

BLASTING

A. PURPOSE

This ordinance is to regulate the use of explosive materials and to establish uniform limits on permissible levels of blasting resultants to reasonably assure that blasting resultants do not cause injury, damage or a nuisance to persons or property.

B. GENERAL

No person shall handle or use explosive materials in the Town of Glenmore, unless he/she:

1. Possesses a valid State of Wisconsin blaster's license with the proper classification or is supervised by a holder of a valid State of Wisconsin blaster's license with proper classification; and
2. Possesses all necessary state permits and complies with all applicable local, state and federal regulations, including but not limited to, the requirements of this Chapter and Chapter ILHR 7, Explosive Materials, Wisconsin Administrative Code.

C. PERMIT

No person shall handle, use or cause explosives to be detonated within the Town of Glenmore without an explosive use permit issued by the Town Zoning Administrator as hereafter set forth:

1. Explosive Use Permit

Applications for an explosives use permit shall be in writing upon forms provided by the Town Zoning Administrator. The applicant will identify the licensed blasters operating under the permit and the blasting locations within the Town of Glenmore. Applications may be made by and permits issued to the blasting business, provided that the person doing the blasting or responsible for such blasting shall hold a valid Wisconsin blaster's license with proper classification.

Each application for an explosives use permit or a renewal thereof shall include a written description of the total area within which explosives are proposed to be used, blasting procedures to be employed, including types of explosives, initiating systems, and an aerial photograph or drawing acceptable to the Town Board with a scale of no less than one (1) inch equals three hundred (300) feet and having an overlaying grid which accurately includes all areas and inhabited buildings within twelve hundred (1200) feet of all proposed blasting areas.

Applications shall be accompanied by a five hundred dollar (\$500.00) permit fee. Permits shall be issued on an annual basis commencing January 1st and ending December 31st. No permittee shall be required to obtain more than one (1) permit annually for its operations within the Town of Glenmore. All explosives use permits applied for after January 1st shall be accompanied by a pro-rated fee from the date of the issuance of the permit through the end of the year.

All applications for renewal for an explosives use permit shall be filed by the permittee with the Zoning Administrator of the Town of Glenmore within sixty (60) days before the expiration date of the previous permit.

The Town Plan Commission shall make a recommendation to the Town Board within thirty (30) days from the filing of the completed application form. A failure of the Town Plan Commission to submit written findings to the Town Board within the thirty (30) day period shall constitute a denial of the application by the Town Plan Commission.

The Town Board shall then reach a decision within sixty (60) days of the filing of the completed application form. If an application for a subsequent explosives use permit is not acted upon finally by the Town Board within sixty (60) days of the date upon which such application is received by the Town Clerk, it shall be deemed to have been denied.

2. Subsequent Explosive Use Plan

A subsequent explosive use plan, not included in the original application, must be brought back to the Plan Commission for a recommendation and to the Town Board for final approval.

A fee, in addition to the permit, of one hundred seventy-five (\$175.00) must be filed with the Town Zoning Administrator for a subsequent explosive use plan.

The Town Plan Commission shall make a recommendation to the Town Board within thirty (30) days from the filing of the completed application form. A failure of the Town Plan Commission to submit written findings to the Town Board within the thirty (30) day period shall constitute a denial of the application by the Town Plan Commission.

The Town Board shall then reach a decision within sixty (60) days of the filing of the completed application form. If an application for a subsequent explosives use permit is not acted upon finally by the Town Board within sixty (60) days of the date upon which such application is received by the Town Clerk, it shall be deemed to have been denied.

3. Certificate of Insurance

Each application for an explosives use permit as herein stated, or a renewal thereof, shall be accompanied by a certificate of Insurance for a Commercial General Liability Policy and said Policy of Insurance shall have limits of coverage of not less than two million (\$2,000,000.00) dollars in the aggregate and one million (\$1,000,000.00) dollars per occurrence and the Town shall be named as an additional insured on applicant's Policy of Liability Insurance.

4. Blasting Log

An accurate blasting log shall be prepared and maintained according to Chapter ILHR 7, Explosive Materials, Wisconsin Administrative Code and shall be available to the Town Board of Glenmore upon request for a minimum period of three (3) years.

D. TEMPORARY PERMITS

Town Zoning Administrator, upon receipt of a properly completed temporary permit application form, may issue a temporary permit to allow for special construction or demolition activities requiring the use of explosives. Temporary permits shall be issued for a duration of fourteen (14) consecutive working days. The temporary permit fee shall be two hundred (\$200.00) dollars and shall be submitted with the completed temporary permit application form. Only one (1) temporary permit can be issued for

any given site within the year of permit issuance. Temporary blasting for basements, sewer and water laterals for single-family residential construction will not require a temporary permit under this section. Blasting hours shall comply with **Earth Excavations** I. General Conditions 1., which are 9AM - 4PM, M-F.

E. PREBLAST SURVEY

1. Each explosives use permit application and all reapplications shall include the names and addresses of all residents or owners of dwellings or other structures located within one thousand two hundred (1200) feet of the boundaries of the blasting site.

2. At the time of permit application, the applicant shall have notified, in writing, all residents or owners of dwellings or other structures located within the previously defined area, one thousand two hundred (1200 feet), who may request a pre-blast survey and a water quality test for existing wells. This request shall be in writing. The applicant shall cause a pre-blast survey to be conducted as to such dwelling or structures and water quality testing for existing wells, provided however, that the applicant shall not be required to conduct a pre-blast survey or well water quality testing more than once every six (6) years as to any dwelling, structure, or well.

3. The owner of a dwelling or structure that is within one thousand two hundred (1200) feet of the blasting site, which subsequent to the conducting of a pre-blast survey has been substantially modified or improved by more than fifty percent (50%) of the property's fair market value may request a pre-blast survey. If it is found that a pre-blast survey for such improved or modified structure is appropriate, the applicant/permittee may conduct such surveys within a reasonable period of time, but in no case exceeding twice a year for all such requests by all owners.

4. The pre-blast survey and water quality testing shall be promptly conducted in a manner and form and by an independent survey company, a laboratory approved by the State of Wisconsin or organization selected by the applicant and acceptable to the owner or resident and the Town Zoning Administrator. The survey shall determine the condition of the dwelling or structure and shall document any pre-blasting damage or other physical factors that could reasonably be expected to be affected by the use of explosives. The testing of wells shall determine the condition of the water as to be safe for human use. The Town Board may consider accepting a blasting survey or well water test that was prepared prior to the effective date of this ordinance if the blasting survey and well water test meets the requirements outlined herein.

5. The survey shall include a written report signed by the person who conducted the survey. Copies of the survey report shall be promptly provided to the Town of Glenmore, the owner or resident, and the applicant/permittee. The owner, resident or applicant/permittee shall promptly submit in writing to the Town of Glenmore any objections to the survey report, setting forth in detail such objections.

6. The water quality test for existing wells shall include a written report signed by the person who conducted the test. Copies of the test shall be promptly provided to the Town of Glenmore, the owner or resident, and the applicant/permittee. The owner, resident or applicant/permittee shall promptly submit in writing to the Town of Glenmore objections to the test, setting forth in detail such objections.

7. Reasonable and reasonably related expenses incurred as a result of such independent

survey shall be the responsibility of the applicant/permittee.

F. PREBLAST NOTIFICATION

Before any blasting operation may be conducted within the Town of Glenmore, the company or operator shall give written notice, by fax or letter, received not less than five (5) days preceding any blasting to the Town Chairman and the Town Zoning Administrator that the permittee will be conducting blasting operations during any one week period Monday through Friday and advising the name of the company and the blaster and the approximate dates, times and locations of the blasting during the one week period. The issuance of the notice required herein does not relieve the company or operator from its obligation to provide such other notices as may be required pursuant to the permit or otherwise in **Blasting**.

In addition, a daily notice including date, time of day blasting will occur, number of blasts, and location of blasting shall be faxed to the Town Chairman, Supervisors and the Glenmore Zoning Administrator. Upon resident's request to the Town, the company shall also notify said resident with a similar blasting notice. This shall be done by the means requested including fax, mail, or phone.

G. ENFORCEMENT and PENALTY PROVISIONS

The explosive use permit may be suspended or revoked for substantial noncompliance with the requirements established by the Town of Glenmore as noted herein by this ordinance and the requirements of Chapter ILHR 7, Explosive Materials, Wisconsin Administrative Code.