

# Blasting Bylaw

Planning Advisory Committee

April 18, 2023

Planning & Development Department



**EAST HANTS**

## Background

- At their meeting in January 2023 Council passed the following motion.  
  
“Moved that Council direct staff to bring back a report to introduce a Blasting Bylaw in East Hants”
- This draft bylaw does not cover blasting in a quarry - this is covered under the Activities Designation Regulations
- There are Blasting Safety Regulations which are made under Section 82 of the Occupational Health and Safety Act. These regulations would be relevant to blasting which is covered by the draft Blasting Bylaw. The draft Blasting Bylaw does not replicate the provincial regulations, except for indicating that a Blaster is required for blasting.
- Halifax Regional Municipality (HRM) have a Blasting Bylaw which would be enabled under the Halifax Charter so planning staff have confirmed with the municipal solicitor that Council does have the jurisdiction to create a blasting bylaw under the powers in the Municipal Government Act.

## HRM Blasting Bylaw

- HRM has had a Blasting Bylaw for several years. Their Bylaw came into effect in November 2003. They have Engineering Technologists on staff who administer the bylaw. Their role is identified as the “inspector” in the bylaw. These staff have some experience with blasting but they are not certified blasters at this time. There is an active role for the “Inspector” in the administration of the bylaw.
- In 2022, HRM issued 52 blasting permits.
- A copy of the HRM Blasting Bylaw has been provided to PAC within this staff report for full details of what is included in their bylaw.

# HRM Blasting Bylaw

The following is a summary of the HRM Bylaw.

- Blasting permit required;
  - Hours of Blasting;
  - Limits on noise and vibration;
  - A Pre-Blast Survey is carried out on identified nearby properties prior to blasting;
  - A notice is delivered to identified property owners prior to the commencement of blasting. This will not be provided prior to each blast;
  - Blasting is under the care and control of a Blaster;
  - Drilling dust control;
  - Blast Monitoring is to be carried out by an independent person;
  - Submission of Records;
  - Administration sections;
  - Rights and Remedies;
  - Appendix A - requirements for the monitoring and reporting of sound and vibration from the blasts;
  - Appendix B - Certificate of Compliance for Blast Monitoring Reports.
- Staff were unable to identify any other municipal blasting bylaws in Nova Scotia.

## Draft Blasting Bylaw

- Planning staff have drafted a Blasting Bylaw using the HRM Blasting Bylaw as a template.
- East Hants don't have the same resources to administer or enforce the bylaw as HRM does. HRM has 'inspectors' who have knowledge and some experience of blasting and these inspectors actively administer the bylaw. For example:
  - the inspectors in HRM can allow for an increase in the area where a pre-blast survey is required or can identify where a public meeting will be required.
  - There is also a section regarding a security deposit being required in some circumstances. If the municipality has grounds to believe that the blast monitoring and reporting are not meeting the standards, the municipality can use the security deposit to perform such monitoring.
- These decisions by the inspector would be informed by their knowledge and experience of blasting. East Hants staff don't have the same knowledge and understanding of blasting to make the same informed decisions.

# Draft Blasting Bylaw

- Planning staff have drafted the bylaw with the intent that the applicant and the qualified monitor are required to confirm their adherence to the bylaw. The following sections have been included in the East Hants draft blasting bylaw.
- Blasting permit required;
- Hours of Blasting;
- Limits on noise and vibration;
- A Pre-Blast Survey is carried out on identified nearby properties prior to blasting;
- A notice is delivered to identified property owners prior to the commencement of blasting. This will not be provided prior to each blast;
- Blasting is under the care and control of a Blaster;
- Drilling dust control;
- Blast Monitoring is to be carried out by an independent person;
- Submission of Records;
- Administration sections;
- Rights and Remedies;
- Appendix A - requirements for the monitoring and reporting of sound and vibration from the blasts;
- Appendix B - Certificate of Compliance for Blast Monitoring Reports.

## Draft Blasting Bylaw

- Most of the responsibility for compliance with the draft bylaw is put on the applicant/blaster/qualified monitor. There will still be obligations on the Municipality but those are intended to ensure the application is complete and contains all required information, but most of the liability is put on others.
- The Municipal Solicitor has commented that any certification made by a person held out to have expertise in the thing being certified or represented, e.g. a qualified monitor, can be relied upon by the Municipality and if that later turns out to be negligent the Municipality cannot be held liable.
- Section 504(4) of the MGA states:

504(4) If a municipality or a village receives a certification or representation by an engineer, architect, surveyor or other person held out to have expertise respecting the thing being certified or represented, the municipality or the village and its officers and employees are not liable for any loss or damage caused by the negligence of the person so certifying or representing.

## Consultation with Stakeholders

- Staff recommend that a letter requesting comments on the draft bylaw be sent to stakeholders.
- Stakeholders should include developers who build in East Hants in order to get feedback on how the draft bylaw might impact them.
- In addition to this, staff also recommend that consultation be had with Blasters and Qualified Monitors where they can be identified. This might help identify any challenges they see with working under the regulations of the bylaw.



# Alternatives

1. PAC and Council may decide not to support the adoption of a Blasting Bylaw.
2. PAC and Council may support a simpler bylaw with minimal requirements. This will require less administration by municipal staff. A simpler bylaw could include;
  - Hours of Blasting;
  - A Pre-Blast Survey is carried out on identified nearby properties prior to blasting;
  - A notice is delivered to identified property owners prior to the commencement of blasting. This will not be provided prior to each blast;
  - Blasting is under the care and control of a Blaster;
  - Drilling dust control;
  - Rights and Remedies appropriate to a simpler bylaw;
- A simpler bylaw with these requirements would enable property owners in the nearby area of the blasting site to have information which may assist them in having a baseline in which to understand what impact the blasting is having on their property. For property owners this may be challenging however to take action following potential damage to a property without information on the vibration created by the blasting. The draft bylaw as presented to PAC includes a requirement for monitoring information.

## Recommendation

Direct staff to consult with the stakeholder community on the Draft Blasting Bylaw.

## Recommended Motion

Move that the Planning Advisory Committee recommend that Council direct staff to consult with the stakeholder community on the Draft Blasting Bylaw.