

QuickCode -- City of De Soto *BLAST SITE (BLASTING SITE)*: That area within a fifty (50) foot radius of any blast.

CITY: The City of De Soto.

DECIBEL: A unit of air over pressure commonly used to measure airblasts.

EXPLOSIVE: Any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion other than "common fireworks" as defined by State law or Class C fireworks as defined by regulation of the United States Department of Transportation.

LICENSING OFFICER: The Building Inspector or persons so designated by the City Manager to perform the duties provided for herein.

PARTICLE VELOCITY: A measure of the intensity of ground vibration, specifically the time rate of change of the displacement amplitude of ground vibration, commonly expressed in inches per second.

PERMIT AREA: The land upon which the permittee has rights under law to occupy and use and upon which blasting is to be done. This shall include all contiguous land under the control of the permittee or the person, company or persons for whom the permittee is blasting.

PERMITEE: Any person who shall apply for and obtain a permit under the terms of this Section and in accordance therewith.

POWDERMAN/BLASTER: The qualified person in charge of and responsible for the loading and firing of a blast.

PRE-BLAST SURVEY: A documentation, consisting of 35mm photographs as a minimum, or a video production of the existing condition of structures near an area where blasting is to be conducted.

STRUCTURE: Any permanent, manmade building or other constructed object of significant value of importance including, but not limited to, any dwelling, building, office, school, church, bridge, culvert dam, tower, utility, roadway, etc. (Ord. No. 3548 §1, 1-22-04; Ord. No. 3581 §1, 8-16-04)

SECTION 507.020: BLASTING PERMITS

A. Required.

1. No person shall do or cause to be done any blasting within the City limits without first obtaining a permit therefor from the Building Inspector subject to the provisions of this Section.
2. The Building Inspector is authorized to deny a permit request if it is determined from the data provided that the issuance of a permit would result in a high probability of property damage.
3. In the event a permit request is denied by the Building Inspector, the applicant may, within two (2) weeks following the denial, file an appeal to the City Manager.

B. Permits/Time Limit. All permits issued pursuant to the requirements of this Section shall be issued for a term not to exceed ninety (90) days and for a particular permit area. Except for quarries, the term shall be for one (1) year.

C. Renewals.

1. Any valid permit issued pursuant to this Section shall carry with it the right of one (1) ninety (90) day renewal. The holder of the permit may apply for renewal and such renewal shall be issued at no cost to the permit holder provided the applicant

seeking renewal has met the requirements and conditions of this Section.

2. Application for permit renewal shall be made at least ten (10) days prior to the expiration of the valid permit.

D. Application Requirements.

1. Each application for a blasting permit under the provisions of this Section shall be accompanied by a fee of one hundred dollars (\$100.00). Except for quarries, the fee shall be one hundred fifty dollars (\$150.00).
2. The permit application shall be submitted in a manner satisfactory to the Building Inspector and shall contain the following:
 - a. The name and address of the permit applicant.
 - b. If the applicant is a corporation, the State of incorporation.
 - c. A statement of whether the applicant, a subsidiary, affiliate, or persons controlled by or under common control with the applicant has ever held a blasting permit in any State or political subdivision which in the five (5) year period prior to the date of submission of the application herein has been suspended or revoked.
 - d. A legal description of the permit area.
 - e. A description of the purpose for which the blasting is to be done.
 - f. A copy of the site blasting application shall be forwarded to the Building Inspector for the City of De Soto.
 - g. Accurate maps of a scale not less than one (1) inch to one hundred (100) feet clearly showing:
 - (1) The land boundaries and adjacent uses to the permit area.
 - (2) The location and type of closest structures to the permit area in any direction for a distance of five hundred (500) feet from the boundaries of the permit area.
 - (3) All easements of record, public and private, which cross or border the permit area. (Ord. No. 3548 §1, 1-22-04)

SECTION 507.030: PUBLIC LIABILITY INSURANCE REQUIRED FOR BLASTING

- A. Before any permit, as required by this Section, is issued for the use and storage of explosives or blasting agents, every applicant for a permit shall procure public liability insurance which shall cover the blasting covered by the permit and fulfill the other requirements set forth herein.
 - B. The applicant shall file with the Building Inspector a certificate of insurance issued by the carrier concerned as evidence that the public liability insurance requirements have been complied with and the City shall be named as an additional insured.
 - C. Liability insurance shall be provided by a responsible company licensed to do business in the State of Missouri and shall include the minimum coverages:
 1. One million dollars (\$1,000,000.00) per occurrence,
 2. Three million dollars (\$3,000,000.00) general aggregate, or
 3. Any other arrangement meeting the minimum requirements and approved by the City.
 - D. The insurance certificate, including a rider specifically covering the insured for doing blasting, shall be required with the permit application. In specific cases where blasting is
- 19 QuickCode -- City of De Soto

being proposed within one thousand (1,000) feet of any dam, an additional rider for the endorsement of increased limits for a specific job shall be required at the discretion of the Building Inspector. (Ord. No. 3548 §1, 1-22-04)

SECTION 507.040: REGULATIONS

A. Use Of Explosives.

1. All blasting shall be conducted during the daylight hours between sunrise and sunset.
 - a. The Building Inspector may specify more restrictive time periods based on public requests or other relevant information according to the need to adequately protect the public from adverse noise.
 - b. Blasting may, however, be conducted during the nighttime hours between sunset and sunrise if:
 - (1) A blast which has been prepared during the afternoon must be delayed due to the occurrence of an unavoidable hazardous condition and cannot be delayed until the next day because a potential safety hazard could result that cannot be adequately mitigated; and
 - (2) In addition to the required warning signals, oral notices are provided to persons within one-half (½) mile of the blasting site unless persons have requested in writing they not be notified; and
 - (3) A complete written report on the blasting at night is filed by the person conducting the blasting activities with the Building Inspector not later than twenty-four (24) hours after the night blasting. The request shall include a description in detail of the reasons for the delay in blasting including why the blast was actually conducted, the warning notices given, and a copy of the blast report required by this Section.
2. Blasting shall be conducted at times announced in a permittee's blasting schedule except in those unavoidable hazardous situations identified in the permit where operator safety or public safety requires unscheduled detonation. Where no schedule is provided, the Building Inspector, Police dispatch and Fire Chief shall be notified prior to any blasting.
3. During blasting operations, warning and all clear signals of different character that are audible within range of one-half (½) mile from the point of the blast shall be given. Each person within the permit area and each person who resides or regularly works within one-half (½) mile of the permit area shall be notified of the meaning of the signals through appropriate instructions. These instructions shall be periodically delivered or otherwise communicated in a manner which can be reasonably expected to inform such persons of the meaning of the signals.
4. Access to an area subject to flyrock from blasting shall be regulated to protect the public. Access to the area shall be controlled to prevent the presence of unauthorized persons during blasting and until the powderman/blaster who conducts the blasting activities has reasonably determined the following:
 - a. That no unusual circumstances, such as eminent slides or undetonated charges, exist; and
 - b. That access to and travel in or through the area can be safely resumed.
5. Except where lesser distances are approved by the Building Inspector in the pre-20 QuickCode -- City of De Soto

blast survey or the permit, based on seismic investigation or other appropriate investigation, blasting shall not be conducted within the following:

- a. Fifty (50) feet of any building used as a dwelling, school, church, hospital or nursing facility; and
 - b. Fifty (50) feet of facilities including, but not limited to, petroleum or gas storage facilities, municipal water storage facilities, fluid transmission pipelines, gas or oil collection lines or water and sewage lines.
 - c. Pre-blast surveys will be performed at the expense of the contractor/developer or the permittee. Minimum qualifications for the person performing a pre-blast survey shall be that the person has been employed in the blasting field for a minimum of two (2) years.
 - d. Owner of properties within fifty (50) feet of any blast site shall be given written notice of the proposed blasting project and can accept or reject the offer of a survey. Pre-blast surveys shall consist of a minimum of 35mm photographs. However, in some cases additional documentation such as technical reports and video tape may be required by the City.
6. In all blasting operations, except as otherwise authorized in this Section, the maximum peak particle velocity shall not exceed two (2) inch per second at the location of any dwelling, public building, school building, church or commercial or institutional building. Peak particle velocities shall be recorded in three (3) mutually perpendicular directions. The maximum peak particle velocity shall be the largest of any of the three (3) measurements. The Building Inspector may reduce the maximum peak particle velocity allowed if it is determined that a lower standard is required because of density of population, land use, age or type of structures in the area or frequency of blasts or other factors.
7. *Equation for maximum weight.* The maximum weight of explosives to be detonated within any eight (8) millisecond period may be determined by the formula $W = D/50(2)$, where "W" equals the maximum weight of explosives in pounds that can be detonated in any eight (8) millisecond period and "D" equals the distance in feet from the blast to the nearest dwelling, school, church, or commercial or institutional building. (Ord. No. 3548 §1, 1-22-04; Ord. No. 3581 §1, 8-16-04)

SECTION 507.050: STORAGE OF EXPLOSIVES

All storage of explosives in excess of that amount required for one (1) day's use shall be stored in an approved magazine in accordance with the International Fire Code. The day box storage of that amount required for one (1) day's use as approved in the blasting permit application shall be in accordance with all City, State and Federal regulations. (Ord. No. 3548 §1, 1-22-04)

SECTION 507.060: RECORD OF BLASTING OPERATIONS

A record of each blast, including seismograph reports, shall be submitted to the Building Inspector on the fifteenth (15th) day of each month for blasts occurring during the previous month. The record shall contain the following data:

1. Name of the permittee conducting the blast.

21 QuickCode -- City of De Soto

2. Location, data and time of each blast.
3. Name, signature of qualified powderman/blaster conducting the blast.
4. Identification, direction and distance in feet from the nearest blast hole to the nearest dwelling, public building, school, church, community building or institutional building outside the permit area.
5. Weather conditions, including those which may cause possible adverse blasting effects.
6. Type of material blasted.
7. Sketches of the blast pattern, including number of holes, burden, spacing and delay pattern.
8. Diameter and depth of holes.
9. Types of explosive and detonator used.
10. Total weight of explosives used per hole.
11. Mats or other protection used.
12. Seismograph and airblast records which shall include:
 - a. Type of instrument, sensitivity and calibration signed or certification of annual certificate.
 - b. Exact location of instrument and date, time and distance from blast.
 - c. Name of the person and firm taking the reading.
 - d. Name of the person and firm analyzing the seismographic record.
 - e. The vibration and/or airblast level recorded.
 - f. Reason and condition for each unscheduled blast. (Ord. No. 3548 §1, 1-22-04)

SECTION 507.070: RIGHT OF ENTRY

The City maintains the right of entry to premises where blasting operations are being conducted. This right of entry includes the purpose of determining the precise area being blasted as of any one (1) day and whether the permittee was in compliance with this Section. (Ord. No. 3548 §1, 1-22-04)

SECTION 507.080: SUSPENSION OR REVOCATION OF PERMIT

The Building Inspector shall have the authority to suspend or revoke any permit granted under the terms and conditions of this Section for any of the following causes:

1. Any fraud, misrepresentation or false statement contained in the application for permit.
2. Any violation of this Section or any of its Subsections.
3. Any violation of the International Fire Code as adopted by the City.
4. Failure on the permittee's part to rectify any condition after notice. (Ord. No. 3548 §1, 1-22-04)

SECTION 507.090: PENALTY

Any person who shall violate any provisions of this Chapter shall be subject to the penalties in Section 100.090 of the De Soto Code of Ordinances. (Ord. No. 3548 §1, 1-22-04)

22 QuickCode -- City of De Soto