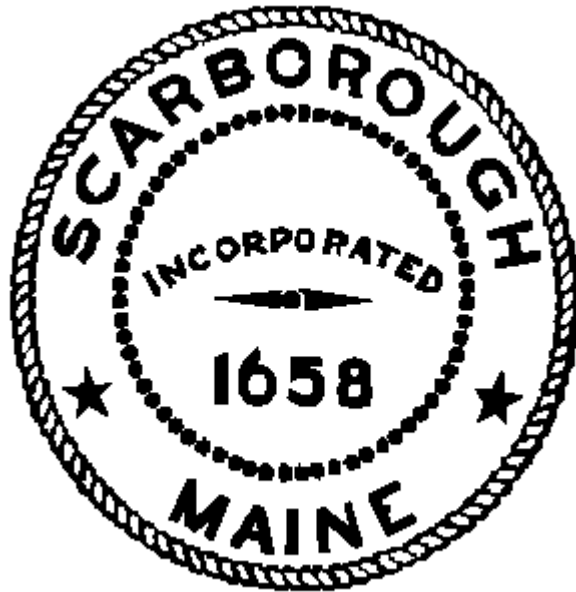


CHAPTER 615
TOWN OF SCARBOROUGH
BLASTING ORDINANCE



Adopted September 21, 2016
Amended November 1, 2017

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**CHAPTER 615
TOWN OF SCARBOROUGH
BLASTING ORDINANCE**

**Adopted September 21, 2016
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SECTION I. Purpose

This ordinance recognizes the need for regulation of blasting within the Town of Scarborough to assure the safety of the blasting company employees, property owners, abutters, citizens, and visitors of the Town of Scarborough.

SECTION II. Regulations & Codes

Blasting and transportation of explosives are regulated through laws, codes and standards including:

- a) NFPA 495 Explosive Materials Code
- b) Title 49 CFR, Federal Regulation for Transport
- c) Title 27 CFR, Part 181 Commerce in Explosives
- d) Title 25 Chapter 318 Explosives and Flammable liquids §2471
- e) Title 38, MRS § 490-Z (14)(H), Performance standard for quarries

SECTION III. Permit Required

No person shall possess, store, arrange, or conduct blasting operations within the Town of Scarborough without holding a valid Blasting Permit issued by the Scarborough Fire Department.

SECTION IV. Permit Application Procedure

Application for a Blasting Permit and request for an on-site inspection shall be made to the Scarborough Fire Department by the responsible party at least five (5) days prior to the blasting date as outlined below:

- a) Prior to applying for a Scarborough Fire Department Blasting Permit the applicant must have a valid State of Maine Explosives User Permit issued by the State Fire Marshal's office.
- b) At time of application the applicant must provide:
 - i. 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.
 - ii. A scaled map denoting the general blasting location(s) and identifying all structures located within 500 feet of the blast area.
 - iii. A list of all properties within the 500 foot pre-blast survey and notification range including the address, owner's name, and a phone number.
 - iv. The proper fee as outlined in the current Town of Scarborough Schedule of License, Permit, and Application Fees.

SECTION V. Notifications

All property owners within 500 feet must be notified either by phone, in person, or in writing, of the dates, approximate times, and estimated number of blasts that will occur.

- i. Notification of property owners within 500 feet must be made no more than four (4) days prior to the blasting date.

- ii. A letter certifying that pre-blast surveys were offered to be conducted at each structure on a property located within 500 feet of the detonation point, and that oral and/or written notification has been made to all abutters within 500 feet must be sent to the Scarborough Fire Department prior to the issuance of the permit.
- iii. The applicant shall notify the Scarborough Public Safety Communications Center via phone (207-883-6361) before the first blast and after the last blast each day.
- iv. The applicant shall also sound the required warning horn prior to each blast as outlined in NFPA 495 Explosive Materials Code.

SECTION VI. Hours of Detonation

Blasting must occur during daylight hours and no earlier than 8:00 AM or later than 6:00 PM. No blasting is allowed on Saturdays, Sundays and Town observed holidays. Production blasting may not occur more frequently than ten (10) times per day. There is no daily limit for micro or cushion blasts.

SECTION VII. Other Requirements

- a) A calibrated seismograph must be on-site and operating during all blasts. All data obtained from those measurements must be made available upon request by the Town of Scarborough. Seismograph data must be maintained for no less than six (6) years.

SECTION VIII. Violation and Enforcement

- a) **PENALTY FOR VIOLATION:** Any person who violates the provisions of this Ordinance shall commit a civil violation punishable by a penalty of not less than One Hundred (\$100.00) Dollars per day or more than Two Thousand Five Hundred (\$2,500.00) per day as per Title 30-A M.R.S.A, Section 4452. Each day such violation occurs or continues to occur shall constitute a separate violation.
- b) **PENALTY FOR WILLFUL VIOLATION:** Any person who violates the provisions of this ordinance after having been informed by any officer, employee, or agent of the Town of Scarborough has conducted a willful violation of this ordinance and shall be fined the maximum daily amount of Two Thousand Five Hundred (\$2,500.00) Dollars.
- c) **ENFORCEMENT.** This Ordinance shall be enforced by the Town of Scarborough Police Department.
- d) **INJUNCTION:** In addition to any other remedies available at law or equity, the Town of Scarborough, acting through its Town Manager, may apply to any court of competent jurisdiction to enjoin any planned, anticipated or threatened violation of this Ordinance.

SECTION IX. Severability

In the event that any section, subsection or portion of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance.



SCARBOROUGH FIRE DEPARTMENT

246 U. S. Route One
Scarborough, ME 04074

Tel. (207) 883-4542

FAX: (207) 730-4270



APPLICATION FOR BLASTING PERMIT

APPLICANT MUST FILL OUT ALL REQUIRED INFORMATION BELOW

NAME OF APPLICANT: _____ TEL: _____

MAILING ADDRESS: _____

CITY/TOWN: _____ STATE: _____ ZIP: _____

BLASTING SITE INFORMATION

NAME OF PROJECT/OWNER: _____

PROPERTY ADDRESS: _____

SPECIFIC LOCATION: _____

CONTACT PERSON WHO KNOWS WHERE THE FIRING POINT WILL BE: _____

TELEPHONE NUMBERS: _____

THE APPLICATION SHALL BE ACCOMPANIED BY AN ACCURATE AND DETAILED SITE DIAGRAM.

Including:

1. COPY OF TAX MAP WITH LOTS IDENTIFIED
2. MAP INDICATING STRUCTURE LOCATIONS IN REFERENCE TO BLAST LOCATION
3. COPY OF LIABILITY INSURANCE WITH 2,000,000 MINIMUM COVERAGE
4. PRE-BLAST SURVEY INCLUDING ALL ABUTTERS AND RESIDENCES WITHIN A 500 FOOT RADIUS.

BY SIGNING THE APPLICANT ATTESTS ALL BLASTING WILL BE CARRIED OUT IN ACCORDANCE WITH NFPA 495 EXPLOSIVE MATERIALS CODE AND ALL OTHER APPLICABLE STANDARDS AND LAWS. THE APPLICANT IS RESPONSIBLE FOR ANY BLASTING RELATED DAMAGES THAT MIGHT OCCUR AS A RESULT OF BLASTING ACTIVITIES UNDERTAKEN. THIS PERMIT IS REVOCABLE AT ANY TIME IF IT IS FOUND THAT BLASTING IS BEING CONDUCTED IN VIOLATION OF APPLICABLE LAWS, RULES, AND STANDARDS OR IN A MANNER UNSAFE OR UNSUITABLE AS DETERMINED BY THE FIRE CHIEF OR HER/HIS DESIGNEE. THE APPLICANTS SIGNATURE ON THIS FORM CONSTITUTES AN UNDERSTANDING AND ACCEPTANCE OF THESE TERMS.

PRINTED NAME OF APPLICANT: _____

(SIGNATURE AND TITLE OF APPLICANT)

BLASTING INFORMATION

NAME OF LICENSED TECHNICIAN: _____

CITY/TOWN: _____ STATE: _____

TELEPHONE: _____

DATE OF BLAST: _____ TIME OF BLAST: _____

ABUTTERS & UTILITIES NOTIFIED

ESTIMATED NUMBER OF BLASTS: _____

EST. CUBIC YARDS TO BE REMOVED: _____

STATE FIRE MARSHAL'S PERMIT FOR EXPLOSIVES USER RECEIVED

NOTES:



SCARBOROUGH FIRE DEPARTMENT USE ONLY



APPLICATION REC'D:	INSPECTED:	PERMIT FEE PAID:	PERMIT ISSUED:	NOTES:
DATE:	DATE:	DATE:	DATE:	
BY:	BY:	AMOUNT:	BY:	