

Adopted by the Freeport Town Council on 04/05/2022

## **Chapter 63**

### **Town of Freeport Blasting Ordinance**

#### **Section 1. Purpose.**

The purpose of this ordinance is to minimize the effects of ground vibration, dust and noise associated with blasting which may be detrimental to individuals and the community in the enjoyment of life, property and the conduct of business through the establishment of standards and notice requirements of blasting operations.

#### **Section 2. Definitions.**

**Applicant** - The person, company or corporation responsible for managing and conducting blasting operations.

**Blast/Blasting** - Any activity entailing the use of explosives for the purpose of producing an explosion to demolish structures or to fragment rock for mining, quarrying, excavation or construction.

**Blasting Operations** - Drilling and site preparation solely for blasting and detonation.

**Explosives** - Any substance, chemical compound or mechanical mixture that is commonly used for the purpose of producing an explosion to fragment rock for mining, quarrying, excavation and construction. Initiating devices (detonators, detonating cords, etc.) are also included under this definition.

**Ground Vibrations** - A shaking of the ground caused by the blast wave emanating from a blast.

**Seismograph** - An instrument that measures and may supply a permanent record of earthborn vibration induced by blasting.

#### **Section 3. Permit Required.**

Except for blasting activities regulated by Section 509 of the Town of Freeport Zoning Ordinance, a permit shall be obtained from the Fire Chief or the Fire Chief's duly authorized representative prior to any blasting with explosive devices or materials within the boundaries of the Town of Freeport.

**3.1** All applications for a permit under this ordinance shall contain the following:

- (a) The name and phone number of the applicant
- (b) The name of the property owner, if different than (a) above
- (c) A scaled map denoting the general blasting location(s) and identifying all structures located within five hundred (500) feet of the property line of the property containing the blast area

- (d) A list of all properties within five hundred (500) feet of the property line of the property containing the blast area, including the current assessed property owner and their mailing address
- (e) The total number of cubic yards of material estimated to be removed by blasting
- (f) An estimate of the number of blasts required to remove the specified amount of material
- (g) Hours and dates of proposed blasting activity
- (h) Proof that the entity applying for the Town's blasting permit has a permit to use explosives as issued by the State of Maine Fire Marshal's Office.
- (i) A permit fee in accordance with the fee schedule established by the Town Council, as may be amended from time to time
- (j) A valid certificate of liability insurance with a policy limit of not less than \$2,000,000 which includes a statement clearly indicating that blasting and use of explosives is covered under the policy
- (k) A copy of the notice that was provided to abutters as required by section 4.4 of this ordinance.

### **3.2 Effective Period.**

Permits shall be effective for no more than ninety (90) days from the date of approval. For blasting operations, the scope of which exceeds ninety (90) days, renewal of the permit shall be accomplished by reapplying in accordance with the procedure for a new permit, except that a public hearing may be held to review past compliance with the standards contained herein and any effects on existing uses and property owners in the vicinity of such blasting operations.

## **Section 4. Performance Standards.**

- 4.1 Hours of Blasting. Hours of blasting shall be limited to daytime hours as defined in the Town of Freeport Chapter 39 Loitering, Curfew and Noise Ordinance.
- 4.2 Ground vibrations shall comply with Section 519 of the Town of Freeport Zoning Ordinance.
- 4.3 A calibrated seismograph must be on-site and operating during all blasts. All data obtained from those measurements must be made available to the Town of Freeport upon request. Seismograph data must be maintained for no less than six (6) years.
- 4.4 The Applicant shall provide written notification of the proposed blasting to the owners of all abutting properties within five hundred (500) feet of the property line of the property containing the blast area, via regular and certified mail, and the written notification shall include the following:
  - A. The application information contained in section 3.1 (a),(b),(c),(f), and (g) of this ordinance
  - B. The offer of a pre-blast survey of each structure and pre-blast water quality test of each drinking water source, both at the applicant's expense, allowing a minimum of 14 days response time from the date of the original mailing.

## **Section 5. Notices Required Following Issuance of a Permit.**

5.1 Any person intending to detonate explosives shall first notify the Fire Chief or the Fire Chief's duly authorized representative that a blast is planned. Such notification shall be received at least twenty-four (24) hours prior to the planned detonation and shall give the time (within two (2) hours), location where the blasting is to be done, the amount of explosives to be used and the name and business address of the person responsible for the blasting operation. The notification may be given orally over the telephone; however, the burden of proof as to whether the notification was in fact received rests with the person responsible for the blasting operation.

5.2 The person responsible for a blast shall notify the Fire Chief or the Fire Chief's duly authorized representative in the event of any misfires and the proposed corrective action within five (5) business days of the misfire.

5.3 The person responsible for the blast shall place warning signs along property lines of the blasting site at least seven (7) days in advance.

5.4 The person responsible for the blast shall also sound the required warning horn prior to each blast as outlined in NFPA 495 Explosive Materials Code.

5.5 The applicant shall notify the Freeport Public Safety Dispatch via phone before the first blast and after the last blast each day.

## **Section 6. Enforcement and Penalties.**

It shall be the duty of the Code Enforcement Officer to administer and enforce the provisions of this Ordinance. Any person, including but not limited to a landowner, a landowner's agent, or contractor who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. § 4452, as may be amended from time to time. For purposes of this Section, each day that a violation continues shall be considered a separate offense.

## **Section 7. Appeals.**

A party aggrieved by any final decision made by the Code Enforcement Officer, Fire Chief, or any other municipal official pursuant to this Ordinance may appeal to the Board of Appeals in the manner described by Section 601(G) of the Town of Freeport Zoning Ordinance.

## **Section 6. Severability.**

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

## **Section 9. Conflicts with Other Ordinances.**

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.

**Section 10. Authority.**

This Ordinance is adopted under powers granted to the Town by 30-A M.R.S.A. § 3001, as may be amended from time to time.

**Section 11. Amendments.**

Amendments may be made by a majority vote of the Town Council and shall take effect upon enactment unless otherwise specified.

**Section 12. Effective Date.**

This ordinance shall become effective upon its adoption.