

Chapter 22. Blasting

[HISTORY: Adopted by the Town Board of the Town of Monroe 3-6-1972 by L.L. No. 2-1972. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction administration — See Ch. 23.

§ 22-1. Definitions.

For the purposes of this chapter, the following terms shall have the meanings indicated:

BLASTING OPERATION

The act or acts involved in preparing for and actually firing a charge of explosive, including the storage of explosives and igniting material, with the intent to start or move rock or any other substance.

PERSON

Any person, firm, partnership, corporation, association or legal representative, acting individually, or jointly.

TOWN ATTORNEY

The attorney retained by the Town Board of the Town of Monroe.

TOWN BOARD

The Town Board of the Town of Monroe.

TOWN CLERK

The duly elected Town Clerk of the Town of Monroe or any person authorized by the Town Board to act on his behalf, including any of his deputies.

§ 22-2. Permit required for blasting operations.

No person shall conduct or cause to be conducted any blasting operations in the Town of Monroe unless he shall be licensed by the State of New York and unless he shall have first obtained a permit from the Town Clerk upon application as provided by this chapter.

§ 22-3. Application for permit.

[Amended 8-5-2002 by L.L. No. 4-2002]

An application for such a permit shall be made in writing to the Town Clerk and shall state the name and address and telephone number of the person seeking the permit, his New York State license number, the name of the insurer and policy number required by this

chapter, the names of the individual who shall actually undertake the blasting operation for which the permit is sought, the type of permit sought and, if the application is not for a biannual permit, the place of the blasting operation. The application shall be accompanied by the appropriate application fee. A permit must be applied for prior to the giving of notice required under § 22-8 of this chapter.

§ 22-4. Separate and biannual permit; notice of operations; posting.

- A. A separate permit shall be required for each blasting operation unless the applicant is or will be regularly engaged in the business of blasting within the Town of Monroe, in which case a biannual permit may be issued. A biannual permit shall expire the second December 31 following its issuance. All other permits shall expire 15 days after issuance unless a longer period is specified on the permit.
- B. The permit shall specify the name of the permittee, if not a biannual permit, the location of the operation and the date of its issuance and of its expiration; it shall be signed by the Town Clerk.
- C. The holder of a biannual permit shall, before undertaking any blasting operation within the town, inform the Town Clerk of the time and place of such operation at least 24 hours in advance of such operation. In addition, the holder of a biannual permit shall, before undertaking each blasting operation within the Town, comply with the notification provisions required under § 22-8 of this chapter.
[Amended 8-5-2002 by L.L. No. 4-2002]
- D. A true copy of such permit shall be conspicuously displayed at the site of all blasting operations.

§ 22-5. Application and permit fees.

[Amended 5-2-1983 by L.L. No. 1-1983]

The fee for all permits required by this chapter shall be in an amount determined by the Town Board.^[1]

[1] *Editor's Note: See Ch. 26B, Fees.*

§ 22-6. Insurance requirements.

- A. No permit shall be issued by the Town Clerk unless the applicant submits with the application a certificate of insurance issued by an insurance company authorized to do business in the State of New York and in a form acceptable to the Town Attorney, certifying that the applicant has, in full force and effect, a policy of public liability insurance, including a specific endorsement covering all liabilities that might arise from blasting and providing bodily injury and wrongful death coverage of not less than \$2,000,000 for all such injuries arising out of one incident and \$1,000,000 for any one such injury and \$1,000,000 for any property damage. Such certificate shall also disclose that the policy shall incorporate provisions as follows:

[Amended 8-5-2002 by L.L. No. 4-2002]

- (1) That the Town of Monroe be held harmless from all claims, actions, judgments and proceedings brought against it for injury to person or property resulting from or occasioned by such blasting operation.
 - (2) That it shall not be canceled, terminated or modified unless 10 days' prior written notice is given to the Town Board by certified mail addressed to the Supervisor and the Town Clerk.
 - (3) That the presence of an inspector or engineer on behalf of the Town of Monroe at the site of such blasting operation shall not affect the obligation of the insurer under the policy.
- B. No permit shall be valid unless such insurance is in full force and effect during the entire term of the permit.

§ 22-7. Conduct of blasting operation in general.

- A. Hours of blasting. It shall be unlawful to blast or carry on any blasting operation between sunset and sunrise, and in no event after 7:00 p.m. or before 8:00 a.m., nor shall any blasting be done on Sunday, except with the approval of the Town Board.
- B. The manner and conduct of the blast and blasting operations shall in all respects conform to the rules, regulations and requirements of the New York Board of Standards and Appeals or the Industrial Commission of the State of New York promulgated under the authority of the New York State Labor Law.

§ 22-8. Flagging and posting during blasting operation; notice to nearby property owners.

- A. At least three minutes before firing a blast, the person undertaking such blasting operation shall give warning thereof by causing a competent man carrying a red flag to be stationed at a reasonable distance from the blast on all sides of the blast on any path, lane, street, road, highway or other avenue of approach capable of use by the public.
- B. In all cases, signs at least 36 inches by 36 inches bearing the words "Danger, Blasting Operations Underway -- No Radio Transmission" or similar language printed in red shall be posted on all sides of the blast at a reasonable distance from the blast. At least four such signs shall be so posted. Such posting shall occur at least by 8:00 a.m. on the day of the blast, and such signs shall be removed after the blasting operations are completed.
- C. Whenever blasting shall be permitted under the provisions of the Town Code, written notice shall be given to all owners of real property within 750 feet of the blast site. Said notice shall state the exact location of the blast site and the date on which blasting is proposed to commence and the estimated date when blasting will be completed. Said notice shall be sent by certified mail, return receipt requested, to the aforesaid property owners at their last known addresses as shown on the latest assessment roll of the Town of Monroe at least 14 days prior to the commencement of blasting. An affidavit of mailing, designating the name and address of each property owner notified, together with actual proof of mailing, shall be filed with the Town Clerk prior to the issuance of a

permit. No authorization to blast at a particular site under a biannual permit shall exist until the affidavit of mailing and actual proof of mailing in regard to that site is filed with the Town Clerk.

[Added 8-5-2002 by L.L. No. 4-2002]

§ 22-9. Revocation of permit.

- A. The Town Clerk may temporarily revoke any permit heretofore issued and approved in the following instances:
- (1) Where he finds that there has been any false statement or misrepresentation as to a material fact in the application, plans or specifications on which the permit was based.
 - (2) Where he finds that the permit was issued in error and should not have been issued in accordance with the applicable law.
 - (3) Where he finds that the work performed under the permit is not being prosecuted in accordance with the provisions of this chapter.
- B. Upon such revocation the permittee shall be entitled to a hearing regarding the cause therefor at the next regular Town Board meeting or at a special meeting called by the Supervisor for such purpose. After such hearing the Town Board shall either reinstate the permit or make the revocation permanent.

§ 22-10. Agencies excepted from requirements.

The terms and provisions of this chapter shall not be binding on blasting operations conducted by the United States of America, the State of New York or the County of Orange, or any of their authorized representatives.

§ 22-11. Penalties for offenses.

- A. Any person who shall violate, cause or participate in any violation of any provision of this chapter, or any condition, rule or regulation imposed or promulgated under the authority of this chapter, shall be deemed to have committed an offense.
- B. Every violation of any provision of this chapter or any condition, rule or regulation imposed or promulgated under the authority of this chapter shall be a separate and distinct offense, and in the case of a continuing violation, every day's continuance thereof shall be deemed a separate and distinct offense. A conviction of any such violation shall be punishable by a fine not to exceed \$250 for each violation or imprisonment for a term not to exceed 15 days, or both.
- [Amended 6-5-1972 by L.L. No. 5-1972]

§ 22-12. Blasting regulations.

[Added 8-5-2002 by L.L. No. 4-2002]

The Town Board shall have the power to promulgate by resolution such rules and regulations which, from time to time, may be necessary to carry into effect and properly administer the provision of this chapter.