

# THE CORPORATION OF THE CITY OF PENTICTON

## BYLAW NO. 2016-16

### *A Bylaw to regulate the use of explosives for blasting*

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WHEREAS Section 8 (3) (d) and Section 15 of the *Community Charter*, authorizes the regulation of explosives by a Municipality in the Province of British Columbia;

NOW THEREFORE BE IT RESOLVED THAT the Municipal Council of the City of Penticton in open meeting assembled, hereby ENACTS AS FOLLOWS:

#### **1. Title**

This bylaw may be cited as "Blasting Control Bylaw No. 2016-16".

#### **2. Application**

This Bylaw applies to any Land or right of ways within the boundaries of the City unless otherwise excepted herein.

#### **3. Definitions**

In this bylaw, words or phrases have their normal or common meaning except where this is changed, modified or expanded by the following definitions:

"Application for a Blasting Permit" means a written application for a Blasting Permit in the form as contained in Schedule "A" to this Bylaw;

"Assurance Form" means the written document from the Owner and the Blasting Engineer assuring that certain items will occur relative to the Blast as contained in Schedule "C" to this Bylaw;

"Blast" or "Blasting" means the use of explosives for the purpose of moving, displacing or breaking rock or other material;

"Blaster" means the person, firm or corporation engaged by the Owner to conduct Blasting and includes an agent, contractor or employee of the Blaster;

"Blaster's Certificate" means a Blaster's Certificate issued by WorksafeBC;

"Blasting Area" means the full extent of potential impact from the Blasting operation and On-Site Processing of Blast Rock, including all areas of detonation, adjacent areas that may be subject to impact and the area of Maximum Peak Particle Velocity, Frequency Response, noise and dust;

"Blasting Engineer" means a professional engineer or their designate authorized to practice by the Association of Professional Engineers and Geoscientists of British Columbia who is competent in rock mechanics and Blasting, is independent of the Blaster, who agrees to oversee a Blasting project on behalf of an Owner and is acceptable to the Director;

"Blasting Mat" means a mat usually made of sliced-up rubber tires bound together with ropes, cables or chains or a blanket of interwoven steel cable or interlocking steel rings placed over a Blast to contain the resultant fragments and suppress dust;

"Blasting Permit" means a written authorization to conduct Blasting as issued by the Director under this Bylaw as contained in Schedule "D" to this Bylaw;

"Blasting Plan" means a document prepared by or under the supervision of the Blasting Engineer that must include, without limitation, (i) a diagram of the blasting pattern; (ii) a plan indicating the full extent of the Blasting Area; (iii) the sequence of detonation and the maximum weight of explosives to be detonated per delay; (iv) the specific safety measures to be taken; (v) the specific measures taken to minimize the effect of the Blasting on third parties; (vi) Maximum Peak Particle Velocity and Frequency Response; (vii) area requiring notification to Neighboring Owners; (viii) the Pre-Blast Inspection Area; and (ix) Placement of Blasting signage; (x) Test blasting requirements; (xi) Pre-blast survey radius; (xii) Drill log records; (xiii) Rock removal and (xiv) work sequence;

"Building Engineer" means a professional engineer or their designate authorized to practice by the Association of Professional Engineers and Geoscientists of British Columbia who is competent in the evaluation of buildings and who will undertake Pre-Blast Inspections and any required Post-Blast Inspections;

"City" means the Corporation of the City of Penticton;

"Council" means the Municipal Council of the City;

"Director" means the Director of Development Services or their designate;

"Fees and Charges Bylaw 2014-07" means the City Fees and Charges Bylaw as amended or superseded;

"Indemnification Form" means the written document indemnifying the City and its employees as contained in Schedule "B" to this Bylaw;

"Land" means any land within the boundaries of the City;

"Neighboring Owner" means the Owner or Owners of property within a set distance from the Blasting Area as prescribed by the Blasting Engineer as being affected by Blasting and also includes the occupants of a property that is not occupied by an Owner;

"On-Site Processing of Blast Rock" means any mechanical processes such as, but not limited to, rock crushing, washing, screening and stockpiling that are applied to rock that has been Blasted;

"Owner" means the person registered in the Land Title Office as entitled to the fee simple of a parcel, holders of a registered right to purchase a parcel, or holders of a right of way in favor of a statutory authority on or over which the person proposes to Blast and includes a person authorized in writing by the Owner to act as the Owner's agent for purposes of this bylaw;

"Maximum Peak Particle Velocity and Frequency Response" is the maximum allowable peak particle velocity and frequency response as set by the Blasting Engineer in the Blast Plan;

"Post-Blast Inspection" means an inspection by the Building Engineer, once Blasting is complete, of any area the Building Engineer deems required plus an inspection of any Land or buildings on Land where the Neighboring Owner has requested a Post-Blast Inspection to determine the impact of Blasting on any Land or building on Lands;

"Pre-Blast Inspection" means an inspection of the Pre-Blast Inspection Area by the Building Engineer prior to Blasting occurring to determine status of Land and buildings on Land prior to Blasting;

"Pre-Blast Inspection Area" means the area identified by the Blasting Engineer where Land and buildings on Land must be inspected to document condition prior to Blasting;

"Security Person" means a trained and certified security person holding a valid security workers license or a Blaster having a valid Blasting Certificate; and

"WorkSafeBC" means the Workers Compensation Board of British Columbia.

#### **4. Application for a Permit Authorizing Blasting**

An Owner may apply to the Director for a Blasting Permit within the City. The Owner shall submit a fully completed Application to the Director as contained in Schedule "A" to this Bylaw along with the following:

- a) a title search conducted within the past 30 days for the property where the Blasting is to occur;
- b) a valid Blaster's Certificate in the name of the proposed Blaster;
- c) an Indemnification Form executed by the Owner in the form contained in Schedule "B" to this Bylaw, which will at a minimum provide that the Owner will:
  - i. indemnify and defend the City from all claims and damages related to or arising from the Blasting;
  - ii. waive all claims for contribution and indemnity against the City for losses related to or arising from the Blasting; and
  - iii. pay for all damage that results to third party structures and property as a result of the Blasting.
- d) a certificate of insurance acceptable to the Director in the minimum amount of \$5,000,000 naming as named insureds the Blaster, the Owner, and the City providing defense and indemnity protection against all liability for property damage or personal injury arising from or relating to the proposed Blasting;
- e) a letter of assurance from the Owner in the form contained in Schedule "C" to this Bylaw signed by both the Owner and the Blasting Engineer;

- f) a Blasting Plan that is approved by the Blasting Engineer;
- g) a plan indicating the Blast Area;
- h) a plan indicating the Pre-Blast Inspection Area. Should this area be less than 100 meters from the edge of the Blast area the Blasting Engineer must provide justification for the reduction.
- i) a report from the Blaster detailing how drill rigs and compressors are to be muffled, note the Director may require use of equipment or techniques to reduce or control noise and dust levels;
- j) a description of any On-Site Processing of Blast Rock that is to occur including the how noise and dust is to be controlled and a schedule for the processing work, note the Director may require the use of equipment or techniques to reduce or control noise and dust;
- k) a description of the purpose of the Blasting;
- l) the schedule for Blasting and any planned On-Site Processing of Blast Rock prepared in a manner that will minimize the duration of the impacts of noise and dust to the adjacent areas, note the Director may alter the schedule to minimize the impact to the Neighboring Owners;
- m) a statement of the amount of material that is proposed to be removed;
- n) a report on where and how notice of Blasting, the Pre-Blast Inspections, the procedure to be used to notify Neighboring Owners and the steps a Neighboring Owner is to take in the event that Blasting causes any damage to Land or buildings on the Land;
- o) the name and contact information for the Blasting Engineer;
- p) the name and contact information for the Building Engineer;
- q) the fee as prescribed in the City Fees and Charges Bylaw 2014-07.

## **5. Permit Authorizing Blasting**

If an Owner submits an Application under this Bylaw and the Director considers it safe and prudent to do so, the Director may issue a Blasting Permit in the form contained in Schedule "D" to this Bylaw upon such terms, conditions, and restrictions as the Director determines are appropriate.

An Owner who holds a valid Blasting Permit may conduct Blasting in accordance with the terms, conditions, and restrictions of the Blasting Permit and this bylaw.

The Blasting Permit will be valid for the time period determined by the Director taking into account the schedule provided in the application and the impact of the blasting on the adjacent area.

The Director may, upon the written Application of the Owner extend the Blasting Permit for a further duration of up to 30 days. No further extensions are permitted.



The Director may cancel or suspend a Blasting Permit or the authority to Blast under a Blasting Permit, without raising any liability for delay damages, if there are reasonable grounds to believe that:

- a) the Owner or the Blaster or their agents or employees have violated the Blasting Permit or any applicable law, regulation, bylaw, or ordinance; or
- b) damage to other property or a nuisance has resulted or will result from the Blasting.

## **6. Notification of Neighboring Owners**

Once a Blasting Permit has been issued and at least 15 days before Blasting commences the Owner or their representative shall provide written notice to all Neighboring Owners. The notice must include the following:

- a) the name and business address of the Owner, the Blaster, the Blasting Engineer and the Building Engineer;
- b) the reason for the work;
- c) a description of how the work is to be completed;
- d) an illustration or computer generated rendering of the finished Blast product to help neighbors better understand why they will have to tolerate the Blasting;
- e) a plan of the Blast Area;
- f) a plan of the Pre-Blast Inspection Area;
- g) information on who to contact and the stipulated time frames should a Neighboring Owner wish to register a concern or submit a specific claim for damage related to Blasting;
- h) the approximate quantity of rock to be removed;
- i) any On-Site Processing of Blast Rock and how it will be addressed;
- j) dust and noise control measures to be used;
- k) the date of commencement of Blasting;
- l) the schedule for the work including Blasting and On-Site Processing of Blast Rock;
- m) a description of the methods to be used to safeguard persons and property;
- n) the Maximum Peak Particle Velocity and Frequency Response;
- o) the warning and signaling methods to be used;
- p) the name and phone number of a representative of the Blaster or Owner who will answer telephone calls and provide further information;

- q) notice of the upcoming Pre-Blast Inspection, a description of the inspection process, a request that the Neighboring Owner voluntarily participate in this inspection, and a warning that the Building Engineer may waive the inspection if the Neighboring Owner does not reasonably cooperate; and
- r) prior to every separate Blast, the Owner shall provide forty eight hour written notice to any school, childcare facility, residential care home, hospital, public occupancy building or space, kennel or animal husbandry facility, commercial or industrial building within 400 meters of the proposed Blasting, unless this requirement is waived by the school, childcare facility, residential care home, hospital, public occupancy building or space, kennel or animal husbandry facility, commercial or industrial building.

The Owner shall post signs at every location where vehicles or pedestrians may enter the area affected by a Blast illustrating the warning and signaling devices to be used and providing contact information for the Blaster and the Owner.

## **7. Pre-Blast Inspection**

Once a Blasting Permit has been issued and 3 days after written notice to all Neighboring Owners within the Blast Area has been given, the Building Engineer shall conduct a Pre-Blast Inspection of all structures and outbuildings, swimming pools, foundations, retaining walls, patios and driveways on any parcel of Land in the Pre-Blast Inspection Area. The Building Engineer shall record the results of the Pre-Blast Inspection in a written report. This report must identify with reasonable particularity, and where appropriate with photographs, all pre-existing damage to any property within the Pre-Blast Inspection Area, all conditions that are susceptible to damage from the proposed Blasting and documentation on the steps taken to inspect and secure the signature of the Neighboring Owner on the inspection report should they fail to be able to perform an inspection or secure a signature. The Building Engineer shall sign the report and request that the Neighboring Owner also sign the report. The Building Engineer must obtain the consent of the Neighboring Owner before entering onto their Land to conduct the Pre-Blast Inspection. The Building Engineer shall provide a copy of the Pre-Blast Inspection report to the Director prior to commencing Blasting.

If a Neighboring Owner unreasonably refuses consent to the Building Engineer entering their property for a period of more than 3 days, or does not respond to the Building Engineer's written notice, the Building Engineer may, upon 3 days written notice to the Neighboring Owners of that property, waive the requirement for that property to be inspected. If a Neighboring Owner unreasonably refuses to sign the inspection report for a period of more than 3 days, the Building Engineer may, upon 3 days written notice to the Neighboring Owner, waive the requirement for their signature. The Building Engineer shall make contemporaneous records evidencing all material facts underlying any decision to waive a requirement under this paragraph and include those records in the Pre-Blast Inspection report.

The Owner may provide written notice to the Neighboring Owners under this bylaw by:

- a) mailing the notice to the address or addresses of all Owners registered with the Land Title Office and

- b) either posting the notice on the front door of each individual residence or other occupied structure on the property or leaving it with any adult person who has control of the residence or occupied structure.

Notice by mail is deemed to be received and effective five days after being placed in the mail.

## **8. Blasting**

Blasting may only commence once:

- a) the Blasting Permit has been issued;
- b) notification of all Neighboring Owners is complete; and
- c) the Pre-Blast Inspection report has been completed and submitted to the Director.

The Blaster shall ensure that no material, including fly rock, and no unreasonable dust or debris leaves the site during Blasting or enters the property of any of the Neighboring Owners.

The Blaster must ensure that Blasting Mats are used at all times when Blasting is conducted unless otherwise approved by the Blasting Engineer.

## **9. Hours of Blasting**

Blasting may be carried out from Monday through Saturday, not including holidays, during daylight hours and from 8:30 am through 4:30 pm during the time period indicated in the schedule approve in the Permit. No person shall carry out Blasting at any other time.

## **10. Hours of On-Site Processing of Blast Rock**

The On-Site Processing of Blast Rock may be carried out from Monday through Saturday, not including holidays, during daylight hours and from 8:30 am through 4:30 pm during the time period indicated in the schedule approve in the Permit. No person shall carry out On-Site Processing of Blast Rock at any other time.

## **11. Blasting Site Safety**

The Owner and the Blaster shall comply with all regulations and requirements imposed by WorkSafeBC and any other applicable bylaws and laws of the Provincial or Federal Government.

The Blaster shall cause a Security Person to be stationed at each entry point to the area affected by the Blasting. Prior to any Blast, the Security Person shall signal persons and vehicles to prevent them from entering an area that may be affected by the Blast. The Security Person shall ensure that no blasting occurs while persons or vehicles are present in the area affected by the Blast.

The Blaster shall sound an audible signal at both the commencement and cessation of each Blast.

## **12. Monitoring**

The Owner shall retain a Blasting Engineer and a Building Engineer at the Owner's cost to oversee and monitor the Blasting and Pre-Blast any required Post-Blast inspections.

The Owner and the Blaster and their agents and employees shall comply with the lawful directions of the Blasting Engineer in all matters related to the Blasting.

The Blasting Engineer shall do the following:

- a) monitor and oversee all Blasting;
- b) review all records including drill logs and explosive use records created in relation to the Blasting in a timely fashion;
- c) determine the requirements and schedule for on-site inspections;
- d) undertake either in person or through their designate on-site inspections in accordance with the schedule;
- e) ensure that all Blasting complies with the Blasting Plan, the Blasting Permit, this bylaw, and all other applicable laws and regulations; and
- f) Notify the Owner, Director and Neighboring Owners when Blasting is complete.

The Blasting Engineer shall immediately, and in no event less than 24 hours, notify the Director if the Engineer knows or reasonably suspects that any of the following has occurred:

- a) any person has violated or contravened with the Blasting Plan, the Blasting Permit, this bylaw, and all other applicable laws and regulations with respect to the Blasting;
- b) the Maximum Peak Particle Velocity and Frequency Response has been exceeded;
- c) any property damage has occurred to property owned by a third party as a result of the Blasting; or
- d) any personal injury has occurred as a result of the Blasting.

If the Blasting Engineer ceases to be retained at any time, the Blasting Engineer must immediately inform the Owner, the Blaster and the Director in writing. The Owner and the Blaster shall then ensure that all Blasting and related work on the project ceases until such time as:

- a) a new registered professional is retained to act as the Blasting Engineer, and
- b) a new letter in the form set out in Schedule "C" to Blasting Regulation Bylaw 2016-16 is filed with the Director.

The Owner and the Blaster shall cause ground vibration measurements to be made and recorded in writing during each Blast at the closest structure to the Blast and at any other structures that are sensitive to ground vibrations. The Blaster shall retain all records made under this provision for a period of six years after Blasting is complete.

The Maximum Peak Particle Velocity and Frequency Response at any structure is a particle velocity of 50 millimeters per second or a lesser amount specified by the Blasting Engineer.

The Blaster shall forthwith notify the Blasting Engineer if the ground vibration at any point exceeds the Maximum Peak Particle Velocity and Frequency Response.

The Building Engineer shall do the following:

- a) conduct the Pre-Blasting and any required Post-Blasting inspections and complete the associated reports.

The Blaster shall do the following:

- a) maintain a log of all concerns registered from Neighboring Owners and any specific claim submissions for damage noting: The date the concern or claim was brought forward; The date the concern or claim allegedly occurred; The nature of the concern or claim; The action taken to address the concern or claim; If a Post Blast Inspection is required; The date of the Post Blast Inspection; and The findings and recommendations from the Post Blast Inspection.

### **13. Post-Blasting Requirements and Liability for Damages**

Within 60 days of the Blasting being completed, the Blaster, Building Engineer and the Blasting Engineer shall determine where Post-Blast Inspections shall be carried out. In making that determination they will consider the Blast records, any odd Blast occurrences, the log of Neighboring Owners concerns and all specific claim submissions for damage from Neighboring Owners. The Building Engineer shall complete a Post-Blast Inspection of the identified areas plus on any Land or building on Land where the Neighboring Owner has made a specific claim submission for damage. The Building Engineer must create a report which identifies with reasonable particularity, and where appropriate with photographs his findings regarding any damage caused by the Blasting or that reasonably could have been caused by the Blasting. The Building Engineer shall submit his report to the Owner, Director and each Neighboring Owner that has requested a Post-Blast Inspection.

At any time within 45 days after notice that Blasting has been completed, a Neighboring Owner may give notice to the Owner of a claim for sustained damage as a result of the Blasting.

Upon receiving notice of a claim for damage from a Neighboring Owner, the Owner will forthwith inform the Blasting Engineer and the Building Engineer and provide both with any written documentation, photographs or other evidence received.

The Building Engineer shall investigate all timely reports of damage by Neighboring Owners and any damage noted in the Post-Blasting Report and provide a written report to the Owner and the affected Neighboring Owners setting out in detail the following:

- a) a detailed description of the extent and nature of any damage;
- b) photographs of any damage;
- c) the Building Engineer's opinion on the causation of the damage along with a reasonably particularized statement of the Building Engineer's analysis; and
- d) the Building Engineer's recommendation to repair the damage.

The Owner shall complete any repairs recommended by the Building Engineer to repair damage caused by the Blasting within 30 days or such other time as is agreed between the Owner and the affected Neighboring Owners.

Within 15 days of the date that the Owner is to complete the repairs, the Owner shall provide written documentation to the Neighboring Owner that repairs have been completed to the satisfaction of the Building Engineer.

#### **14. Exemptions**

Notwithstanding the provisions hereof, Blasting shall be exempt from all provisions of this Bylaw:

- a) if the Blasting is specifically authorized by a statute or regulation other than the *Local Government Act* or the *Community Charter*; or
- b) if the Blasting is, in the Director's opinion, required on an urgent basis to lessen or eliminate an imminent threat to life, safety, property damage or damage to water, sanitary sewer, storms sewer and electrical systems, public transportation routes, or communication systems, and the Director provides a written exemption allowing the Blasting; or
- c) less than 10 cubic meters of rock or other material is to be blasted by means of detonating not more than 0.3 kilograms of explosive per delay; or
- d) the rock to be blasted consists entirely of boulders separate from bedrock.

#### **15. Prohibitions**

Blasting is prohibited within the City except as specifically authorized by this Bylaw.

Anyone who Blasts within the City without a valid Blasting Permit or a valid written exemption under this Bylaw commits an offence.

Anyone who authorizes or permits Blasting on property owned or controlled by that person within the City without a valid Blasting Permit or a valid written exemption under this Bylaw commits an offence.

Anyone who violates the terms or conditions of a Blasting Permit issued under this Bylaw commits an offence.

Anyone who violates the terms of this Bylaw commits an offence.



## 16. Other Bylaws Apply

All Blasting activities must be carried out in compliance with this Bylaw and the bylaws of the City generally.

Nothing in this bylaw limits the application or extent of any other bylaw, including without limitation Building Bylaw No. 94-45, Earthworks Control Bylaw No. 2006-65, or Good Neighbor Bylaw No. 2012-5030.

## 17. Penalty

Every person who violates any provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention or violation of any of the provisions of this bylaw, or who neglects or refrains from doing anything required be done by any provision of this bylaw, shall be guilty of an offence, and upon summary conviction therefore, shall be liable to a fine not exceeding Two Thousand Dollars (\$2,000.00), or in the alternative, to imprisonment for a period of time not exceeding six (6) months.

Each day during which such contravention is continued shall be deemed to constitute a new and separate offence.

## 18. Severability

If any section, sub-section, sentence, clause, sub-clause or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of this bylaw.

## 19. Repeal

The City hereby repeals Blasting Control Bylaw 2016-01.

READ A FIRST time this	18	day of	April, 2016
READ A SECOND time this	18	day of	April, 2016
READ A THIRD time this	18	day of	April, 2016
ADOPTED this	2	day of	May, 2016

  
Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

**SCHEDULE "A" TO BLASTING CONTROL BYLAW NO. 2016-16**

**APPLICATION FOR A BLASTING PERMIT**

1. Date: \_\_\_\_\_

2. I, \_\_\_\_\_, of  
(Name of Owner)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Daytime Phone)

am the registered Owner of the following Lands

\_\_\_\_\_  
(Street address)

\_\_\_\_\_  
(Legal description)

Or am doing work on a City Right of Way as described below

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. I hereby authorize \_\_\_\_\_  
(Name of Owner's Agent)

of, \_\_\_\_\_  
(Company Name)

\_\_\_\_\_  
(Daytime Phone)

to act as my agent pursuant to Blasting Regulation Bylaw 2016-16.

4. The purpose of the Blasting is:

\_\_\_\_ road and utilities \_\_\_\_ utility connections  
\_\_\_\_ house or garage \_\_\_\_ driveway or parking area  
\_\_\_\_ other (describe)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Estimated total volume of rock to be Blasted \_\_\_\_\_ m<sup>3</sup>
6. Expected date of starting of drilling \_\_\_\_\_
7. Estimated start date of Blasting \_\_\_\_\_
8. Estimated end date of Blasting \_\_\_\_\_
9. Estimated start date of On-Site Processing of Blast Rock \_\_\_\_\_
10. Estimated end date of On-Site Processing of Blast Rock \_\_\_\_\_
11. The fee as required by Fees and Charges Bylaw 2014-07 is enclosed.
12. The following documentation is provided in support of this application:
  - a) a title search conducted within the past 30 days for the property where the Blasting is to occur;
  - b) a valid Blaster's Certificate in the name of the proposed Blaster;
  - c) an Indemnification Form to the Director from the Owner in the form contained in Schedule "B" to Blasting Regulation Bylaw 2016-16;
  - d) a certificate of insurance in the minimum amount of \$5,000,000 naming as named insureds the Blaster, the Owner, and the City of Penticton providing defense and indemnity protection against all liability for property damage or personal injury arising from or relating to the proposed Blasting;
  - e) a letter of assurance in the form provided by the Director signed by both the Owner and the Blasting Engineer;
  - f) a Blasting Plan that is approved by the Blasting Engineer;
  - g) a plan of the Blast Area;
  - h) a plan of the Pre-Blast Inspection Area;
  - i) a report from the Blaster detailing how drill rigs and compressors are to be muffled, note the Director may require use of equipment to reduce or control noise levels;
  - j) a description of any On-Site Processing of Blast Rock that is to occur including how noise and dust is to be controlled and the schedule for the processing work;
  - k) a description of the purpose of the Blasting;
  - l) a statement of the amount of material that is proposed to be removed;
  - m) a report on where notice of Blasting and the Pre-Blast inspections are to be done and the procedure to be used to notify Neighboring Owners;
  - n) the name and contact information for the Blasting Engineer; and
  - o) the name and contact information for the Building Engineer.

13. The above information is certified to be correct:

\_\_\_\_\_  
(Owners name(s))

\_\_\_\_\_  
(Owner's signature(s) or Authorized Signatory if a Corporation) (Date)

\_\_\_\_\_  
(Owners Agent signature)

\_\_\_\_\_  
(Date)

**SCHEDULE "B" TO BLASTING CONTROL BYLAW NO. 2016-16**

**INDEMNIFICATION FORM**

Date: \_\_\_\_\_

To: The Director of Development Services  
The City of Penticton  
171 Main Street  
Penticton, B.C.  
V2A 5A9

Re: \_\_\_\_\_  
(Address or Description of Project Location)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Owner hereby agrees to indemnify and defend The Corporation of the City of Penticton and its agents and employees with respect to all actions, causes of actions, claims, demands, awards, judgments, costs and expenses (including legal fees) arising from or in any way relating to the Blasting and related activities on the above referenced property or location for which a Blasting Permit is applied for pursuant to Blasting Control Bylaw No.2016-16 including without limitation any acts or omissions of the Owner, the Blasting Engineer, the Blaster, the undersigned agent or the employees and agents or any of them . The Owner further undertakes to pay for any and all damage that results to third party structures and property as a result of the Blasting.

\_\_\_\_\_  
(Owners name(s))

\_\_\_\_\_  
(Owner's signature(s) or Authorized Signatory if a Corporation) (Date)

\_\_\_\_\_  
(Owners Agent signature)

\_\_\_\_\_  
(Date)

## **SCHEDULE "C" TO BLASTING CONTROL BYLAW NO. 2016-16**

### **ASSURANCE FORM**

#### **CONFIRMATION OF COMMITMENT BY OWNER AND BY BLASTING ENGINEER**

Date: \_\_\_\_\_

To: The Director of Development Services  
The City of Penticton  
171 Main Street  
Penticton, B.C.  
V2A 5A9

Re: Verification of Control Measures/Blasting Plan and Monitoring of Blasting by a Registered Professional at:

\_\_\_\_\_  
(Address or Description of Project Location)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear Sir:

The undersigned Owner has retained as a Blasting Engineer to review a Blasting Plan and to monitor the Blasting as required by Blasting Control Bylaw No.2016-16 (the "Bylaw").

The Owner and the Blasting Engineer have read the Bylaw. The Owner and the Blasting Engineer acknowledge their responsibilities to each other and to notify the Director of Development Services if the Blasting Engineer ceases to be retained by the Owner either before the date the Blasting Engineer ceases to be retained or, if that is not possible, then as soon possible.

The Owner and the Blasting Engineer understand that where the registered professional ceases to be retained at any time during the project, Blasting and related work on the above project will cease until such time as:

- a) a new registered professional is retained, and
- b) a new letter in the form set out in Schedule "C" to Blasting Regulation Bylaw 2016-16 is filed with the Director of Development Services.

The Blasting Engineer hereby gives assurance that the Blasting Plan reviewed by this registered professional in support of the application for the Blasting Permit substantially complies with Blasting

Control Bylaw 2016-16 and other applicable enactment's respecting safety and meets all reasonable criteria for safety of life and property and will provide the further written assurance required by Section 4, and Section 12 of Blasting Control Bylaw 2016-16.

The Blasting Engineer hereby undertakes to be responsible for field reviews of the Blasting and all other obligations required in the Bylaw.

The Blasting Engineer also undertakes to notify the Director of Development Services in writing as soon as possible if the Engineer's contract for field review is terminated at any time.

The undersigned Blasting Engineer certifies that he or she is licensed to practice as a professional engineer under the Engineers and Geoscientists Act of B.C. and is specialized in rock mechanics.

**Registered Professional**

**Owner**

\_\_\_\_\_  
(Registered Professional's Name)

\_\_\_\_\_  
(Owner's Name)

\_\_\_\_\_  
(Registered Professional's Signature)

\_\_\_\_\_  
(Owner's or Owner's appointed agents  
signature. (If Owner is a corporation  
the  
signature of a signing officer must be  
given here.)

\_\_\_\_\_  
(Address)  
  
\_\_\_\_\_  
  
\_\_\_\_\_

(affix Registered Professional's Seal above)

If the Registered Professional is a member of a firm, complete the following.

I am a member of the firm:

\_\_\_\_\_  
(Name of firm)

and I sign this letter on behalf of the firm.



**SCHEDULE "D" TO BLASTING CONTROL BYLAW NO. 2016-16**

**BLASTING PERMIT**

**BLASTING PERMIT NO.** \_\_\_\_\_

This permit authorizes the Blaster working for the Owner

**Blaster**

**Owner**

\_\_\_\_\_  
(Blaster's Name)

\_\_\_\_\_  
(Owner's Name)

\_\_\_\_\_  
(Blasting Firm)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Daytime phone number)

\_\_\_\_\_  
(Daytime phone number)

to Blast at the following location:

\_\_\_\_\_  
(Address or Description of Project Location)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

for a period of \_\_\_\_calendar days from the date of issue of this Blasting Permit in accordance with:

- a) the provisions of Blasting Control Bylaw No. 2016-16
- b) the Blasting Plan as submitted by the Blasting Engineer; and
- c) the recommendations in the Letter of Assurance filed with the application.

Blasting Engineer Name: \_\_\_\_\_ Daytime contact #: \_\_\_\_\_

Building Engineer Name: \_\_\_\_\_ Daytime contact #: \_\_\_\_\_

Changes from the specifications referred to in the application are listed below and are part of this Permit:

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Permit Approved: \_\_\_\_\_ Date of Permit: \_\_\_\_\_  
Director of Development Services

Extension Approved: \_\_\_\_\_ Date of Extension: \_\_\_\_\_  
Director of Development Services