

VILLAGE OF PEMBERTON

BLASTING REGULATION

BYLAW NO. 714, 2012

Fourth & Final Readings
November 20, 2012



OFFICE CONSOLIDATION: November 7, 2022

This document is an office consolidation of the Village of Pemberton Blasting Regulation Bylaw No. 714, 2012 (adopted November 20, 2012) and subsequent amendments adopted by Village Council.

All persons making use of this consolidation are reminded that it has no Council sanction, that amendments have been incorporated only for convenience of reference, and that for all purposes of interpretation and application that original bylaw should be consulted.

The Village of Pemberton will, in no event, be liable or responsible for damages of any kind arising out the use of this consolidation.

This is not the official version of the Village of Pemberton Blasting Regulation Bylaw No. 714, 2012, nor is it admissible in a court of law. For such purposes, official certified copies can be obtained from the Village Office or by contacting us at: admin@pemberton.ca.

Table of Amendments

Bylaw Number	Date Adopted	Section	Description
905	July 27, 2021	2 4, 8	Adds definition of Fees and Charges Bylaw Replaces references to fee schedule with reference to Fees and Charges Bylaw
918	December 7, 2021	2 2.1 2.2 8	Renames Part 2 from DEFINITIONS to INTERPRETATION Adds section number Adds provision that reference to an enactment refers to the enactment as amended or replaced. Updates references to penalties and offenses
927	October 4, 2022	2.1 4.4 4.7 5 (h) 5 (i)	Updates definition of Building Official Changes permit duration from 14 days to 90 days Adds a provision for permit renewal Adds requirements for blast notification to be issued 48 hours in advance of blast Adds provision that applicant must supply building official with a copy of the notification.
928	October 4, 2022	2.1	Replaces schedule D with a new schedule with new fees.

VILLAGE OF PEMBERTON

BLASTING REGULATION BYLAW No. 714, 2012

Being a bylaw to regulate blasting within the Village of Pemberton.

WHEREAS Section 8 (3) (d) of the *Community Charter* provides that the Council may, by bylaw applicable throughout the City, regulate, prohibit and impose requirements in relation to the use of explosives;

NOW THEREFORE, the Council of the Village of Pemberton, in open meeting assembled, **ENACTS AS FOLLOWS**:

1. **CITATION**

This Bylaw may be cited as “Village of Pemberton Blasting Regulation Bylaw No. 714, 2012”.

2. **INTERPRETATION** *(Amendment Bylaw No. 918, 2021)*

(1) In this Bylaw the following terms have the following meanings:

“**Application**” means the application for a Blasting Permit made in the form(s) established and prescribed by the municipality;

“**Blast**” or “**Blasting**” means the use of explosives as defined in the Occupational Health and Safety Regulation made under the *Workers’ Compensation Act*, R.S.B.C., 1996, Chapter 492;

“**Blaster**” means a person, firm or corporation carrying out blasting and includes an agent, contractor or employee of the blaster;

“**Building Official**” means a person designated by the Chief Administrative Officer to administer this bylaw, who is:

(a) a member of the Architectural Institute of British Columbia or the Association of Professional Engineers and Geoscientists of British Columbia; or

(b) a member of the Building Officials’ Association of British Columbia and who, has the qualifications described in Section 11 of the Building Act. *(Amendment Bylaw No. 937, 2022)*

“**Fees and Charges Bylaw**” means Village of Pemberton Fees and Charges Bylaw No. 905, 2021. *(Amendment Bylaw No. 938, 2022)*

“**Permit**” means the Blasting Permit as established and prescribed and issued by the municipality;

“**Village**” means Village of Pemberton.

- (2) In this Bylaw, a reference to an *Act* refers to a statute of British Columbia and a reference to any statute, regulation, or other enactment refers to that enactment as amended or replaced from time to time. *(Amendment Bylaw No. 918, 2021)*

3. GENERAL REGULATIONS

- (1) No person shall carry out blasting or cause, allow or permit blasting to be carried out within the Village, without first obtaining a Blasting Permit from the Village.
- (2) Nothing in this bylaw precludes or relieves a person from complying with the provisions of any other applicable local, provincial or federal enactment.

4. BLASTING PERMIT AND FEES

- (1) Every applicant for a Blasting Permit must have a valid and subsisting Blaster's Certificate of Competency issued by the Workers' Compensation Board of British Columbia.
- (2) Every person applying for a Blasting Permit shall submit a written application to the Building Inspector in a form prescribed by the Village accompanied by a non-refundable permit fee. *(Amendment Bylaw No. 938, 2022)*
- (3) Where a proposed blasting site is located within 150 metres of an existing structure or is subject to, or is likely to be subject to rock falls, erosion, land slip, subsidence, avalanche or other similar risk, the Building Inspector may, in his sole discretion, require an applicant for a Blasting Permit to provide a report from a Professional Engineer, licensed to practice in the Province of British Columbia and experienced in geotechnical engineering and blasting, certifying that the blasting plan is acceptable for the site described in the permit application.
- (4) A blasting permit shall be valid for a period of ninety (90) calendar days or longer as determined by the Building Official. *(Amendment Bylaw No. 937, 2022)*
- (5) The Building Inspector may refuse a Blasting Permit, if in his opinion, the applicant is incapable of carrying on blasting in a safe, careful, competent, and prudent manner.
- (6) Fees and charges for services that may be or are provided under this Bylaw shall be payable as set out in the *Fees and Charges Bylaw*. *(Amendment Bylaw No. 938, 2022)*
- (7) A blasting permit may be renewed for a period determined by the Building Official, upon application to the Building Official and payment of the renewal fee. *(Amendment Bylaw No. 937, 2022)*

5. DUTIES OF PERMIT HOLDERS

A holder of a Blasting Permit must:

- (a) Only carry out blasting Monday to Friday between the hours of 8:00 a.m. and 5:00 p.m. and only when atmospheric or other conditions permit a clear observation at a distance of not less than 100 metres from the place where the blasting is to be carried out;
- (b) Retain and make available to the Building Inspector, at his request, all records pertaining to the safety aspects of the entire project and its impact on neighbourhood properties, including vibration records, blasting plans, and delay patterns;
- (c) Not carry out blasting in proximity to any person, building or property, or the works of any underground public utility likely to suffer damage from blasting, unless the utmost precautions have been undertaken to prevent injury or damage to any person, building, property or utility;
- (d) Not discharge explosives unless the material to be blasted is fully covered with approved and properly secured blasting mats, or some material or device sufficient, to control fly rock, and every precaution is taken for adequately safeguarding life and property;
- (e) Not carry out blasting within a radius of 100 metre of any occupied dwelling and within a radius of 300 metres of a school without first giving the occupants written notice of the date and time, the anticipated duration of the blasting, and an explanation of what blasting signals will be used and the meaning of these signals;
- (f) Maintain, at the permit holder's expense, throughout the term of the Blasting Permit, and any renewal period, commercial general liability insurance insuring the permit holder's blasting operations against any and all claims which may be brought against the permit holder for public liability, bodily injury, death and/or property damage, and such policy of insurance shall:
 - i) be issued by an insurance company licensed to do business in British Columbia;
 - ii) have limits of not less than FIVE MILLION DOLLARS (\$5,000,000.00) per occurrence; and
 - iii) be duly endorsed to cover the Village and the Professional Engineer as additional insureds insofar as their interests and liability may be involved as a result of any and all blasting operations carried out within the Village pursuant to this Permit; and
- (g) Agree to indemnify and hold harmless the Village in respect of all blasting operations carried out within the Village pursuant to a Blasting Permit.

- (h) Written notice referred to in 5 (e) must be provided a minimum of 48 hours prior to the scheduled blasting period; *(Amendment Bylaw No. 937, 2022)*

- (i) (A copy of the written notice referred to in 5 (e) must be provided to the Building Official a minimum of 48 hours prior to the scheduled blasting period. *(Amendment Bylaw No. 937, 2022)*)

6. SAFETY REPORT

The holder of a Blasting Permit, or the Professional Engineer supervising blasting operations under a blasting permit, must report to the Building Inspector any unacceptable blast monitoring results including, but not limited to, injury or damage to any person, building, property or utility; excessive vibration; rock falls; erosion; land slip; subsidence; or avalanche.

7. SUSPENSION OR CANCELLATION OF BLASTING PERMIT

- (1) The Building Inspector is authorized to suspend or cancel a Blasting Permit at any time if the blasting operations are carried out in an incompetent, dangerous or unsafe manner or contrary to the requirements of this Bylaw or any applicable statute, regulation, bylaw or rule.
- (2) The notice of suspension or cancellation may be given verbally or in written form to the holder of such Blasting Permit; and, in the case of suspension, such notice may include directions, orders, requirements, terms and conditions that must be met before blasting may resume.
- (3) Upon receipt of such notice of suspension or cancellation, the Permit holder shall immediately cease blasting operations; and, where a Permit has been cancelled, forthwith return the Permit to the Building Inspector.
- (4) No person whose Permit has been cancelled shall carry out blasting in the Village, or cause, allow or permit blasting to be carried out.

8. OFFENSE AND PENALTY (Amendment Bylaw No. 918, 2021)

- (1) Any person who: (Amendment Bylaw No. 918, 2021)
 - (a) contravenes any provision of this Bylaw;
 - (b) causes or allows any act or thing to be done in contravention of any provision of this Bylaw; or
 - (c) fails or neglects to do anything required to be done by any provision of this Bylaw,commits an offence.
- (2) Where the offence is a continuing one, each day that the offense is continued constitutes a separate offense. (Amendment Bylaw No. 905, 2021)
- (3) A person found guilty of an offence under this Bylaw is liable if: (Amendment Bylaw No. 918, 2021)
 - (a) proceedings are brought under the *Offence Act (B.C.)*, to pay a fine to maximum of \$50,000 plus the costs of prosecution, and any other order imposed;

- (b) a ticket is issued under the *Village* of Pemberton Municipal Ticket Information Utilization Bylaw No. 845, 2018, to pay a fine to a maximum authorized under that *Act*, or
- (c) a bylaw notice is issued under a bylaw made under the *Local Government Bylaw Notice Enforcement Act*, to pay a penalty to a maximum authorized under that *Act*.

9. SEVERABILITY

If any portion of this Bylaw is for any reason held invalid by any court of competent jurisdiction, the invalid portion must be severed and the severance must not affect the validity of the remainder.

10. REPEAL

The “Village of Pemberton Blasting Bylaw No. 405, 1997” and its amendments are hereby repealed.

READ A FIRST TIME this 2nd day of October, 2012.

READ A SECOND TIME this 2nd day of October, 2012.

READ A THIRD TIME this 6th day of November, 2012.

ADOPTED this 20th day of November, 2012.

Mayor

Corporate Officer