

SELECTMEN'S ORDINANCE

TOWN OF RYE NEW HAMPSHIRE BLASTING ORDINANCE

1. **PURPOSE:** It is hereby found and declared that the preservation and promotion of public safety and the preservation of community peace and quiet requires that the Town of Rye (hereinafter referred to as "Rye" or "town") act to assure that blasting within the town is conducted in a safe, responsible and proper manner.

2. **AUTHORITY:** This ordinance is adopted pursuant to the authority of state law currently codified as New Hampshire RSA 31:39(e) and (n), RSA 154:18, RSA 154:19, RSA 153:5 and RSA 158:9.

3. **TITLE:** This ordinance shall be known as and may be cited as the Rye Blasting Ordinance.

4. **DEFINITIONS:**

- a.) "Blasting" shall mean the detonation of an explosive device as defined by NFPA Standard 495 entitled "Explosive Materials Code".
- b.) "Fire Chief" or "Chief" shall mean the Chief of the Rye Fire Department or the department member designated by the Chief to enforce this ordinance.
- c.) "Police Chief" shall mean the Chief of the Rye Police Department or the member designated by the Chief.
- d.) "Fire Department" shall mean the Rye Fire Department.
- e.) "Police Department" shall mean the Rye Police Department.
- f.) "Selectmen" or "BOS" shall mean the Rye Board of Selectmen.

5. **ADMINISTRATIVE AUTHORITY:** The Fire Department, by its Fire Chief shall administer this ordinance, issue the necessary permits, conduct proper oversight of all blasting and, in cooperation with other officials, departments and agencies, enforce the provisions of this ordinance.

6. **PERMIT REQUIRED:** No blasting shall be conducted within the town unless a permit has first been obtained for that purpose. Each permit shall identify the permit holder and designate the date(s) and time(s) when, and location(s) where blasting may be conducted and shall be valid for no more than Thirty (30) days.

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7. **APPLICATION:** Application for a permit to conduct blasting operations shall be made to Fire Department headquarters during normal business hours, on a form prescribed by the fire department. A current and valid State of New Hampshire Blaster's license and certificate of insurance shall be submitted as part of the application. An application shall be submitted no less than Five (5) calendar days prior to the first date for which the permit is being requested.
8. **PERMIT FEE REQUIRED:** No permit shall be issued unless and until a fee of Twenty Five (\$25.00) has been paid. A check in this amount must accompany the permit application.
9. **AUTHORITY TO ISSUE:** Permit applications shall be received, reviewed and the information contained therein verified as necessary by the Fire Chief. Prior to issuing any permit the chief may consult with such federal, state and/or town agencies, officials and employees whose area(s) of responsibility are, or may be affected by the proposed blasting operation. Upon review and verification, the Chief shall approve the application and issue the permit with any condition(s) necessary to meet the purpose of this ordinance or deny the application. Any denial, along with the reason(s) for the denial therefore, shall be provided in writing to the applicant.
10. **NOTIFICATION:** Upon issuance of the permit, the chief shall notify by electronic mail, the offices of the building inspector, town administrator, police chief, public works director and the board of selectmen of the permit issuance citing dates and times of the blasting operation.
11. **REQUIREMENTS:** prior to any blasting, the permit holder shall conduct a pre-blast inspection. This inspection shall include all structures within a minimum distance of five hundred feet (500') or such extended distance as may be specified on the permit, from the site of the proposed blast. A written report describing this inspection shall be completed and signed by the permit holder and be available for review by the department. All blasting shall be conducted in compliance with NFPA 1, The Fire Prevention Code, NFPA 495 Explosive Materials Code and the State of New Hampshire Code of Administrative Rules Saf-C1600 (State Police Regulations). Except as previously approved by the Chief, all blasting within One thousand feet (1000') of any structure shall be covered by a blasting mat(s). The fire department shall be notified at least twenty four (24) hours prior to any blasting within a project and both fire and police departments shall be notified at least one (1) hour prior to any shot.
12. **PROHIBITIONS:** No blasting shall be conducted without a valid permit having first been obtained. Permit holders shall only conduct blasting operations between the hours of 8:00 AM and 4:00 PM. No blasting shall be conducted on weekend or on national or state holidays. No blasting shall be conducted after an order to cease blasting has been issued by the chief and communicated to the

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permit holder. No drilling shall take place within fifty feet (50') of any loaded hole(s).

13. PRE BLAST SURVEY: A pre-blast survey shall be conducted by the permit applicant or a party designated by the permit applicant for an area within Five Hundred feet (500') of the proposed blasting site. The cost of the pre-blast survey shall be borne by the blasting company. Any reports, measurements and/or video tapes shall be made available upon request by any or all abutters within the pre-blast survey.

14. ABUTTER NOTIFICATION: All abutters within five hundred feet (500') of the blasting site shall receive notification by certified mail three (3) full business days (excluding Saturday, Sunday and holidays) in advance of the blasting. The office of the Rye building inspector, the board of selectmen, and both fire and police departments shall also receive by certified mail, copies of the abutter notification.

15. PRE-BLAST INSPECTIONS: Prior to visiting any properties for the purpose of conducting a pre-blast inspection, the permit applicant or his/her designated agent(s) shall obtain from the Rye police chief, official credentials in the form of identification cards to be displayed on their person for the purpose of showing that the reason for their visit is known to and approved by the Town of Rye.

16. REVOCATION: The chief may revoke any permit upon a showing that the permit holder has violated any provision of this ordinance or any requirement Or condition of that permit. In addition, any permit may be suspended or revoked upon a showing that a condition or conditions exist which warrant such revocation or suspension. The chief may restore any permit that has been revoked upon a showing that the condition(s) leading to the revocation has (have) been corrected.

17. APPEAL: Any permit denial, suspension or revocation may be appealed within ten (10) working days and not thereafter, to the Board of Selectmen. Any such appeal shall be in writing and shall clearly specify the facts and circumstances warranting issue or reinstatement of the permit. The BOS shall order such issuance or reinstatement only on the appellant's showing that the denial, suspension or revocation complained of was erroneous. The BOS may also order that appropriate conditions be attached to any permit that it finds should be issued or reinstated.

18. PENALTY: Any person found to have violated any provision of this ordinance shall be guilty of a violation and shall be punished by a maximum fine as provided by applicable state law, which is currently one thousand dollars (\$1,000). Each violation and/or each day of violation shall be regarded as a separate offense.

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19. EMERGENCY CONDITIONS: In situations that pose an imminent danger to public safety, the chief may, for a limited time, waive such provisions of this ordinance as may be necessary to avoid and/or lessen that danger. The details of any waiver granted under the authority of this section shall, as soon as practicable, be reported to the Town Administrator or Board of Selectmen.

20. INTERPRETATION: This ordinance is intended to complement and supplement and not conflict with federal and state regulation of blasting operations and explosives and shall be interpreted in accordance with that intent. To that end, should the requirements of this ordinance differ from any requirement or regulation prescribed by any law, statute, ordinance, rule or other regulation governing blasting operations and explosives, the provision that imposes the higher standard shall govern.

21. SEVERABILITY: Should any part of this ordinance be held invalid or unconstitutional by a court, such holding shall not affect, impair or invalidate any other provision of this ordinance, and, to such end, all articles, sections and provisions of this ordinance are declared to be severable.

ADOPTED: August 23, 2010 as a Selectmen's Ordinance to be effective
September 24, 2010.

ADPOPTED: Town Election March 8, 2011 Article 21