

NO. 06-008

BLASTING (CONSTRUCTION) OPERATIONS BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to regulate blasting operations for the construction of buildings.

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Under its statutory powers, including sections 8(3)(d), 15 and 16 of the *Community Charter*, the Council of the City of Victoria enacts the following provisions:

PART 1 – INTRODUCTION

Title

- 1 This Bylaw may be cited as the “BLASTING (CONSTRUCTION) OPERATIONS BYLAW”.

This bylaw may or may not contain the latest amendment(s). It is provided for convenience only and should not be used in place of the actual bylaw. The latest version can be obtained from Legislative Services, City Hall, (250) 361-0571.

Definitions

2 In this Bylaw,

"blasting operation"

means the detonation of explosives in connection with the undertaking of any work or service;

"explosives"

includes any chemical compound or mechanical mixture which by fire, friction, concussion, percussion or detonation, may cause a sudden release of gasses having pressure capable of producing destructive effects.

"Inspector"

means any of the following employees of the City:

- (a) the City's Manager of Development and Regulatory Services;
- (b) the City's Manager of Land Development and Facilities;
- (c) a Building Inspector;
- (d) a Bylaw Officer; and
- (e) a Tree Preservation Officer.

PART 2 – REGULATIONS

Permit required for blasting operations

3 A person may carry on blasting operations, or authorize blasting operations, only after first obtaining a blasting permit from an Inspector.

Conditions of permit

4 A person may carry on blasting operations, or authorize blasting operations, only in accordance with the terms of a blasting permit, including, without limitation, at the times and in the locations specified in the blasting permit.

Safety regulations

5 A person carrying out blasting operations must comply with the Occupational Health and Safety Regulations made under the *Workers Compensation Act* (British Columbia), as amended or replaced from time to time.

Compliance with City Bylaws

- 6** A person may carry on blasting operations only:
- (a) during the times specified in section 19(3) of the Noise Bylaw; and
 - (b) in compliance with the requirements of the Tree Preservation Bylaw, and the conditions of a permit issued under that bylaw.

PART 3 – BLASTING PERMIT

Issuing permit

- 7** (1) An Inspector must issue a blasting permit only after the applicant provides satisfactory evidence of third party public liability and property damage insurance
- (a) issued by an insurance company authorized to carry on business in British Columbia,
 - (b) in an amount of not less than \$5 million to protect the applicant from all claims which may arise from the proposed work,
 - (c) that may not be cancelled, lapsed or materially changed without the insurer giving 15 days written notice of cancellation to the Inspector, and
 - (d) that requires the conducting of a pre-blast survey of buildings in the vicinity of the proposed blasting.
- (2) A blasting permit and the application for it must be in the form prescribed by the Inspector.

Permit fee

- 8** An application for a blasting permit must be accompanied by a payment of a permit fee of \$150.00.

Lapsing of permit

- 9** Blasting operations authorized by a blasting permit must be completed within one month from the date the permit is issued, or such other period as an Inspector may allow under the blasting permit.

Suspension or cancellation of blasting permit

- 10** An Inspector may suspend or cancel a blasting permit if the blasting operations are conducted in contravention of this bylaw, or the terms or conditions of the blasting permit.

PART 4 – NOTIFICATION

Notification required

- 11** (1) A person must not carry on blasting operations without first notifying, in writing, the occupants of all buildings or dwellings within 100 metres of the edge of the blast zone, or such other distance as the Inspector may require.
- (2) The notice must describe:
- (a) the work to be done,
 - (b) the expected date of commencement,
 - (c) the estimated duration of the project,
 - (d) methods intended to be used to safeguard persons and property,
 - (e) signals and other warning methods to be used to inform those nearby of an impending blast,
 - (f) the name and phone number of the representative of the blasting company for additional information,
 - (g) the name and phone number of the representative of the insurance company for the blasting company.
- (3) The notice under subsection (2) must be given at least forty-eight (48) hours before blasting operations commence.

PART 5 – ENFORCEMENT

Inspections

- 12** An Inspector may enter onto any real property at any reasonable time for the purpose of administering or enforcing this Bylaw.

Interference prohibited

- 13** A person must not interfere with or obstruct the Inspector in the administration and enforcement of this Bylaw.

Offences and penalties

- 14** (1) It is an offence for a person to do any act or thing, or suffer or permit any act or thing to be done, in contravention of this bylaw.
- (2) The minimum penalty for an offence under this Bylaw is a fine of not less than \$1,000.00, and not more than \$10,000.00.
- (3) Where an offence under this Bylaw continues, each day on which the offence continues is a separate offence to which the provisions of subsection (2) apply.

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Repeal

15 Section 2.3(g) of the Building Bylaw is repealed.

READ A FIRST TIME the 28th day of September 2006.

READ A SECOND TIME the 28th day of September 2006.

READ A THIRD TIME the 28th day of September 2006.

ADOPTED on the 12th day of October 2006.

“ROBERT G. WOODLAND”
CORPORATE ADMINISTRATOR

“ALAN LOWE”
MAYOR