

CHAPTER 81

BLASTING

81-1 Permit required; blasting defined

A. No person, firm, corporation or legal entity shall engage in the activity of blasting anywhere in the City of Saratoga Springs without first obtaining a blasting permit from the Building Inspector as provided in this Chapter.

B. No person, firm, corporation or legal entity shall purchase, own, possess, use, transport, deal in, manufacture, or sell explosives or any substance used to provide explosion or force for the purpose of blasting anywhere in the City of Saratoga Springs without first obtaining a license from the United States Bureau of Alcohol, Tobacco and Firearms and the State of New York, Department of Labor. A copy of such license in effect shall be submitted to the Building Inspector along with any application for a blasting permit as provided in this Chapter.

C. For purposes of this Chapter, the term "blasting" shall mean any act of exploding or detonating a substance for any lawful purpose of construction, demolition, renovation or conservation. NYS Department of Environmental Conservation permitted mining operations are excluded from this definition.

81-2 Insurance; fees

A. A person or corporation applying for such permit is required to have a valid New York State explosive license issued by the State Department of Labor or other appropriate state department and shall provide a Certificate of Insurance:

1. Naming the City as an additional Insured on Commercial General Liability including completed products and operations and personal injury liability insurance in the amount of One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars Aggregate (\$2,000,000) AND Excess Liability Insurance in the amount of Four Million Dollars (\$4,000,000) per occurrence aggregate.
2. Evidence of Statutory Workers Compensation and Employers Liability Insurance or a waiver of same as permitted by law.

B. Execute a Hold Harmless Agreement, in a form satisfactory to the City, by which the applicant shall indemnify and save harmless the City of Saratoga Springs, its Agents and Employees (hereinafter referred to as "City"), from and against all claims, damages, losses and expense (including, but not limited to, attorneys' fees), arising out of or resulting from the performance of the work or purchase of the services, sustained by any person or persons, provided that any such claim, damage, loss or expense is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of property caused by the tortious act or negligent act or omission of Person or Contractor, its employer, agents or subcontractors.

81-3 Incorporation of State Provisions

The provisions of Article 16 of the Labor Law of the State of New York, as well as the Industrial Code Rules contained in Title 12, Part 39 of the New York Codes, Rules and Regulations, are recognized as applicable to the possession, handling, storage, and transportation of explosives within the jurisdiction of the City of Saratoga Springs and shall be complied with by all persons engaging in the activity of blasting.

81-4 Application for permit

The application for a blasting permit shall be on a form approved by the Building Inspector and contain the original and four (4) copies of all such information as is required by the Building Inspector, including the following:

- (1) The name of the owner of the property upon which the detonation of explosives is intended to occur.
- (2) The business address of the person, firm or corporation proposing to detonate explosives on the subject property.
- (3) Evidence of the fact that the person, firm or corporation intending to detonate explosives is duly licensed pursuant to Section 458 of the Labor Law in the State of New York and the United States Bureau of Alcohol, Tobacco and Firearms.
- (4) The precise location of the intended detonation of explosives, as well as the size charges intended to be detonated and the proposed schedule for detonation of explosives.
- (5) Evidence that the person intending to detonate explosives has sufficient financial security or insurance coverage to provide payment for damages to any person suffering damages by virtue of the detonation of the explosives.
- (6) Evidence that the person intending to detonate has obtained permission to do so from all utilities within the blasting area including gas, electric, communications, cable and water and sewer. Evidence shall be submitted in written form and attached to the application for blasting.
- (7) A description of all structures, including residential dwellings, located within 250 feet of the blast site and a list of the names and the addresses of the owner or owners of any parcel of property immediately adjoining or abutting the parcel of property from which the blasting is to take place, as shown on the most recent tax rolls of the City of Saratoga Springs.

81-5 Referral to City departments

Upon receipt of an application for a blasting permit, the Building Inspector shall forward copies of the submitted application to the following city offices for review:

- (a) the Office of the City Engineer;
- (b) the Department of Public Safety;
- (c) Risk and Safety Management;
- (d) the Department of Public Works.

81-6 Notice to public

The person, firm, corporation or legal entity conducting or causing any blasting operation within the City of Saratoga Springs shall cause notice of such blasting to be mailed to all property owners within 250 feet of the blasting site. Such mailing shall be by certified mail not less than ten (10) calendar days prior to the blasting activity. Said notice shall include a description of the blasting activity, a description of all signals to be used during the blasting operation and an address and telephone number where property owners may request further information.

81-7 Issuance of permit

Upon determining that all requirements have been met and the required fee paid, the Building Inspector shall have the authority to issue a permit for blasting activity as provided herein.

81-8 Fees

A fee of One Hundred Dollars (\$100.00) shall be paid for each permit issued under this Chapter. A permit shall be valid for one (1) year from the date of issuance, unless specified as being valid for some other time period.

81-9 Additional restrictions

Upon receipt of a permit, each Permittee shall provide to the Building Inspector a written statement that copies of all pre-blast surveys done in connection with the permit placed on file and retained at a specified location for a period of not less than three (3) years after the blasting activity is completed.

81-10 Penalties

Any person, firm, corporation or legal entity engaging in blasting activities in violation of this Chapter shall be subject to the penalties set forth in Chapter 1, General Provisions, Article III of the Code.

81-11 Enforcement

It shall be the duty of the Code Administrator to enforce the provisions of this chapter. In addition to and not in limitation to any power otherwise granted by law, the Code Administrator is hereby authorized to issue appearance tickets in violation of this chapter.

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