

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2982

A bylaw to regulate blasting operations within the Township of Esquimalt.

THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT,
in open meeting assembled, enacts as follows:

1.0 CITATION

This Bylaw may be cited as “**BLASTING BYLAW, 2020, No. 2982**”.

2.0 DEFINITIONS

“**blasting operation**” means the detonation of explosives in connection with the undertaking of any work or service.

“**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.

“**Inspector**” includes any of the following employees of the Township:

- (a) Director of Engineering and Public Works;
- (b) Manager of Engineering;
- (c) Manager of Public Works;
- (d) Director of Community Safety;
- (e) Bylaw Management Officer; or,
- (f) Senior Building Officer

3.0 BLASTING PERMIT

3.1 Issuing Permit:

A person shall blast or carry on blasting operations or authorize blasting operations, only after first obtaining a blasting permit from the Inspector.

An Inspector may issue a blasting permit only after the applicant provides satisfactory evidence of third party public liability and property damage insurance:

- Issued by an insurance company authorized to carry on business in British Columbia;
- In an amount of not less than \$5 million to protect the applicant from all claims which may arise from the proposed work;
- That may not be cancelled, lapsed or materially changed without the insurer giving 15 days written notice of cancellation to the Inspector; and,
- That requires the conducting of pre-blast survey of buildings in the vicinity of the proposed blasting.

A blasting permit and the application for it must be in the form prescribed by the Inspector.

3.2 Permit Fee:

An application for a blasting permit must be accompanied by a payment of a permit fee of \$150.00.

3.3 Lapsing of Permit:

Blasting operations authorized by a blasting permit must be completed within one month from the date the permit is issued, or such other period as an Inspector may allow under the blasting permit.

3.4 Suspension or Cancellation of Blasting Permit:

An inspector may suspend or cancel a blasting permit if the blasting operations are conducted in contravention of this bylaw, or the terms or conditions of the blasting permit.

4.0 REGULATIONS

4.1 Safety Regulations

A person carrying out blasting operations must comply with the Occupational Health and Safety Regulations made under the *Works Compensation Act of British Columbia*, as amended or replaced from time to time.

4.3 Timing Regulations

A person may blast, carry on blasting operations, or operate drills, compressors or other equipment used to prepare land for blasting provided they comply with the conditions as outlined herein, and between the hours of 8:00 am and 5:00 pm on each day except Sundays and Statutory Holidays.

4.4 Compliance with other Bylaws

A person may carry on blasting operations providing they are in compliance with all other Township Bylaws, including, but not limited to the Noise Bylaw, and the Tree Preservation Bylaw.

4.5 Fire Emergency Procedures Pertaining to Blasting Procedures

Every person using, storing or handling explosives shall establish fire emergency procedures acceptable to the Fire Chief of the Township of Esquimalt, which shall specify:

- The location and identification of storage and use areas;
- Methods to control a fire emergency safely and efficiently; and,
- The names, addresses and telephone numbers of persons to be contacted in the case of fire during hours outside of normal operation.

5.0 NOTIFICATIONS

5.1 Written Notice

Upon issuance of a permit, the applicant shall hand deliver a Written Notice to every property owner and business located within 100 meters of the edge of the blast zone, or such other distance as the Inspector may require.

The Written Notice shall include:

- The work to be done, including the location of the blasting operations;
- The expected date of commencement and estimated duration of the project;
- Methods intended to be used to safeguard persons and property;
- Signals and other warning methods to be used to inform those nearby of an impending blast;
- The name and phone number of the person or company responsible for the blasting operations; and,
- The name and phone number of the representative of the insurance company for the person or company responsible for the blasting operations.

The Written Notice must be delivered to all property owners and businesses entitled to receive it at least 48 hours prior to the commencement of any blasting operations.

6.0 ENFORCEMENT

6.1 Inspections

An Inspector may enter onto any real property at any reasonable time for the purpose of administering or enforcing this Bylaw.

6.2 Revoke or Refusal to Issue a Blasting Operation Permit

An Inspector 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, or any of the Township's Bylaws.

6.3 Stop Work Order

An Inspector 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.

6.4 Interference Prohibited

A person must not interfere with or obstruct the Inspector in the administration and enforcement of this Bylaw.

6.5 Offences and Penalties

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.

Except as prescribed in the Ticket Bylaw, the minimum penalty for an offence under this Bylaw is a fine of not less than \$1,000.00 and not more than \$10,000.00.

Where an offence under this Bylaw continues, each day on which the offence continues is a separate offence to which the provisions of the penalties apply, as outlined above.

READ a first time by the Municipal Council on the 2nd day of March, 2020.

READ a second time by the Municipal Council on the 2nd day of March, 2020.

READ a third time by the Municipal Council on the 2nd day of March, 2020.

ADOPTED by the Municipal Council on the 16th day of March, 2020.

BARBARA DESJARDINS
MAYOR

RACHEL DUMAS
CORPORATE OFFICER