



City Prince Rupert

## **Blasting Bylaw No. 2524, 1985**

**(With Amendments to March 31, 2004)**

**Consolidated for Convenience Only**

This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws of this subject.

## CITY OF PRINCE RUPERT

### BYLAW NO. 2524

**WHEREAS** Section 933(1)(b) of the Municipal Act, R.S.B.C. 1979, Chapter 290, authorizes the adoption of a Blasting Bylaw by a Municipality in the Province of British Columbia;

**AND WHEREAS** the Council of City of Prince Rupert deems it advisable to license, set fees and regulate blasting within the limits of the City of Prince Rupert;

**NOW THEREFORE**, the Council of City of Prince Rupert, in open meeting assembled, enacts as follows:

#### **DIVISION I - DEFINITIONS**

1:01 In this Bylaw, unless the Municipal Act otherwise requires, the following words or terms shall include the meaning hereby assigned to them.

1:02 AGENT means agent of an owner.

ENGINEER means the Director of Municipal Services or his designate

BLAST means the lighting, igniting, firing or discharging of gunpowder, stumping powder, dynamite, guncotton, nitro-glycerine, 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 50 yards (46 m.) 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.

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.

**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 and 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 \$250,000 minimum
  - (ii) Property Damage Liability \$250,000 minimum
  - (iii) Third Party Liability \$250,000 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, the owner or agent of the property shall ensure that the blasted area is left in a condition which saves the City or private landowner harmless of any charges or action against them.

- 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 transferrable 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,
- (a) in the opinion of the Engineer, such blasting operations are carried on thereunder in a dangerous, incompetent, negligent or unsafe manner by giving written notice thereof to the holder of said permit.
  - (b) Such 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.
  - (c) Such permit shall thereupon be immediately cancelled, and the holder thereof shall immediately return it to the Engineer.
  - (d) No person whose blasting permit has been cancelled or suspended shall engage in or carry on blasting within the City.
- 2:12 (a) All blasting within the City 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 three hundred (300) feet (91.44 m.) from the place where the blasting is to be carried out.
- 2:13 (a) No person shall blast within a 300 ft. (91.44 m.) radius of any inhabited dwelling unit without previously giving the inhabitants thereof 24 hours notice either verbal or written and without taking necessary precautions to protect property likely to be affected by the blasting operations

- (b) If the blasting is to take place on or adjacent to any public thoroughfare within the City, the blaster shall provide traffic control to ensure the safety of vehicular and pedestrian traffic.
  - (c) No person shall carry on blasting within a radius of one thousand (1,000) feet (304.8 m.) 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 thereof 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**

Bylaw 3172

- 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 City of Prince Rupert for Blasting Permits as established by Council by Bylaw.
- 3:03 The application and permit to blast shall be in the form prescribed from time to time by the Engineer. The form of permit attached as Schedule "A" hereto is prescribed.
- 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 provision 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.
- (b) Council may, by resolution, cause the owner of the property, or his agent, to do repairs to public or other real or personal property, if it is deemed to be left in an unsafe, untidy or unsightly condition, and may collect payment pursuant to the Municipal Act.

4:03      Bylaw No. 2488 is hereby repealed.

4:04      This Bylaw may be cited as "**PRINCE RUPERT BLASTING BYLAW NO. 2524, 1985**".

READ THE FIRST TIME THIS 12TH DAY OF NOVEMBER A.D. 1985

READ THE SECOND TIME THIS 12TH DAY OF NOVEMBER A.D. 1985

READ THE THIRD TIME THIS 12TH DAY OF NOVEMBER A.D. 1985

RECONSIDERED, FINALLY PASSED AND THIS 25TH DAY OF NOVEMBER 1985

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MAYOR

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CITY CLERK

This Bylaw has been consolidated for convenience and includes amendments from:  
Bylaw No. 3172, 2004 - Adopted March 31, 2004

CITY OF PRINCE RUPERT

APPLICATION FOR A BLASTING PERMIT

I hereby make application under the provisions of the City of Prince Rupert Bylaw No. 2524 for permission to carry on blasting at

Lot                      Block                      Section                      Plan

Between the dates of

and

Name of Land Owner

Address

Name of Blaster

Address

Certificate No

Phone

Insurance Co

Policy No

Ins. Effective from

• .To

Signature of Applicant

Date

BLASTING PERMIT NO.

The above application has been passed, and upon payment of the required fee, this permit will be issued.



Fee:

Expiry Date:

Permit No.

Roll No.