

CORPORATION OF THE CITY OF BROCKVILLE

SCHEDULE 'A' OF BY-LAW NUMBER 314-90
APPLICATION FOR EXPLOSIVES PERMIT

Applicant _____

(Name)

(Address)

(City)

Proof of Liability Insurance from firm of _____

(to be attached)

Location of work _____

Estimated weight of explosive to be used _____

kg

Estimated number of detonators to be used _____

Maximum weight of explosives to be kept on site _____

kg

Provision for keeping explosives on site (type of magazine, etc.)

Type of cover to be provided when blasting _____

I/we, the undersigned, agree to comply in all respects with By-law Number 314-90 of the City of Brockville, being a By-law to regulate the keeping, storing, transporting and handling of explosives.

Date: _____

(Signature of Applicant)

PERMIT

Authority is hereby granted to the above applicant to carry on blasting operations in accordance with the attached application, and subject to the provisions of By-law Number 314-90 of the City of Brockville. This permit is valid for a period of ___ days.

Date Issued: _____

P. E. Raabe, P. Eng.
Municipal Engineer

BY-LAW NO. 314-70

A BY-LAW TO REGULATE THE KEEPING, STORING,
TRANSPORTING AND HANDLING OF EXPLOSIVES

Whereas the Municipal Act, Chapter 302, Section 210(8) enables the Council of local municipalities to enact by-laws to regulate the keeping, storing, transporting and handling of explosives and,

Whereas it is deemed expedient to repeal By-Laws Nos. 165-80 and 103-82, being By-Laws to regulate the keeping, storing, transporting and handling of explosives in the City of Brockville;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF BROCKVILLE ENACTS AS FOLLOWS:

1.0 DEFINITIONS

In this By-Law,

- a) "blaster" means a person competent in the use of explosives for blasting, and who is able to provide proof of such competency to the satisfaction of the City Engineer;
- b) "City Engineer" means the Director of Engineering of the Corporation or his authorized designate;
- c) "Corporation" means The Corporation of the City of Brockville;
- d) "explosive" means Blasting Explosives of Classes 1.1D, 1.5D, 1.1B and 1.4B as authorized under the Explosives Act;
- e) "Licensed Magazine" means any building, storehouse, structure or place in which any explosive is kept or stored complying fully with a license issued under Section 6 of the said Explosives Act is in force;
- f) "Type 6 Magazine (Receptacle)" means the standards for a Type 6 Magazine (Receptacle) as defined in Section 6 of the Standards for Blasting Explosives Magazines of the Explosives Division of the Canada Department of Energy, Mines and Resources, as amended from time to time, or any standards substituted therefor; and
- g) "structure" means any building owned by others used for habitation, commercial, manufacturing, storage or any other purpose, any concrete, masonry or metal installation above ground surface; sewer, water and other utility manholes.

2.0 STORAGE OF EXPLOSIVES

- 2.1 The storage of explosives shall be in accordance with the said Explosives Act, the said Explosives Regulations, this By-Law and any other applicable Act.
- 2.2 No person shall, within the limits of the City of Brockville,
 - a) manufacture blasting explosives, except for bulk explosives of Class 1.5D which are blended and discharged directly down the borehole in a manner prescribed by the Explosives Act and Regulations on quarry or open pit mines licenced by the Ministry of Labour of the Province of Ontario;

- b) construct, erect or place a Licensed Magazine;
- c) store explosives overnight, except in a magazine licenced by the Ministry of Labour of the Province of Ontario; or
- d) keep explosives on a worksite in any receptacle other than a lockable receptacle.

3.0 TRANSPORTATION OF EXPLOSIVES

No person shall offer for transport or transport any explosive except in strict compliance with the Explosives Act, and the Transportation of Dangerous Goods Act, and the regulations thereunder.

4.0 BLASTING PROCEDURES

- 4.1 The provisions of the Explosives Act and of the Occupational Health and Safety Act, R.S.O. 1980, Chapter 321 and Regulations passed thereunder or any Act and Regulations passed in substitution therefor, apply to blasting procedures.
- 4.2
 - a) No blasting shall be carried out within a distance of 100 metres (330 ft) from any water storage reservoir, pumping station, electrical transformer station or water storage tank unless written permission is first obtained from the Manager, Brockville Public Utilities Commission.
 - b) Blasting carried out within 100 metres of the Water Pollution Control Plant, sewage pumping stations, or storm water pumping stations, may be subject to additional conditions as seen fit by the City Engineer.
 - c) Granting of the written permission referred to in clauses (a) and (b) shall not absolve the holder of the permit from liability for damage caused by the blasting.
- 4.3
 - a) No blasting shall be carried out within 4 metres of any water main, gas main, hydro conduit, telephone conduit, sanitary sewer, storm sewer, fire cable, petroleum lines or other underground utility, unless written permission has been obtained from the relevant Commission, Municipal Department or Utility Company.
 - b) Granting of the written permission referred to in clause (a) shall not absolve the holder of the permit from liability for damage caused by the blasting.
 - c) Quarry blasting shall be carried out under the blast restrictions and over pressure limits as outlined in the Model Municipal By-Law for mines and quarry blasting.
- 4.4
 - a) All blasts shall be monitored and a report shall be submitted by a competent consulting engineer, giving information regarding the method of blasting to the satisfaction of the City Engineer.

- b) If, in the opinion of the City Engineer, inspection indicates that the permit holder is not adhering strictly to the approved report of the consulting engineer, the City Engineer may consider that additional inspection or engineering consultant services are necessary for the safety of the neighbouring area, and the full cost of these additional services shall be borne by the permit holder.
- 4.5 a) No person shall have any blasting explosive within the City of Brockville without first obtaining an explosives permit from the City Engineer.
- b) No explosives permit shall be issued unless and until the City Engineer has been furnished with satisfactory proof that the applicant has insurance in accordance with the requirements of Subsection 4.8.
- 4.6 a) On application for an explosives permit, the applicant shall,
- i) complete the form attached as Schedule 'A';
 - ii) furnish to the Corporation such additional information regarding proof of competency in the use of explosives as the Corporation may direct to be furnished; and
 - iii) file the completed application with the City Engineer.
- b) Explosives permits issued pursuant to the provisions of this By-Law shall be valid for the period specified in each permit, subject to renewal for additional periods (of up to 30 calendar-days each) if necessary.
- c) If the City Engineer is satisfied that any holder of an explosives permit under this By-Law has improperly stored, handled or transported explosives or has not used explosives carefully, competently or safely, the City Engineer may suspend the permit and shall report his action to the Council of the Corporation and the Council of the Corporation may continue or terminate the suspension or revoke the permit.
- d) The City Engineer shall not issue an explosives permit to any person whose permit has been suspended or revoked without the approval of the Council of the Corporation.
- 4.7 a) The holder of an explosives permit shall,
- i) maintain a continuous record showing the total weight of explosives and the number of detonators delivered each day to the work and the disposal made of the explosives and detonators not used; and
 - ii) maintain a record of each blast, indicating the number of holes, time, location, weight of explosives and timing period.
- b) The records referred to in clause (a) shall at all times be available for checking by the City Engineer.

- 4.8 Every applicant for an explosives permit shall provide and maintain during the life of such permit Comprehensive General Liability insurance acceptable to the Corporation and subject to a limit of not less than \$2,000,000.00 inclusive per occurrence for bodily injury, death or damage to property including loss of use thereof and including a blanket property damage limit of \$2,000,000.00 to cover the handling, storage and use of explosives.
- 4.9. a) No person shall carry on blasting in the City of Brockville,
- i) without first carrying out a pre-blast survey of each building or structure along the route of and within 60 metres of the proposed work to assess the physical condition of these buildings and structures and how the rock removal operations will affect them. A letter from the pre-blast survey team confirming that the pre-blast survey has been carried out should be submitted to the City Engineer not less than 24 hours prior to the commencement of rock removal;
 - ii) without first having given the Corporation at least twenty-four (24) hours notice of his intention to commence blasting operations;
 - iii) at any time except during daylight hours;
 - iv) at any time on Sunday; or
 - v) at any time when atmospheric conditions prevent a clear observation at a distance of 100 metres from the place where the blasting is to be carried on.
- b) Notwithstanding clause (a), the City Engineer may by special permission in writing permit a person to carry on blasting when an emergency situation exists, or special circumstances arise that necessitate the project proceeds.
- 4.10 a) Immediately after loading the explosive and before the blast, the material to be blasted shall be covered on all exposed sides with approved blasting mats.
- b) Clause (a) shall not apply to blasting in quarries.
- 4.11 Every mobile radio transmitter within 10 metres of a blasting circuit shall be switched off at the main power switch.
- 4.12 All blasting operations shall cease during electrical storms.
- 4.13 All electrical apparatus of any nature used in blasting operations shall, when not in use, be kept under the direct charge of the blaster.
- 4.14 No person shall carry on blasting within a radius of 100 metres of any school building during school hours, or any hospital until the superintendent or the person in charge thereof shall have been notified six (6) hours previous to the blast being fired.

- 4.15 a) When blasting is being carried on, the person carrying on the blasting shall provide at least two competent assistants and as many additional competent assistants as circumstances may require to warn all occupants of buildings in the vicinity and to take all reasonable precautions to adequately safeguard such occupants and guard all persons and vehicles from approaching within the danger zone of the blasting.
- b) The holder of the permit shall also post warning signs within a radius of 100 metres of the work advising that blasting operations are in progress.
- c) At least three (3) minutes before firing a blast, the blaster shall give warning thereto by causing a competent person carrying a red flag to be situated at a reasonable distance from the blast at each avenue of approach or point of danger, and he shall give five (5) long blows on a whistle five (5) minutes before firing the blast and three (3) long blows one (1) minute before setting off the blast, and immediately following the explosion and, ascertaining that complete safety has been restored, shall sound one (1) long blow and shall then signal the traffic to proceed over such street or roadway.

5.0 PENALTY FOR VIOLATION

Every person who violates any provision of this By-Law or any regulation for which a penalty has not been provided, is guilty of an offence and is, for the first offence, liable on summary conviction to a fine not less than \$100.00 and, for each subsequent offence, is liable on summary conviction to a fine not less than \$2000.00.

6.0 PROHIBITION ORDER

When a person has been convicted of an offence under this By-Law,

- a) the Provincial Offences Court of the United Counties of Leeds and Grenville; or
- b) any court of competent jurisdiction thereafter;

may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence.

7.0 SEVERABILITY

It is declared that if any section, subsection, clause or part or parts thereof be declared by any Court of Law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

8.0 REPEALS

That the following By-Laws are hereby repealed:

- a) By-Law No. 165-80 being a By-Law to regulate the keeping, storing, transporting and handling of explosives in the City of Brockville; and
- b) By-Law No. 103-82, being a By-Law to amend By-Law No. 165-80.

9.0 EFFECTIVE DATE

This By-Law shall come into effect on the passing thereof.

GIVEN UNDER THE SEAL OF THE CORPORATION
OF THE CITY OF BROCKVILLE AND PASSED
THIS _____ DAY OF _____ A.D. _____.



Mayor



Clerk