

# THE CORPORATION OF THE MUNICIPALITY OF KILLARNEY

## BY-LAW NO. 2025-27

### BEING A BY-LAW TO REGULATE AND PROHIBIT NON- COMPLIANCE WITH BLASTING ACTIVITIES UNDER ONTARIO PROVINCIAL STANDARDS (OPSS) OPSS.MUNI 120

**WHEREAS** Ontario Provincial Standard (OPSS) OPSS.MUNI 120 prescribes requirements for blasting activities to ensure public safety, environmental protection, and adherence to technical standards;

**AND WHEREAS** the Municipality of Killarney has the authority under the Municipal Act, 2001, S.O. 2001, c.25, as amended, to pass By-Laws regulating and prohibiting activities that may affect the health and safety of its residents;

***NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF KILLARNEY HEREBY ENACTS AS FOLLOWS:***

#### **1. SHORT TITLE**

- 1.1 This By-Law may be cited as the "Blasting Regulation By-Law."

#### **2. DEFINITIONS**

- 2.1. **"Blasting Activities"** means any activities involving the use of explosives for demolition, construction, excavation, or similar purposes as defined under OPSS 120;
- 2.2. **"Contractor"** means any company or individual performing blasting activities within the boundaries of the Municipality of Killarney;
- 2.3. **"Council"** means the elected Council for the Corporation of the Municipality of Killarney;
- 2.4. **"Municipality"** means the Corporation of the Municipality of Killarney;
- 2.5. **"Municipal Law Enforcement Officer"** means anyone appointed by the Municipality to enforce the provisions of this By-Law;
- 2.6. **"Person"** means an individual, firm, corporation or partnership;
- 2.7. **"OPSS 120"** means the Ontario Provincial Standard (OPSS) for the use of explosives, otherwise known as OPSS.MUNI 120. This standard regulates blasting in Ontario, including pre-blast surveys, monitoring, and inspections.

#### **3. PROHIBITED ACTS**

No contractor shall commit the following offences, and no person shall allow a contractor in their employ to commit the following offences:

- 3.1. Fail to comply with the submission requirements outlined in OPSS 120 before undertaking blasting activities;
- 3.2. Perform blasting activities during unauthorized times of day or under unfavorable conditions as outlined in OPSS 120;
- 3.3. Perform blasting activities near concrete that has been placed less than seventy-two (72) hours according to provisions outlined in OPSS 120;

- 3.4. Perform blasting activities without conducting a Pre-Blast Survey as outlined in OPSS 120;
- 3.5. Fail to follow notification procedures as outlined in OPSS 120;
- 3.6. Fail to employ a blast monitoring consultant to monitor blasting activity as outlined in OPSS 120;
- 3.7. Fail to prepare a post-blast record according to the requirements outlined in OPSS 120;
- 3.8. Fail to notify the Municipality of any blasting activities that will be undertaken; and,
- 3.9. Fail to provide any documentation related to OPSS 120 to a Municipal Law Enforcement Officer if requested.

#### **4. ENFORCEMENT**

- 4.1. Every person who contravenes any provision of this By-Law is guilty of an offence and upon conviction shall be liable to a fine prescribed and recoverable under the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, for each offence committed.
- 4.2. Upon registering a conviction for a contravention of any provision of this By-Law, the Provincial Offences Court may, in addition to any other remedy and to any penalty imposed by this By-Law, make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 4.3. The Administrative Monetary Penalty System By-Law, as amended, applies to each administrative penalty issued pursuant to this By-Law.
- 4.4. No person shall hinder or otherwise obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an Officer, an employee and / or agent of the Municipality in the lawful exercise of a power or duty under this By-Law.
- 4.5. Each person who contravenes any provision of this By-Law shall, upon issuance of a penalty notice in accordance with Administrative Monetary Penalty System By-Law, as amended, be liable to pay to the Municipality an administrative monetary penalty.
- 4.6. Before the Officer and other appointed officials takes any action as a result of a complaint, the complainant shall give to the investigative Officer involved a written statement describing the incident, stating his or her name, address, telephone number, and date and time of incident'
- 4.7. Any person who fails to comply with an order that is final and binding under this By-Law is guilty of an offence and is liable to a penalty or penalties as set out in the Provincial Offences Act.

#### **5. SEVERABILITY**

- 5.1. Should a Court of competent jurisdiction declare a part or whole of any provision of this By-Law to be invalid or of no force and effect, the provision or part is deemed severable from this By-Law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under law.

#### **6. SCHEDULES**

- 6.1. Schedule "A" shall be deemed to form part of this By-Law

**7. EFFECTIVE DATE**

- 7.1. All other By-Laws on the same subject matter which are inconsistent with this By-Law are hereby repealed.
- 7.2. This By-Law shall come into force and take effect on the day it is passed.

***READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED IN OPEN COUNCIL THIS 9<sup>TH</sup> DAY OF JULY, 2025.***

***ORIGINAL DOCUMENT SIGNED***

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***Michael Reider, Mayor***

***ORIGINAL DOCUMENT SIGNED***

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***Candy Beauvais, Clerk-Treasurer***

MUNICIPALITY OF KILLARNEY

BY-LAW NO. 2025-27

BLASTING REGULATION BY-LAW

SCHEDULE “A” - SET FINES

PART 1 - PROVINCIAL OFFENCE ACT FINES

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING THE OFFENCE	SET FINES
1.	Fail to comply with submission requirements	Section 3.1	\$500.00
2.	Blast at unauthorized times	Section 3.2	\$500.00
3.	Blast near concrete inappropriately	Section 3.3	\$500.00
4.	Fail to conduct a pre-blast survey	Section 3.4	\$500.00
5.	Fail to properly notify	Section 3.5	\$500.00
6.	Fail to employ a blast monitoring consultant	Section 3.6	\$500.00
7.	Fail to prepare a post-blast record	Section 3.7	\$500.00
8.	Fail to notify the Municipality of blasting	Section 3.8	\$500.00
9.	Fail to provide documentation	Section 3.9	\$500.00
10.	Hindering an officer	Section 4.4	\$500.00

**NOTE:** Penalty Provisions for the offences indicated above is Section 4.1 of the By-law 2025-27, a certified copy of which has been filed.