

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 4958

A Bylaw to establish regulations for Blasting and Rock Breaking within the District of Oak Bay, specifically:

1. to require the removal of rock from, and deposit of rock on, lands within the District;
2. to prohibit the use of explosive agents for Blasting;
3. to require the holding of a permit for such purposes; and
4. to fix a fee for such a permit.

The Municipal Council of The Corporation of the District of Oak Bay, in an open meeting assembled, enacts as follows:

Definitions

1. In this Bylaw,

“Blast” or **“Blasting”** means the use of explosives, or chemicals, for the purpose of moving, displacing, or breaking rock or other material.

“Blasting Permit” means the written authority granted by the **Building Official** pursuant to this **Bylaw** for the purposes of **Blasting**.

“Blaster” means the person, firm or corporation engaged by the **Owner** to conduct **Blasting** and includes an agent, contractor, or employee of the **Blaster**.

“Building Official” includes the **Director** and any building inspectors employed by or contracted to the District to whom authority under this **Bylaw** has been delegated.

“Business Day” means a day that is not a Saturday, Sunday or a holiday (as defined in the *Interpretation Act*, RSBC 1996, c. 238).

“Bylaw” means this Blasting and Rock Breaking Bylaw.

“Control Measures / Blasting Plan” is the **Blasting** plan developed for a site that specifies in what manner **Blasting** operations are to be undertaken.

“Director” is the Director of Community Building and Planning Services.

“District” means the Corporation of the District of Oak Bay.

“Owner” means the person or persons registered in the Land Title Office as entitled to the fee simple of a parcel, the holders of a registered right to purchase a parcel, or the holders of a right of way in favour of a statutory authority on or over which the person or persons propose to **Blast** and includes a person authorized in writing by the **Owner** to act as the **Owner’s** agent for the purposes of this **Bylaw**.

“Pre-Blast Survey” is a record typically including photos/video, of the condition of private or public property, sometimes required by an insurance company prior to the commencement of **Blasting** operations.

“Pre-Blast Survey Summary” is a report submitted by the **Owner** or their **Blasting** contractor that

summarizes the efforts undertaken to complete **Pre-Blast Surveys** for all affected **Owners'** properties.

"Rock Breaking" means the removal of boulders or bedrock from land by drilling, percussive breaking (other than **Rock Hammering**), or splitting, but excluding **Blasting**.

"Rock Breaking Permit" means the written authority granted by the **Building Official** pursuant to this **Bylaw** for the purposes of **Rock Breaking**.

"Rock Hammering" means the use of a sharp-tipped hydraulic hammer that is fitted on a piece of mobile machinery to break concrete or rock surfaces.

"Zoning Bylaw" means District of Oak Bay Zoning Bylaw, 3531, 1986.

Application

2. The following regulations apply to **Blasting** and **Rock Breaking** with the purpose of
 - a) regulating the removal of rock from, and deposit of rock on, lands within the **District**
 - b) to regulate and prohibit the use of explosive agents for **Blasting**;
 - c) to require the holding of a permit for such purposes; and
 - d) to fix a fee for such permit.
3. This **Bylaw** does not apply to **Blasting** or **Rock Breaking** in any of the following circumstances:
 - a) **Rock Breaking** that involves the removal of less than 10m³ of rock;
 - b) **Rock Breaking** or **Blasting** to remove rock that consists entirely of boulders separate from bedrock;
 - c) **Rock Breaking** or **Blasting** that is specifically authorized by a statute or regulation other than the *Community Charter* or *Local Government Act*; or
 - d) **Rock Breaking** or **Blasting** if the **Building Official** has issued a written exemption stating that the **Building Official** is satisfied that the work is required on an urgent basis to lessen or eliminate an imminent threat to life, safety, property damage or public transportation routes and communication systems.

Permit Requirements

4. No person shall remove or cause to be removed rock unless the person has obtained a **Blasting** or **Rock Breaking** permit for such removal under this **Bylaw** and every such removal shall conform in all respects to the regulations and requirements of this **Bylaw**, including but not limited to Sections 5 through 9, and the terms and conditions of the respective permit.
5. When an **Owner** proposes to remove rock through means of **Blasting**, the **Owner** shall first apply to the **Building Official** for a **Blasting** permit by providing each of the following:
 - a) The permit fee as set out in the *Planning and Development Fees and Charges Bylaw No. 4845, 2023*.

- b) A copy of a valid **Blasting** certificate issued to the **Blaster** by WorkSafe BC for all persons completing the **Blast**;
- c) A certificate of insurance as proof of comprehensive general liability coverage for **Blasting** or **Rock Breaking**. This insurance shall be public liability and property damage insurance in a form satisfactory to the **Building Official** with the following provisions:
 - i) five Million Dollars (\$5,000,000) coverage inclusive for loss or damage in respect of injury or death of any person or person and/or damage to property from any one accident or occurrence;
 - ii) there shall be no third-party deductible for bodily injury or property damage loss and no space warranty clause;
 - iii) the **District** and the company employing the holder of the **Blasting** certificate shall be named as additional insureds;
 - iv) notification will be given by the insurer to the **Building Official** by registered mail not less than 30 days prior to material change, cancellation or termination of the insurance;
- d) A contractual Letter of Undertaking from the **Owner** releasing, indemnifying, and saving harmless the **District** from and against any and all losses, claims, demands, suits, actions, recoveries, and judgements of every kind brought or recovered against the **District** arising out of or in any way connected with the work done under the permit, in a form satisfactory to the **Building Official**;
- e) A context map of the area within 300 metres of where the rock removal will occur. The context map must visually indicate the location of all designated and registered heritage buildings;
- f) A **Control Measures / Blasting Plan**, prepared by the **Blaster**, in accordance with requirements set forth by WorkSafe BC;
- g) A detailed report containing all required information about the planned date and anticipated duration of rock removal, the intended depth of rock removal, and the estimated volume of rock to be removed;
- h) Confirmation that **Pre-Blast Surveys** have been completed and submission of a **Pre-Blast Survey Summary**;
- i) An arborist report that includes the recommended tree protection and mitigation measures, including that **Blasting** and **Rock Breaking**:
 - i) near tree roots will only be performed using explosives of low phytotoxicity and techniques that minimize tree damage, like expanding foam and hydraulic rock breakers;
 - ii) will only use small low-concussion charges, and multiple small charges designed to pre-shear the rock face, to reduce fracturing, ground vibration, and minimize the impact on the surrounding environment;
 - iii) materials, including **Blast** rock and other construction materials and debris, are stored away from critical tree root zone, and;
- j) Information of any proposed road and sidewalk closures, detours, or other temporary accessibility changes; and
- k) A comprehensive topographic survey of the parcel (or the portion thereof) where the rock removal

is to be carried out, prepared by a B.C.L.S. or a professional engineer.

6. When an **Owner** proposes to remove rock through means of **Rock Breaking**, the **Owner** shall first apply to the **Building Official** for a **Rock Breaking** Permit by fulfilling each of the requirements outlined in section 7, except for sections 5(b) **Blasting** Certificate, 5(f) **Control Measures / Blasting Plan**, and 5(h) **Pre-Blast Survey Summary**.
7. For **Blasting** or **Rock Breaking** on land owned by the **District** or another government, the persons seeking permission for **Blasting** or **Rock Breaking** shall sign all forms, complete all requirements, and bear all responsibilities, liabilities, and costs under the **Bylaw** and otherwise, as if they were the **Owner**.
8. Where a **Blasting Permit** or **Rock Breaking Permit** is for an excavation required for the construction of a building or structure, no such permit shall be issued unless the applicant has first obtained a building permit for the proposed building or structure.
9. The **Blaster** shall post a brief summary of the **Blasting Plan** on the site prior to issuance of a permit. The summary must:
 - a) be readable from the outside the property line and posted at least one week prior to the planned rock removal;
 - b) use a method of marking that will not be removed by inclement weather; and
 - c) include the following information: planned date and anticipated duration of rock removal, the intended depth of rock removal, and the estimated volume of rock to be removed.

Limitations

10. On land zoned Residential Use (R-1 to R-5 and CD zones for ground-oriented housing) in the **Zoning Bylaw**, **Blasting** and **Rock Breaking** are prohibited except as set out in Schedule "A" attached hereto.
11. For the permitted purposes set out in Schedule "A", the allowable rock volume to be broken, **Blasted** and removed, shall not exceed:
 - a) a total volume of 400m³ on lots less than 885m²; and
 - b) a total volume of 600m³ on lots over and equal to 885m².

For certainty, the totals in this section are the cumulative amount of rock that is permitted to be broken, **Blasted** and removed for the construction. If the **District** has records of a volume of rock that was previously removed on a lot for any of these purposes, then this volume will be deducted from the allowable volume specified under this section. If the **District** has no records of a volume of rock that was previously removed on a lot, then no adjustments are made to the allowable volume specified under this section.

12. The aggregate volume limitations in Section 11:
 - a) do not apply to rock removal required for the construction of roads or the installation of utilities and services in accordance with approved subdivision drawings; and
 - b) may be adjusted by the **Building Official** based on an assessment of:
 - i) the site conditions, or

ii) any active building permits associated with the site.

13. No person shall engage in **Rock Hammering** except for minor **Rock Breaking** of less than 10m³.

Hours and Conditions

14. An **Owner** shall ensure that **Rock Breaking** or **Blasting** only occurs within the times permitted under the *Anti-Noise Bylaw, No. 3210, 1977*.

15. Onsite rock crushing or grinding is prohibited.

16. No person shall remove or deposit rock in a manner that causes a dust or dirt nuisance to any neighbouring property or right of way.

Permit Expiry

17. A **Blasting Permit** expires:

- a) 20 **Business Days** after issuance of the permit for **Blasting** for lots less than 885 m²; and
- b) 30 **Business Days** after issuance of the permit for **Blasting** for lots equal to or greater than 885 m².

18. A **Rock Breaking Permit** expires 30 **Business Days** after issuance of the permit for **Rock Breaking**;

19. The **Building Official** may, at the request of the **Owner**, extend the authority for rock removal under a **Blasting Permit** or **Rock Breaking Permit** provided that:

- a) The **Owner** provides evidence of the need for an extension of time due to:
 - i) Unforeseen environmental conditions such as extreme weather or a natural disaster;
 - ii) Labour shortage due to loss of staff or illness; or
 - iii) Inability to proceed due to supply chain matters causing an equipment delay or unavailability;
- b) Only one permit extension is granted;
- c) The extension of time is no more than the time authorized with the original permit;
- d) The **Owner** pays an Extension Fee as established in the *Planning, Building and Development Fees and Charges, No. 4845, 2023*;
- e) The **Owner** notifies all affected **Owners** of the permit extension and updates the project information posted on the site; and
- f) The **Building Official** is satisfied that any policy of insurance provided under Section 7(c) will remain in effect;

20. The **Building Official** may cancel or suspend the authority for rock removal under a **Blasting Permit** or **Rock Breaking Permit** if there are reasonable grounds to believe that the **Owner** or **Blaster** has done anything in violation of this **Bylaw** or the permit, or in violation of any agreement made pursuant to Section 5(d) Letter of Undertaking or 5(f) **Control Measures / Blasting Plan**. No person who has had their authority for rock removal under a permit cancelled or suspended shall engage in or carry-on rock removal in the **District** unless special written permission to do so is given by the **Building**

Official.

21. The **District** will not issue more than one **Blasting Permit** for the same property within any 12-month period, exclusive of the dates of an active **Blasting Permit** or **Rock Breaking Permit**.

Notification

22. The holder of a **Blasting Permit** or **Rock Breaking Permit** shall not commence or allow **Blasting** or **Rock Breaking** until such time as the holder of such permit has given written notice to the **Building Official** and all property owners within 150-meter radius of the **Blast** location. The notice shall include the:
- a) Description of the work to be done, including the estimated volume of rock being removed;
 - b) Dates on which the **Blasting** or **Rock Breaking** will occur;
 - c) Times when **Blasting** or **Rock Breaking** will occur;
 - d) Methods intended to safeguard persons and property, including plan of vibration and air over pressure monitoring;
 - e) Signals and other warning methods to be used to inform those nearby of an impending **Blast**;
 - f) Name, telephone number, cellular telephone number and email address of the **Blaster** or **Owner** who will provide additional information; and
 - g) Name, address, and telephone number of the **Blaster's** insurer.
23. The holder of a **Blasting** or **Rock Breaking** permit shall provide at least 48 hours' notice of the commencement of any **Blasting** or **Rock Breaking**, and at least one week's (7 days) notice shall be given of any project expected to continue for more than two (2) days.
24. The holder of a **Blasting Permit** or **Rock Breaking Permit** shall not commence or allow **Blasting** or **Rock Breaking** within 300 metres of a school or health facility until notice as required in Sections 23 and 24 has also been given to the senior administrator of the school or health facility and has been provided to the **Building Official**. Further notice must be given to the senior administrator, or his or her designate, at least two (2) hours prior to each actual **Blast**, stating the approximate time of the **Blast**.
25. The **Owner** shall notify, or cause to be notified, the **Building Official**, in writing, when the rock removal to be carried out under the permit has been completed.

Safety and Monitoring

26. The **Blaster** shall ensure that a security person (equipped with and trained in the use of warning and signaling devices approved by WorkSafeBC) is posted at every location where vehicles or pedestrians might be affected by a **Blast**. Prior to any **Blast**, the **Blaster** shall ensure that the security person signals vehicles and pedestrians to prevent them from entering an area which may be affected by the **Blast**. The **Blaster** shall ensure that no **Blasting** occurs until all persons and vehicles vacate the area affected by the **Blast**.
27. The holder of a **Blasting Permit** must ensure that all Provincial and Federal **Blasting** standards are met.

Citation

28. This Bylaw may be cited as the “Blasting and Rock Breaking Bylaw No. 4958, 2026”.

READ A FIRST TIME the 19th day of May , 2026

READ A SECOND TIME the 19th day of May , 2026

READ A THIRD TIME the 19th day of May , 2026

ADOPTED the 27th day of July , 2026

Mayor

Corporate Officer

Schedule "A"

Permitted Blasting and Rock Breaking on Land Zoned Residential Use (R-1 to R-5 and CD Zones for Ground-Oriented Housing)

Blasting and **Rock Breaking** is permitted on land zoned Residential Use (R-1 to R-5 and CD zones for ground-oriented housing) in the **Zoning Bylaw**:

1. For the construction of one or more of a primary dwelling, garage, accessory dwelling unit, access driveways, or parking area as shown on plans for which a building permit has been issued and is in good standing;
2. For the installation of utilities and utility connections;
3. **Blasting** or **Rock Breaking** certified by a geotechnical engineer as being necessary for the safe use of the site;
4. To facilitate the construction of a swimming pool if the **Building Official** is satisfied that the **Blasting** or **Rock Breaking** will reduce the visual and auditory impact of the pool and associated mechanical equipment on surrounding properties;
5. To enable any accessory building or structure to be located on the site in a manner which in the opinion of the **Building Official** will:
 - a) Accommodate the design and spatial relationship of the buildings so the floor levels conform to the natural contours of the site;
 - b) Eliminate or reduce the use of exposed foundation walls and structural support elements; or
 - c) Minimize the visible mass of all structures as viewed from adjacent roads and properties; and,
6. To enable minor terrain alteration, in the opinion of the **Building Official**, to accommodate landscaping work or property amenity; but excluding in all cases, the removal of rock which substantially alters the natural grade of the site.