### MUNICIPALITY OF EAST HANTS BYLAW NUMBER P-1300 BYLAW RESPECTING BLASTING

WHEREAS Part III, Section 172(1) of the Municipal Government Act, R.S.N.S. 1998, c. 18 enables the council of a municipality to make laws respecting the safety and protection of persons and property and nuisances including noise and vibrations.

**BE IT ENACTED** by the Council of the Municipality of East Hants, as follows:

#### 1. SHORT TITLE

1.1. This bylaw shall be known as Bylaw Number P-1300 and shall be cited as the "Blasting Bylaw"

#### 2. APPENDICES

2.1 Appendix "A" and Appendix "B" form part of the Bylaw

#### 3. DEFINITIONS

- (a) "Affected community" means all properties within a distance from the Blasting Area as the Municipality may specify, but in no cases shall the distance be less than 300 metres from the Blasting Area;
- (b) "Air Blast" means the airborne shock wave which results from Blasting, which may or may not be audible, measured in decibels;
- (c) "Applicant" means a person who has applied for a Blasting Permit under this By-law;
- (d) "Blaster" means a person named on a valid Blasting Certificate issued by the Province of Nova Scotia;
- (e) "Blasting" means the handling, preparation and use of explosives, but does not include delivery or storage by a properly qualified person in accordance with Federal and Provincial law;
- (f) "Blasting Area" means a zone extending 50 metres in all directions from the place in which explosives are being handled, prepared, or used, or in which unexploded charges exist or are believed to exist;
- (g) "Blasting Certificate" means a certificate of qualification in the blaster trade issued under







- (h) "Blasting Permit" means a permit issued by the Municipality of East Hants to enable Blasting in accordance with this Bylaw.
- (i) "Charge Weight per Delay" means the weight of explosives which is detonated per delay period of less than 8 milliseconds;
- (j) "Engineer" means a Professional Engineer who is registered or licensed to practice engineering in the Province of Nova Scotia.
- (k) "Geoscientist" means a Professional Geoscientist licensed to practice geoscience in the Province of Nova Scotia under the Geoscience Profession Act, S.N.S. 2002, c.7, as amended from time to time;
- (l) "Municipality" means the Municipality of the District of East Hants.
- (m) "Particle Velocity" means the measure of the intensity of ground vibration, measured in millimetres per second.
- (n) "Qualified Monitor" means a person who is:
  - i) an Engineer, a Geoscientist, or a person working under the supervision of an Engineer or a Geoscientist;
  - ii) trained on the proper use of the monitoring instruments by a representative of the manufacturer or distributor of the monitoring instruments or other competent individual, but;
  - iii) shall not be the Blaster or the Applicant, or an employee of the Blaster or the Applicant;
- (o) "Scaled Distance" means the actual distance from a blasting hole measured in a horizontal line, divided by the square root of the maximum Charge Weight per Delay in that hole;
- (p) "Statutory Holiday" means the Paid Holidays as determined by the Nova Scotia Government.
- (q) "Utility" means a water, sewer, power, telecommunication, or natural gas system. and includes all pipes, conduits, ducts, reservoirs, manholes, towers, and other structures and appurtenances which are integral to the system.
- (r) "Weekday" means any day of the week except Saturday and Sunday.
- (s) "Weekend" means Saturday and Sunday.



#### 4. BLASTING PERMIT

- 4.1 No person shall carry out or cause to be carried out Blasting in the Municipality without a Blasting Permit first having been obtained from the Municipality.
- 4.2 A Blasting Permit shall not be issued to an Applicant unless the Applicant is a Blaster, the Applicant has a Blaster in his employ, or the Applicant has a contract with a Blaster in respect of the work for which the Blasting Permit is intended.
- 4.3 Notwithstanding subsection (1), the Municipality may give permission for Blasting without a Blasting Permit in an emergency situation.

#### 5. HOURS OF BLASTING

- 5.1. No person shall carry out or cause to be carried out Blasting during the time period beginning at:
  - a) 9:30 P.M. on a Weekday; or
  - b) 8:30 P.M. on a Weekend, Statutory Holiday or Remembrance Day measured in Standard Time for the Municipality and:
  - c) Ending the following day at 7:00 A.M. if the following day is a Weekday; or
  - d) Ending the following day at 9:00 A.M. if the following day is a Weekend, Statutory Holiday or Remembrance Day.
- 5.2. Notwithstanding section 5.1 the Municipal Clerk may grant an exemption to the restrictions regarding the Hours of Blasting. Exemptions to Hours of Blasting may permit blasting no earlier than 5 A.M. and no later than 12 A.M. (midnight)
  - a) The Municipal Clerk may refuse to grant any exemption or may grant the exemption applied for or any exemption of lesser effect; and any exemption granted shall specify the time period, not in excess of six months, during which the exemption shall be effective and the exemption shall be in written form and shall include such terms and conditions as the Municipal Clerk deems appropriate.
  - b) In deciding whether or not to grant an exemption, the Municipal Clerk shall give consideration to the social or commercial benefit of the Blasting to the Municipality, the proposed hours of operation of the proposed activity, the potential for the proposed activity to disturb the peace and tranquility of the surrounding neighbourhood and the proposed duration.



c) If the terms of an exemption are breached, the Municipal Clerk may revoke the exemption.

#### **LIMITS**

#### 6. MAXIMUM PARTICLE VELOCITY

6.1. No person shall carry out or cause to be carried out Blasting which results in a Particle Velocity which exceeds the limits set out in Table 1.

Table 1.

Frequency of Ground Vibration in Hertz	Maximum Allowable Peak Particles Velocity in millimeters per second.
15 or less	12.5
16 to 20	19.0
21 to 25	23.0
26 to 30	30.5
31 to 35	33.0
36 to 40	38.0
40 or greater	50.0

#### 7. MAXIMUM AIR BLAST

7.1 No person shall carry out or cause to be carried out Blasting which results in an Air Blast which exceeds 128 (one hundred and twenty-eight) decibels as measured on the linear scale.

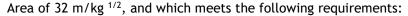
#### **ACTIVITIES DURING BLASTING**

#### 8. PRE-BLAST SURVEY

9.1 No person shall carry out or cause to be carried out Blasting unless a pre-blast survey is completed on every structure within a Scaled Distance in all directions from the Blasting







- a) a letter of introduction containing a project description, the blasting contractor's name, the name of the firm conducting the survey, and an approximate start and completion date for the project is distributed to all property owners in the area to be surveyed;
- b) appointments are made and the survey is carried out in a timely manner;
- each property owner is contacted in person and if the homeowner cannot be contacted, notification is to be sent via registered mail, advising the owner who to contact to schedule an appointment;
- d) the survey consists of high quality video photography of the exterior of the structure, in reproducible format, and which shows an overview of every side of the structure, and includes details of any deficiencies noted at any location on the exterior;
- e) the survey shows fences, sidewalks, trees, and other similar features if the structure is within 15 metres of the construction site;
- video surveys are carried out on the interior of the structure with the owner's consent,
   or in sketch format if the owner does not consent to video;
- g) the survey is carried out under normal lighting conditions from a distance of 1-2 metres, objects such as furniture are not moved during the survey, all deficiencies are noted, and the video record is supplied for review to the property owner upon request;
- h) a written report which includes still photographs of all existing deficiencies is compiled for each structure and is delivered to the property owner;
- i) if the structure is connected to a well, a report on the age and condition of the well;
   and
- j) if the structure is connected to an on-site sewage disposal system, a report on the age and condition of the on-site sewage disposal system.
- 9.2 If a structure within a Scaled Distance in all directions from the Blasting Area of 32 m/kg <sup>1/2</sup> is connected to a well, the Blaster shall ensure that bacteriological and general chemical analyses are performed on water from the well before Blasting has commenced and after Blasting has been completed.
- 9.3 Notwithstanding subsection (1) a pre-blast survey shall not be required before a Blasting Permit is issued in the event the property owner cannot be contacted or refuses entry to the structure.



#### 9. NOTIFICATION

- 9.1. No person shall carry out or cause to be carried out Blasting unless notice is delivered by hand after the Blasting Permit is issued and at least four (4) days prior to the commencement of Blasting, to every property owner or business within the Affected Community which shall contain:
  - a) the name of the person or company responsible for the Blasting, including a contact person and telephone number;
  - b) the intended date and time when Blasting shall be commenced and its expected duration period; and
  - c) the location of the Blasting.
- 9.2. No person shall carry out or cause to be carried out Blasting unless a public information meeting is held if such a meeting is required by the Municipality as a condition of the Blasting Permit.
- 9.3. No person shall carry out or cause to be carried out Blasting within 300 metres of a school, hospital, or other health care facility unless:
  - a) such notice in writing as required in subsection (1) has been given to the senior administrator of the school, hospital or other health care facility; and
  - b) the senior administrator is also informed at least 2 hours prior to each blast.

#### 10. BLASTER REQUIRED

- 10.1. No person shall carry out or cause to be carried out Blasting unless:
  - a) The Blasting is under the care and control of a Blaster; and
  - b) A Blaster is on the work site and wears visual identification at all times whilst the site is deemed a Blasting Area.

#### 11. DRILLING DUST CONTROL

12.1 No person shall carry out or cause to be carried out Blasting without the use of an acceptable dust collection system as part of the drill machine.



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#### 12. BLAST MONITORING

- 12.1. No person shall carry out or cause to be carried out Blasting unless:
  - a) a Qualified Monitor monitors every blast; and
  - b) blast monitoring equipment and procedures meet the standards of Appendix "A".
- 12.2. The Qualified Monitor shall monitor each blast with a Particle Velocity meter and Air Blast sensor which are located outside of the property on which Blasting is being carried out and are:
  - a) at the structure which is located nearest to the blast hole; and
  - b) any other structures or Utility required by the Municipality.
  - c) the location of the Blasting.
- 12.3. Notwithstanding subsections (1) and (2), no monitoring is required where the Scaled Distance between the blasting hole and the nearest structure or Utility is greater than 45 m/kg  $^{1/2}$ .

#### 13. SUBMIT RECORDS

- 14.1 A Qualified Monitor shall compile the monitoring data into Air Blast and Particle Velocity monitoring reports and Air Blast and Particle Velocity monitoring records as described in Appendix "A".
- 14.2 The Air Blast and Particle Velocity monitoring reports shall be submitted to the Municipality at least once per week.
- 14.3 The Qualified Monitor shall submit the Air Blast and Particle Velocity monitoring reports to the Municipality along with either:
  - a) a certificate in the form of Appendix "B" stating the results meet the requirements of this Bylaw; or
  - b) if a blast exceeds an allowable limit for Air Blast and Particle Velocity as set in this bylaw the Qualified Monitor shall submit the Air Blast and Particle Velocity monitoring reports within 24 hours of the blast and these monitoring reports shall be accompanied by a written explanation for the excessive Air Blast and Particle Velocity level(s) as well as a recommendation for corrective action. The Blaster shall undertake the corrective action.



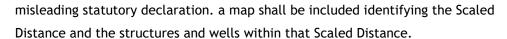
#### **ADMINISTRATION**

#### 14. BLASTING PERMIT APPLICATION

- 16.1 the applicant for a Blasting Permit shall make written application on a form provided by the Municipality.
- 16.2 the application shall contain the following information:
  - a) the Applicant's name, address, telephone number, and type of business;
  - b) a contact person's name, title, telephone number, and email address;
  - c) a description of the scope of the work, including the purpose for which Blasting is required;
  - d) a blasting plan prepared by the Blaster which consists of:
    - i. a sketch showing the location of the work site, all structures and Utilities surrounding the work site, and:
    - ii. the blasting pattern, the depth to which it is proposed to drill or blast, the maximum Charge Weight per Delay, and the distance to the nearest structure, Utility, railway, road, street, land, driveway, or walkway;
  - e) the date upon which work is proposed to commence and the probable duration;
  - the name, address, Province of Nova Scotia Blaster Certificate Number, and employer of each Blaster in charge of the Blasting;
  - g) the name, address, telephone number and email of the Qualified Monitor engaged to conduct ground vibration and Air Blast monitoring;
  - h) the name, address, telephone number and email of the firm engaged to conduct the pre-blast survey;
  - A certificate of insurance which provides a policy of commercial general liability for bodily injury and property damage in the amount of at least \$5,000,000 per occurrence which includes the Municipality of the District of East Hants as an additional insured, cross liability and severability of interest clause and a blasting endorsement for the full limits of the policy;
  - j) A statutory declaration confirming a pre blast survey in accordance with the requirement of this bylaw has been completed on all structures within a Scaled Distance, listing the structures, is submitted, and that the records be kept for a minimum of 10 years. It shall be an offence under this bylaw to submit a false or



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k) the Applicant shall keep the copies of the pre-blast survey for a minimum of 10 years.

#### 15. DURATION

17.1 A Blasting Permit shall expire on the expiry date indicated on the Blasting Permit, to a maximum of six months.

#### **16. BLASTING PERMIT FEE**

18.1 the application shall be accompanied by a Blasting Permit fee in an amount prescribed by the Municipal Fee Policy.

#### 17. ISSUANCE OF BLASTING PERMIT

- 19.1 the Municipality shall issue a Blasting Permit to the Applicant where:
  - a) all the requirements for an application set out in Section 16 have been met; and
  - b) the proposed work set out in the application conforms with this By-law and all other applicable laws, including the Land Use Bylaw.

#### 18. TERMS AND CONDITIONS

- 20.1 the Municipality may impose terms and conditions on a Blasting Permit.
- 20.2 no person shall carry out or cause to be carried out Blasting which contravenes any term or condition imposed under subsection (1).

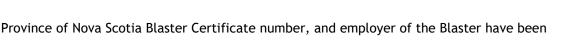
#### **RIGHTS AND REMEDIES**

#### 19. AUTOMATIC REVOCATION

- 21.1 A Blasting Permit shall be automatically revoked if the Applicant ceases to be a Blaster, the Applicant ceases to have a Blaster in their employ, or the Applicant no longer has a valid contract with a Blaster in respect of the work for which the Blasting Permit is issued.
- 21.2 Blasting Permits issued under this By-law are not transferable.
- 21.3 No person shall carry out or cause to be carried out Blasting unless the name, address,



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### **20.STOP WORK ORDER OR REVOCATION**

provided in writing to the Municipality.

- 22.1 the Municipality may issue a stop work order or revoke a Blasting Permit where there is a violation of this Bylaw or a failure to comply with any of the terms and conditions subject to which a Blasting Permit is issued.
- 22.2 no person shall carry out or cause to be carried out Blasting while a stop work order is in effect or a when Blasting Permit has been revoked.
- 22.3 a stop work order may be appealed in the same manner as a refusal to issue a Blasting Permit.

#### 21.APPEAL

23.1 If the Municipality refuses to grant a Blasting Permit, or revokes a Blasting Permit, or if the Applicant is aggrieved by the terms and conditions imposed, the Applicant may appeal the decision of the Municipality to the Council of the Municipality of East Hants within fifteen (15) days of being notified of the decision.

#### 22. VIOLATIONS

- every person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a penalty not less than Five Hundred Dollars (\$500) and not more than Ten Thousand Dollars (\$10,000) and in default of payment to imprisonment for a period not exceeding ninety (90) days.
- 24.2 This bylaw may be enforced by Summary Offence Ticket.

#### 23. EXCLUSIONS

25.1 this bylaw does not apply to Blasting in a quarry where Blasting is regulated by the Province of Nova Scotia or blasting in a cemetery, or blasting for underground mining.





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#### Certification

I, Kim Ramsay, Municipal Clerk of the Municipality of East Hants, hereby certify that the above noted bylaw was passed at a meeting of the East Hants Municipal Council on \_\_\_\_\_\_\_\_, 20\_\_\_.

Kim Ramsay, CPA, CMA CAO/Municipal Clerk

Bylaw Adoption	
First Reading:	<month day="" year=""></month>
Website and Social Media Notifications:	<month day="" year=""></month>
Formal Notice of Publication:	<month day="" year=""></month>
Second Reading:	<month day="" year=""></month>
Website and Social Media Notifications:	<month day="" year=""></month>
Formal Final Publication and Enactment:	<month day="" year=""></month>
Enacted Bylaw posted to website:	<month day="" year=""></month>
Notice to the Province of Nova Scotia:	<month day="" year=""></month>

Version Number	Amendment Description	Council Approval Date
<xx.xx></xx.xx>	<summary amendment(s)="" bylaw="" of="" the="" to=""></summary>	<month day="" year=""></month>





Version Number	Amendment Description	Council Approval Date





### Appendix A

This Appendix details the required standards and requirements for measuring and reporting Air Blast and Particle Velocity from Blasting within the Municipality. The standards and requirements contained in this Appendix are minimum standards and are intended to cover the more common conditions encountered in the Municipality.

#### **Definitions**

#### A-2 In this By-law:

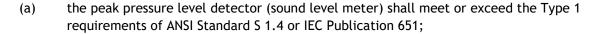
- (a) Anchored" means the device is bolted, glued or attached with doubled sided tape to the bedrock surface;
- (b) "Buried" means the soil is firmly compacted around and over the device;
- (c) "Field Calibration" means an on-site calibration through the use of:
  - (i) an acoustical calibration check of the sound level measuring system for an Air Blast sensor, and;
  - (ii) an electrical reference signal of known voltage and frequency for a Particle Velocity meter;
- (d) "Laboratory Calibration" means a calibration conducted by the manufacturer of the device or an independent laboratory through the use of:
  - (i) a reference sound pressure source for an Air Blast sensor, and;
  - (ii) a reference vibration source for a Particle Velocity meter;
- (e) "Sandbagging" means the sod is removed with minimal disturbance to the soil and the device is placed on the bare soil with a sandbag that is loosely filled with 5kg of sand placed over the device with the sandbag profile as low and wide as possible with a maximum amount of firm contact with the ground;
- (f) "Spiked to the Ground" means the sod is removed with minimal disturbance of the soil and the device is firmly pressed into the ground with the attached spike or spikes.

#### Air Blast

A-3 The Air Blast sensor shall meet the following standards:







- (b) the microphone windscreen shall conform with the requirements of ANSI Standard S 1.4 or IEC Publication 651 and any optional accessories shall also conform with the Type 1 requirements of this standard, and;
- (c) the acoustic calibrator shall be capable of checking the calibration of the measurement system at one or more frequencies with an accuracy of  $\pm 0.5$  dB.
- A-4 The placement of the Air Blast sensor shall meet the following standards:
  - (a) the location for measurement of Air Blast shall be out-of-doors and at least 7 m from any large reflecting surface;
  - (b) the microphone shall be located at least 1.2 m above the ground plane;
  - (c) the microphone shall be oriented in accordance with the manufacturer's specifications to obtain the flattest free field frequency response to the incident sound from the blast;
  - (d) the microphone shall be mounted near the geophone with the manufacturer's windscreen attached, and;
  - (e) the microphone shall not be shielded from the blast by nearby buildings, other large barriers, vehicles, or people unless such shielding cannot be avoided in which case the horizontal distance between the microphone and shielding object shall be greater than the height of the object above the microphone.
- A-5 The calibration of the Air Blast sensor and the measurement of Air Blast shall meet the following standards:
  - (a) the record time shall be set for at least 2 seconds longer than the blast duration plus 1 second for each 350 m between the blast hole and the monitoring location;
  - (b) the trigger level shall be programmed low enough to trigger the unit from blast vibrations, high enough to minimize the occurrence of false events and slightly above the expected background noise at the location of the microphone;
  - (c) Field Calibration of the Air Blast sensor shall be performed immediately before and after each measurement;



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(e) if the measuring device is battery powered the battery condition shall be within the range for proper operation during measurements and the battery condition shall be checked after the device has been allowed to warm up and stabilize and after each measurement.

### **Particle Velocity**

- A-6 The Particle Velocity meter shall meet the following standards:
  - (a) the geophone shall include three transducers that have their axes of maximum sensitivity mutually orthogonal;
  - (b) the response of each transducer in the plane normal to its axis of maximum sensitivity shall be less than 10% of its response along its axis of maximum sensitivity;
  - (c) the output of each transducer shall indicate the peak axial velocity along its axis of maximum sensitivity in the frequency range of 5-200 Hz over a range of peak particle velocity of 2.5-100 mm/s with a tolerance of ± 10%, and;
  - (d) the continuous recording option available on portable Particle Velocity meters shall not be used for monitoring blast-generated vibrations.
- A-7 The placement and mounting of the geophone used for measurement of Particle Velocity shall meet the following standards:
  - (a) the geophone shall be affixed according to the manufacturer's recommendations for the conditions at the measurement location;
  - (b) to ensure that the data obtained adequately represents the vibration levels received at the structure, the geophone shall be placed on or in the ground on the side of the structure towards the blast hole and the geophone shall be placed no more than 10 % of the distance between the blast hole and the structure and no more than 3 metres from the structure;
  - (c) where access to the structure is not possible the geophone shall be placed between the blast hole and the structure;
  - (d) the geophone shall be nearly level in accordance with the manufacturer's recommendations;





- (e) the longitudinal transducer should be pointing directly at the blast hole;
- (f) the geophone should be located on or in soil with a density greater than or equal to the geophone density;
- (g) the geophone shall be Buried, Spiked to the Ground, Sandbagged or Anchored unless the Particle Velocity is expected to exceed the values in Table 2 in which case the geophone shall be Buried or Anchored;

Table 2
Particle Velocity Requiring Geophone Burial or Anchoring

Frequency, Hz.	Particle Velocity - mm/s
20	19
30	15
50	10
100	5
200	3

- (h) if the geophone cannot be Buried, Spiked to the Ground or Anchored due to frozen ground or other conditions, the geophone shall be attached to the foundation of the structure within 300mm of ground level.
- A-8 The calibration of the Particle Velocity meter and the measurement of Particle Velocity shall meet the following standards:
  - (a) the trigger level shall be programmed low enough to trigger the unit from blast vibrations, high enough to minimize the occurrence of false events and slightly above the expected background vibrations at the location of the geophone;
  - (b) Field Calibration shall be carried out immediately before and after each measurement;
  - (c) Laboratory Calibration of the Particle Velocity meter shall be carried out once a year, and;
  - (d) Field and Laboratory Calibration shall be carried out to an accuracy of ±5%.



#### Reporting

- A-9 (1) The Air Blast and Particle Velocity monitoring reports shall be submitted to the Municipality at least once per week.
  - (2) The Air Blast and Particle Velocity monitoring reports shall include at least the following:
  - (a) Blasting Permit number;
  - (b) Blaster and the Blaster's employer;
  - (c) date and time of each blast;
  - (d) locations of Particle Velocity meters and distances, accurate to within 5 percent, from each blast hole;
  - (e) blast design details including total charge and Charge Weight per Delay;
  - (f) source used by the Qualified Monitor to obtain the blast design details;
  - (g) the Particle Velocity reported shall be the maximum of the longitudinal, transverse or vertical component of vibration along with the associated frequency;
  - (h) the Particle Velocity reported shall be the velocity which is the greatest percentage of the allowable limit at the associated frequency;
  - (i) the Particle Velocity shall be reported to the nearest mm/second and as the percentage of the allowable Particle Velocity at the associated frequency; and;
  - (j) the maximum Air Blast shall be reported to the nearest decibel on the linear weighting scale.

#### **Records**

- A-10 (1) The Air Blast and Particle Velocity monitoring records shall be maintained by the Qualified Monitor for two years and submitted to the Municipality upon request.
  - (2) The Air Blast and Particle Velocity monitoring record shall include at least the following for the project:





- (a) Blasting Permit number;
- (b) Blaster and the Blaster's employer;
- (c) evidence of the most recent Laboratory Calibration of the Air Blast sensor and the Particle Velocity meter;
  - (3) The Air Blast and Particle Velocity monitoring record shall include at least the following for each blast:
    - i) a plot of the Particle Velocity wave form and a plot of the Air Blast wave form;
    - ii) plots of Particle Velocity values versus frequency for each vibration cycle together with the specified velocity limits detailed in Table 2 of this Appendix;
    - iii) the orientation and mounting details of the vibration transducers;
    - iv) a description of the Air Blast sensor and Particle Velocity meter;
    - v) proof of Field Calibration for the Air Blast sensor and the Particle Velocity meter;
    - vi) a plan, to scale, of the blasting site and surrounding area showing locations of shots and locations of Particle Velocity and Air Blast monitoring stations, and;
    - vii) meteorological conditions at the time of firing of each blast, including, temperature, wind speed and direction.





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### Appendix B

### **Certificate of Compliance for Blast Monitoring Reports**

Project:	
Blasting Permit No.:	
Name of Qualified Monitor:	
Signature of Qualified Monitor:	
Date:	
Qualified Monitor to provide details of qualifications and professional stamp.	
I certify that the Blasting Monitoring Report referenced below complies in all respects with the B	svlaw
P-1300, Bylaw Respecting Blasting and for greater clarity that:	,
i) all blasts have been monitored and recorded in accordance with the By-law, and;	

no results exceed the limits for Air Blast and Particle Velocity as stipulated in the By-law.



ii)