blast" - An explosion which moves less than ten cubic meters of rock.

"Seismograph" - An instrument used to measure and record vibrations within the earth and of the ground.

2. PROHIBITIONS:

No person:

- a. shall blast without first having obtained a blasting permit from the District of Highlands;
- b. as owner or occupier of premises, shall permit blasting on their property without first having obtained a blasting permit from the District of Highlands;
- c. shall engage in blasting without taking all precautions necessary for the protection of persons or property to minimize the hazard of flying material resulting from a blast by the use of blasting mats, or clean fill or sand, free of rock;

- d. shall use metal to smother a blast;
- e. shall blast except during the period beginning at 8:00 a.m. and ending at 4:00 p.m., on Monday through Saturday only, excluding any statutory holiday;
- f. shall carry on any blasting that is at variance with any description, plans, specifications or other information supplied to the Administrator or any person so authorized by him/her as part of their blasting permit application;
- g. shall interfere with or obstruct the Administrator or any person so authorized by him/her in the conduct or administration and enforcement of this Bylaw.
- h. shall remove a "Stop Work Order" placed pursuant to Section 3. a. iii. or Section 3. b. ii. of this Bylaw without the permission of the Administrator or Planning Technician.

3. ADMINISTRATOR:

- a. The Administrator or any person so authorized by him/her may:
 - i. enter on to any property at any reasonable time for the purpose of administering or enforcing this Bylaw or for the purpose of ascertaining whether the regulations or requirements of this Bylaw are being met;
 - ii. require that written notification be given to residents within 100 meters of the subject property, prior to an impending minor or major blast(s);
 - iii. order a person to immediately stop all blasting operations by placing a "Stop Work Order" at the site in any case where complaints are received by him/her concerning damage or injury to persons or property or for a violation of the blasting permit and in such case no blasting shall be carried out until the Administrator or any person so authorized by him/her has completed his/her investigation and the "Stop Work Order" has been removed by them;
 - iv. require that the applicant, or property owner, engage at the expense of the applicant or property owner, the services of a geological engineer or a blasting consultant to supervise all works carried out under this Bylaw;
- b. The Administrator or any person so authorized by him/her shall:

- i. revoke or refuse to issue a permit where the work being carried on or proposed to be carried on is in contravention of this Bylaw;
- ii. order the cessation of work that is proceeding in contravention of this Bylaw by placing a "Stop Work Order" at the site or by sending a double registered letter to the person carrying on the work or causing it to be carried on.

4. PERMITS:

- A. Each application for a permit:
 - a. shall be in the form specified by Schedule "A" attached to and forming part of this Bylaw;
 - b. shall be accompanied by:
 - i. a completed Schedule "B" attached to and forming part of this Bylaw, showing proof of insurance coverage;
 - ii. a permit fee of \$25.00 for a permit for a minor blast or \$50.00 for a permit for a major blast.
- B. Each permit shall be in the form specified by Schedule "A" attached hereto and forming part of this Bylaw.

5. CONDITIONS:

The following conditions apply to all blasting permits:

- a. The use of blasting mats or clean fill or sand free of rock will be required for all blasts.
- b. At least one recording seismograph shall be used on every major blast and the seismograph records shall be retained by the applicant. The Administrator or any person so authorized by him/her may require the use of a recording seismograph for a minor or major blast.
- c. A minor blasting permit shall be valid for thirty (30) calendar days from the date of issue and a major blasting permit shall be valid for ninety (90) calendar days from the date of issue.
- d. Compliance with all Federal and Provincial regulations relating to blasting.

- e. A blasting log shall be kept for all major blasts.
- f. A copy of any required seismic records, blasting logs, and all records pertaining to the safety aspects of the blasting, shall be forwarded to the Administrator or any person so authorized by him/her within five (5) days of the completion of blasting or expiry of a permit to blast.

6. INSURANCE:

- a) Proof of third party public liability and property damage insurance coverage must be provided to the Administrator or any person so authorized by him/her prior to issuance of a blasting permit as follows:
- b) Third party public liability and property damage insurance in an amount of not less than \$2,000,000.00 to protect himself from any and all claims which may arise from the proposed work and that the insurance may not be cancelled, lapsed or materially changed without the insurer giving 15 days written notice of cancellation to the Administrator or any person so authorized by him/her; and that such insurance requires a pre-blast survey to be carried out of buildings in the vicinity of the blast.

7. NOTIFICATION:

The applicant shall indicate on the "Application to Blast", attached hereto as Schedule "A" to this Bylaw, their plan for notifying the area residents of the impending blast(s). The applicant must specify whether the notification will be verbal, written, or a radio broadcast; if the notification will be given to the adjacent properties or properties within 100 metres of the subject property; and the number and location of notices to be posted on the perimeter of the property.

8. PENALTIES:

- a. Any person who commits an offense against this Bylaw shall, upon summary conviction thereof, be liable to a fine and penalty of not more than \$5,000.00 for each offense, or imprisonment or both.
- b. The penalties imposed under Section 8.a. hereof shall be in addition to and not in substitution for any other penalty or remedy imposed by this Bylaw.

9. SEVERABILITY:

If any section, subsection or paragraph of this Bylaw is found invalid by a decision of a Court of competent jurisdiction the invalid section, subsection, or paragraph shall be severed without effect on the remainder of the Bylaw.

10. CITATION:

This Bylaw may be cited for all purposes as the "District of Highlands Blasting Bylaw No. 67, 1996".

READ A FIRST TIME THIS 18TH DAY OF MARCH, 1996.

READ A SECOND TIME THIS 18TH DAY OF MARCH, 1996.

READ A THIRD TIME THIS 18TH DAY OF MARCH, 1996.

ADOPTED THIS 1ST DAY OF APRIL, 1996.

MAYOR

CLERK

DISTRICT OF HIGHLANDS BLASTING BYLAW NO. 67, 1996

APPLICATION TO BLAST

Pursuant to Bylaw No. 67 of the District of Highlands, I, being the owner or the person responsible for the blasting project and acting with the written consent of the owner, hereby make application to blast at:

Street Address: _____

Lot: _____ Section: _____ Plan: _____ Folio: _____

and assume the responsibility of ensuring that all work covered by this permit is carried out in accordance with the provisions of Bylaw No. 67, whether such work is sublet, day labour or otherwise.

OWNER: _____ ADDRESS: _____

PHONE: _____ CELLULAR: _____

CONTRACTOR: _____ ADDRESS: _____

PHONE _____ CELLULAR: _____

Measures to be taken to reduce the risk of fly rock: (initial your choice)

a) blasting mats _____ b) clean fill (rock free) _____ c) sand (rock free) _____

Notification plan for area residents: (please specify whether the notification will be verbal, written, or a radio broadcast. If the notification will be given to adjacent properties or properties within 100 metres of the subject property, and the number of notices to be posted on the perimeter of the property.)

All blasting will be carried out between the hours of 8:00 a.m. and 4:00 p.m. Monday through Saturday except statutory holidays.

I agree to conform to all said regulations and all other statutes and Bylaws in force in the District of Highlands and to save harmless the District of Highlands and any authorized agent against all claims, liabilities, judgements, costs and expenses or whatsoever kind which may in any way accrue against the said District and any authorized agent in consequence of and incidental to granting of this permit.

Signature of Applicant Date

Date Received: _____ Receipt # _____ Received By: _____

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DISTRICT OF HIGHLANDS

PERMIT TO BLAST

PERMIT # _____

Permission is hereby given to blast in compliance with the details of the application and the provisions of the District of Highlands Blasting Bylaw No. 67, 1996 at the above noted location.

This Permit Expires On _____.

This permit does not free the holder from responsibility for damage caused while blasting and is subject to cancellation if a violation occurs.

Date: _____ Approved by: _____

PERSONAL INFORMATION COLLECTION NOTICE

The personal information collected on this form will be used for blasting application and issuance. The personal information collected on this form is collected under the authority of the Municipal Act and the Blasting Bylaw of the District of Highlands. Questions about the collection of personal information can be answered by staff at the District of Highlands, 1980 Millstream Road, Victoria, BC, V9B 6H1 or at 474-1773.

SCHEDULE "B"

DISTRICT OF HIGHLANDS BLASTING BYLAW NO. 67, 1996

PROOF OF INSURANCE COVERAGE

TO BE COMPLETED BY A LICENSED INSURANCE AGENT AND RETURNED TO:

Administrator or any person so authorized by him/her
District of Highlands
1980 Millstream Road
Victoria BC V9B 6H1

NAME OF BUSINESS INSURED:

ADDRESS:

PHONE:

INSURANCE UNDERWRITER: _____ POLICY NO:

EFFECTIVE DATE: _____ EXPIRY DATE:

The undersigned agent confirms that the following coverage has been effected through the policy noted above:

- third party public liability and property damage insurance in the amount of _____
- coverage effective for the period from _____ to _____
- deductible _____
- the District of Highlands is to receive fifteen (15) days prior written notice of lapse or cancellation;

AGENTS NAME: _____

ADDRESS:

AGENT AUTHORISED TO SIGN ON BEHALF OF THE UNDERWRITER:

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PHONE: _____ FAX: _____

DATE: _____

NOTE: In lieu of this Certificate, a certified copy of the policy may be submitted.

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