

THE CORPORATION OF THE CITY OF ROSSLAND

BYLAW #2460

WHEREAS Council deems it advisable to regulate blasting within the City of Rossland

NOW THEREFORE, the Municipal Council of the Corporation of the City of Rossland, in open meeting assembled, enacts as follows:

SHORT TITLE

1. This bylaw may be cited as the "Blasting Bylaw 2009, No. 2460".

INTERPRETATION

2. In this bylaw:

CHIEF BUILDING OFFICIAL means the Chief Building Official of the Corporation of the City of Rossland or the agent thereof.

EXPLOSIVES includes any chemical compound or mechanical mixture which by fire, friction, concussion, percussion or detonation, may cause a sudden release of gasses having pressure capable of producing destructive effects.

"BLAST" or "BLASTING" shall mean lighting, igniting, firing or discharging of gunpowder, stumping powder dynamite, gun-cotton, nitro-glycerine, or any other explosive substance or mixture for the purpose of moving, breaking, disturbing, loosening or splitting of any material, substance, or thing, or for any purpose whatsoever.

BLASTING

3. Any person transporting or storing explosives or handling, loading or firing explosives shall comply with the Industrial Health and Safety Regulations made pursuant to the provisions of the *Worker's Compensation Act* which are hereby made a part of this bylaw
4. No person shall blast or carry on blasting operations without first having obtained a blasting permit (Schedule A) from the Chief Building Official.
5. No person shall blast, carry on blasting operations, or operate drills, compressors or other equipment used to prepare land for blasting at any time except between the hours of 8:00 a.m. and 5:00 p.m. on each day except Sundays or a Statutory Holidays when all blasting operations are strictly prohibited

6. No person shall carry on any blasting operations that are at variance with any description, plans, specifications or other information supplied to the Chief Building Official in support of the application for the blasting permit.
7. No person shall interfere with or obstruct the Chief Building Official in the conduct or administration and enforcement of this bylaw.
8. The Chief Building Official:
 - a) may enter onto any site or premises at any reasonable time for the purpose of administering or enforcing this bylaw;
 - b) may 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;
 - c) may order the cessation of work that is proceeding in contravention of this bylaw by placing a Stop Work Order at the site or by a registered return letter to the person carrying on the work or causing it to be carried on.
 - d) may 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 concerning damage or injury to persons or property, or of a violation of the permit or this bylaw, and in such case no blasting operation shall be carried out until the Chief Building Official has completed his investigation and the Stop Work Order has been removed.
 - e) shall have the power at any time to cancel or suspend any blasting permit if such blasting operations are carried on in an incompetent, dangerous or unsafe manner, by giving verbal or written notice thereof to the holder of such permit. Such permit shall thereupon be immediately cancelled and the holder shall immediately return the same to the Chief Building Official and no person whose blasting permit has been cancelled or suspended shall engage in or carry on blasting in the City.
9. When an application has been made;
 - a) The proposed work set out in the application conforms with this bylaw and all other applicable bylaws;
 - b) The applicant has a valid blasting certificate.
 - c) The applicant has a copy of a Workers Compensation Board Clearance Letter.
 - d) Where required, the applicant has completed a pre-blast survey, as defined and regulated by the *Worker's Compensation Act*, of buildings in the vicinity of the blast and provided the City with the survey's results.

e) The applicant for a permit provides satisfactory evidence that he maintains with an insurance company authorized to carry on business in British Columbia, third party public liability and property damage insurance in an amount of not less than \$2,000,000.00 to protect the applicant from any and all claims which may arise from the proposed work and that the said insurance may not be cancelled, lapsed or materially changed without the insurer giving 15 days written notice of cancellation to the Chief Building Official; and that such insurance requires a pre-blast survey to be carried out of buildings in the vicinity of the blast; and that additional insurance may be required should increased risk be noted by the pre-blast survey;

Then Chief Building Official shall issue the permit for which the application is made.

10. Every permit is issued upon condition that the blasting operation authorized thereby shall be started and completed within fourteen (14) days from the date of issuing the permit.
11. The application and permit shall be in the form of Schedule "A" attached hereto and forming part of this bylaw.
12. The application for a permit shall be accompanied by a fee of \$75.00.
13. Any person to whom a blasting permit has been issued shall comply with and observe the following regulations;
 - (a) blasting shall be carried on only under the immediate supervision of a person possessing a valid Blasting Certificate issued by the Workers' Compensation Board and blasting permit issued by the Chief Building Official.
 - (b) no blasting shall be carried on in dangerous proximity to any person, building, property, or underground public utility liable to suffer injury from blasting unless and until prescribed precautions have been taken to prevent injury to any person, building, property or utility;
 - (c) a flagman with red flags of a minimum size of 45cm by 45cm (18 in. by 18 in.), or other Workers Compensation Board approved signaling devices, shall be posted at every possible point where car or pedestrians might enter the blasting area pursuant to Workers Compensation Board regulations - when the blasting is completed, the normal vehicular pedestrian traffic shall be restored as quickly as possible;
 - (d) no blast shall be discharged by any person unless and until the material to be blasted shall first have been adequately covered with a suitable blasting mat or some material or device sufficient to provide precautions for adequately safeguarding life and property;
 - (e) The person obtaining a blasting permit shall therein indemnify and save the City harmless from and against legal actions or claims of any kind and description whatsoever brought against the City for or on account of injury or damage to person or property, received or sustained by any person or persons, on account of work done under the blasting permit.

14. No person shall do any act or suffer or permit any act or thing to be done in contravention of this bylaw.
15. Every person who, without lawful excuse, contravenes this bylaw by willfully doing any Act which it forbids, or omitting to do any act which it requires to be done, is guilty of an offence and is liable, on summary conviction to a fine of not less than \$1000.00 and not more than \$5000.00 for a first offence and for each subsequent offence to a fine of not less than \$2500.00 and not more than \$7500.00. A separate offence shall be deemed to be committed upon each day during and in which the contravention occurs or continues up to a maximum of \$10,000.
16. The penalties imposed under Section 15 hereof, shall be in addition to and not in substitution for any other penalty or remedy imposed by this bylaw.

ENACTMENT

17. (1) If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder.
- (2) This Bylaw shall come into full force and effect on the final adoption thereof.

READ A FIRST TIME
 READ A SECOND TIME
 READ A THIRD TIME
 FINALLY ADOPTED

this 17th day of August, 2009
 this 17th day of August, 2009
 this 14th day of September, 2009
 this 13th day of October, 2009

 Mayor

 City Clerk

Permit Number:
Date of Issue:
Insurance Policy No:
Name of Insurer:
Policy Expiry Date:

SCHEDULE A
Blasting Application/Permit
 (Bylaw No 2460, 2009)

This permit authorizes: "Name of blaster doing work" to carry on blasting operations on behalf of "Contractor or Owner" within the limits of the property hereinafter described:

Street Address: _____

Legal Description: _____

Other Description: _____

For a period of not more than fourteen (14) calendar days from the date of issue and in accordance with the City of Rossland Blasting Bylaw No. 2460 and any amending bylaws.

Purpose of blasting: _____

 Signature of Applicant

Chief Building Official

Fee: \$75.00 payable at City Hall

- Fee Paid
- Blasting Certificate Number: _____
- WCB Clearance Letter _____
- Pre Blast Survey