

## **CHAPTER 11: BLASTING PERMITS**

### **Sec. 11.100 General**

It shall be unlawful for any person to use explosives within the City limits for the purpose of preparing building sites, loosening rock, demolition of any building or structure and for other purposes without first obtaining a permit therefor from the Council or Council designate.

### **Sec. 11.101 Application for Permit**

To obtain a blasting permit, the applicant shall first file an application therefor in writing. Each such application shall include the following:

- (a) Identify and describe the work to be covered by the permit for which application is made. The application shall designate the maximum capacity of the explosives to be used and number of charges to be set off at one time, the proposed date and time(s) of use, the location(s) where such explosives are to be used and stored, and a safety plan to protect property and lives.
- (b) Name of the licensed blaster who will engage in the use of explosives.
- (c) Applicant's signature, or authorized agent, who may be required to submit evidence to indicate such authority.
- (d) Other such reasonable information as may be required by the Council or Council designate.

### **Sec. 11.102 Approval by City**

It is hereby determined that unsafe blasting is dangerous to life, health or property and that the public health, safety, and welfare requires regulation. Blasting Permits can only be approved by the City Council of Sunset Valley.

### **Sec. 11.103 Denial of Permit Which Endangers Life, Health or Property**

- (a) When in the opinion of the Council or Council designate there exists the potential for danger to life, health, real property, personal property, water wells, roadways and/or utility lines or structures in the immediate area exposed to the blasting for which a permit has been requested or issued, said permit may be denied or revoked. Should Council or Council designate determine, however, that a reduced scope or blasting plan could be accommodated without the apparent potential for danger to life, health or property as described above, then Council or Council designate may request that said permit application be amended.
- (b) In no case shall a permit be granted or issued for any blasting activities to be located within the critical water quality zone (CWQZ) of any streams in the City as defined in the provisions of the Code regulating the City's watershed.

- (c) If said permit application is amended in accordance with the request and comments of the Council, then the amended permit may be approved and issued by Council.

**Sec. 11.104 Comments from Adjacent Property Owners and Utilities**

The Council or Council designate may request written comments on each permit application from the various affected utilities, adjacent property owners, or franchise holders. When in the opinion of the Council or Council designate, such utility or adjacent property owner or franchise holder has a valid objection to the issuance of a permit, no permit shall be approved until such objection has been resolved to the satisfaction of the Council.

**Sec. 11.105 No Smoking in Vicinity of Blasting**

No person shall smoke or carry matches, lighters or other such combustible materials while handling explosives or while in the vicinity thereof. "No Smoking" signs shall be posted in areas where explosives are being handled. The signs shall be visible for at least fifty (50) feet.

**Sec. 11.106 Blasting Mat**

When blasting is done in a congested area or in close proximity to a building, structure, highway, vehicle, conveyance or any other installation that may be damaged by material being thrown into the air, the blast shall be covered with an adequate blasting mat or shield. Proof that any such building structure, highway, vehicle, conveyance or other installation was damaged to any degree by material which was so thrown into the air shall raise a rebuttable presumption that said blast was not covered with an adequate blasting mat or shield. For purposes of this Section, an otherwise adequate blasting mat used improperly shall not be considered to be an adequate blasting mat or shield.

**Sec. 11.107 Removal of Blasting Caps, Etc.**

All exposed blasting cap lead wires in the ground from previous blasts shall be removed at the end of each working day.

**Sec. 11.108 License Required**

- (a) No person shall engage in the use of explosive materials within the City of Sunset Valley unless that person is a licensed blaster or is under the direct supervision of a licensed blaster.
- (b) Any person engaging in the use of explosives who is not a licensed blaster or working under the direct supervision of a licensed blaster shall be fined two hundred dollars (\$200.00).

**Sec. 11.109 No Blasting on Holidays and Weekends**

No blasting shall be permitted on Saturdays, Sundays, or legal holidays or before 9:00 a.m. or after 4:00 p.m. on any other day.

**Sec. 11.110     Blasting**

- (a) The applicant shall comply with all laws, codes, ordinances, applicable safety code requirements and regulations relative to the handling, storage and use of explosives and the protection of life and property.
- (b) The applicant shall be responsible for all damage caused by his blasting operations.
- (c) The applicant shall erect signboards of adequate size stating that blasting operations are taking place in the area and such signs shall be clearly visible at all points of access to the area. The applicant shall utilize a reliable audible warning system to ensure that any personnel in the area are forewarned of the impending detonation of explosives.
- (d) Appropriate precautions shall be taken during thunderstorms to prevent unintentional firing of charges due to static electricity.
- (e) The applicant shall space his production blasting drill holes and schedule the delays of caps so that all shots break toward a free-face. Lifters shall not be used.
- (f) Controlled blasting shall be performed in such a manner as will result in a minimum of overbreakage. Excavation of the tunnel and faces of cut slopes through rock shall be performed by presplitting, cushion blasting, line drilling or other approved methods.

**Sec. 11.111     Blasting Plan**

A site specific blasting plan shall be prepared and submitted by a licensed blaster for any multiple charge blasting work. The proposed blasting plan shall show the location of shots relative to nearby structure(s) and water wells, type explosive used, number of holes, pounds per hole, depth of hole, and total pounds per shot.

**Sec. 11.112     Safety of Persons and Property**

- (a) The applicant shall take all reasonable precautions for the safety of, and shall provide all reasonable protection to prevent damage, injury or loss to:
  - (1) All employees on the work and all other persons who may be affected thereby;
  - (2) All the work and all materials and equipment to be incorporated therein, whether in storage or off the site, under the care, custody or control of the applicant or any of his subcontractors or sub-subcontractors; and
  - (3) Other property at the site or adjacent thereto, including trees, shrubs, lawns, walks, pavements, fences, roadways, water wells, structures and utilities not designed for removal, relocation or replacement in the course of construction.
- (b) The applicant shall comply with all applicable laws, codes, ordinances, rules, regulations and lawful orders of any public authority having jurisdiction for the safety of persons or property or to protect them from damage, injury or loss. The applicant shall erect and

maintain, as required by existing conditions and progress of the work, all reasonable safeguards for safety and protection, including posting danger signs and other warnings against hazards, promulgating safety regulations and notifying owners and users of adjacent utilities.

- (c) When the use or transportation of explosives or other hazardous materials or equipment is necessary for the execution of the work, the Applicant shall exercise the utmost care and shall carry on such activities under the supervision of properly qualified personnel. No overnight storage will be permitted within the City limits of Sunset Valley or its ETJ.
- (d) All blasting, including methods of transporting and handling explosives and highly inflammable materials, shall conform to federal, state, and local laws and ordinances. All City codes and ordinances shall be adhered to even though some or all of the blasting is done outside the City limits unless the applicable code provision or ordinance is in conflict with the law of the jurisdiction where the action is being taken.

**Sec. 11.113 Blasting Records and Responsibility**

The applicant shall maintain accurate records throughout the blasting operations showing the location of shots relative to nearby structure(s), type explosive used, number of holes, pounds per hole, depth of hole, total pounds per shot, date and time of blast and initials of the Inspector. Ground vibrations shall be measured by appropriate instrumentation adjacent to side of structures nearest the shot location and shall not exceed 1.0 inches per second peak particle velocity. The Applicant is fully responsible for all claims from the blasting operation and shall promptly repair or replace all items known to be damaged as a result of blasting.

**Sec. 11.114 Insurance**

- (a) Prior to the issuance of a permit for blasting and including activities requiring the above ground storage of explosive materials and/or products above ground, a general liability insurance policy shall be exhibited to said Council or Council designate in an amount of not less than one hundred thousand dollars (\$100,000.00); provided however, in the event in the opinion of the Council or the Council designate that a larger policy should be required by reason of the quantity and/or location for the proposed explosion, a larger policy amount may be required.
- (b) In the event explosives are to be used in an undeveloped area, the Council or Council designate may waive the requirement of the liability policy, and such fact may be noted on the permit.

**Sec. 11.115 Policy**

An applicant for a permit required by this Chapter shall deposit the amount set forth by the City Council by ordinance or resolution. If an independent review of the blasting permit and associated information is required by Council or Council designate to determine the merits of issuing or denying a permit, applicant shall reimburse the City for said independent review. Once issued, blasting permits shall be valid for a period of sixty (60) days from the date of issuance.

**Sec. 11.116 Permit Issuance**

In the event the Council or Council designate determines that such explosives can be used as specified in the application for a permit under the provisions of this Chapter with safety to property and lives, and upon the compliance by the applicant with all other provisions of this Chapter, the Council or Council designate shall issue the permit applied for to utilize such explosives as set forth in the application.

**Sec. 11.117 Appeal**

Any applicant whose application for a permit under the provision of this Chapter has been refused may appeal such refusal to the City Council.