

ARTICLE III

QUARRY BLASTING

This Article establishes standards intended to eliminate and reduce unnecessary and excessive airblast overpressures, ground vibrations, and flyrock which are physically harmful and otherwise detrimental to individuals and the community in the enjoyment of life, property, and conduct of business. The standards established in this Article apply to the detonation of explosives used to excavate or fragment rock for excavation or production within the City limits.

63.15 Scope.

(a) This Article shall apply to the use of explosives and blasting agents for overburden removal, quarry development, boulder fracturing, and other quarry related blasting within the City limits.

(b) This Article shall not apply to the following:

1. Construction blasting, demolition, or other activities covered by Article II - Construction Blasting.
2. Transportation of explosives or blasting agents when under the jurisdiction of and in compliance with the regulations of the Federal Department of Transportation, the Minnesota Department of Transportation, and the Federal Bureau of Alcohol, Tobacco, and Firearms.
3. Shipment, transportation, and handling of military explosives by the Armed Forces of the United States and the State Militia.
4. Transportation and use of explosives or blasting agents in the normal and emergency operation of federal agencies or state or municipal fire and police departments, providing they are acting in their official capacities and in the proper performance of their duties.
5. Sale and use (approved public display) of pyrotechnics commonly known as fireworks.

(c) This Article shall not apply to the following commodities and items:

1. Ammunition; propellant-actuated power cartridges (model rocket engines); small arms ammunition primers, and smokeless propellant.
2. Explosive power devices when in quantities of less than fifty (50) pounds net weight of explosives.

3. Fuse lighters and fuse igniters.
4. Safety fuse (safety fuse does not include cordeau detonant fuse) and three-thirty seconds inch (3/32") cannon fuses or matchlock fuses (slow match).
5. Black powder or other commonly used nonsmokeless propellant in individual transactions involving quantities of five (5) pounds or less when used for muzzle loaded sports equipment or used in the hand loading of sports equipment.

63.16 Interpretation.

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

63.17 Responsibility for Blasting Operations.

Review of the applicant's blasting submittals by the City of Winona, the City Engineer or their authorized representative will not relieve the applicant of applicant's responsibility for: the accuracy, adequacy, and safety of the blasting; exercising proper supervision and field judgment; preventing damage to structures; and producing results in accordance with applicable regulations. The applicant shall be solely and completely responsible for the safety of all persons and property during the performance of applicant's work. The applicant shall take whatever measures it deems necessary, in addition to the requirements herein, to protect the safety of persons and property, both at the construction site and away from the site. The applicant shall have full and complete responsibility for the handling, discharging, or settling of any and all damage or annoyance claims resulting from the blasting activities on the project. Any monitoring and/or review of the applicant's procedures and performance conducted by the City of Winona, the City Engineer, or their authorized representative shall not relieve the applicant of applicant's responsibility for safety at and away from the site, or for preventing damage to adjacent structures or property.

63.18 Administrative Responsibility.

The City of Winona, by its City Engineer, shall administer this Article, conduct appropriate oversight of all blasting and, in cooperation with other officials, departments, and agencies, enforce the provisions of this Article.

63.19 Permit and Fee.

(a) Required. No person shall engage in blasting or detonation of explosive materials within the City of Winona without first obtaining a permit to conduct

such operations from the City Engineer or the designated representative of the City. A permanent record of the permit shall be retained by the City of Winona and the application.

(b) Fee. Quarries existing and operating on March 1, 2010, shall bear no permit fee. Quarries developed after that date shall submit the fee as set forth in Chapter 51 of this Code.

(c) Transfer of Permit. A permit shall not be transferable from one location to another.

(d) Display. A person who has been granted a blasting permit shall keep such permit under file at the site or on display at all times where the blasting operation is located and shall make such permit readily available for inspection by the City Engineer or his representative.

63.20 Permit Application.

(a) A properly executed application shall be submitted to the City Engineer at City Hall during customary office hours. An application shall be submitted to the City Engineer no later than ten (10) business days prior to the first date for which permission to blast is being requested.

(b) A properly executed application form shall be submitted to and approved by the City Engineer for all blasting permits, prior to commencement of any blasting or detonation.

(c) Approval of the blasting permit will not relieve the applicant of full and complete responsibility for the results of the blasting operations. The applicant also has full responsibility for the accuracy and adequacy of the blasting plan when implemented in the field. Commencing blasting by the permit holder is an acknowledgement of the permit holder's full and sole responsibility and liability for all actions and results of blasting and blasting related activities.

(d) The application form shall require the following information to be submitted in a bound report titled "Blast Plan":

1. Name, address, e-mail address, daytime phone number, fax number, and mobile phone number of the applicant.

2. Name, address, daytime, and nighttime phone number(s) of pertinent personnel trained in blasting.

3. Name of the person responsible for designing and directing the applicant's blasting operation.

4. An emergency response plan including procedures for injuries

on site, misfires, and adverse weather. The plan should identify responsible individuals and contact numbers, emergency access/gate locations, hospital locations, onsite high energy sources such as overhead power, natural gas or petroleum pipelines, steam lines, or other potential hazards.

5. Evidence of liability insurance in an amount not less than Five Million (\$5,000,000) Dollars combined single limit per occurrence by a carrier authorized by the State of Minnesota Insurance Commissioner to do business in Minnesota.

6. Sequence and schedule of production blast rounds, starting locations, estimated starting dates, estimated rates of progress, estimated completion date, etc.

7. Identification on a depiction showing the location of the planned blast area.

8. Discussion of the communication sequence prior to blasting.

63.21 Authority to Issue.

Permit applications shall be received, reviewed and the information contained therein verified as necessary by the City Engineer. Prior to issuing any permit the City Engineer may consult with such federal, state and/or town officials and employees whose area(s) of responsibility are, or may be, affected by the proposed blasting operation. After review and verification the City Engineer shall approve the application and issue the permit, issue the permit with any condition(s) necessary to achieve the purposes of this Article or deny the application. Any denial, along with the reason(s) therefore, shall be provided, in writing, to the applicant.

63.22 Authority to Revoke.

The City Engineer or his authorized representative may revoke any permit upon a showing that the permit holder has violated any provision of this Article or any requirement or condition of that permit. In addition any permit may be revoked or suspended upon a showing that a condition or conditions exist which warrant such revocation or suspension. A permit issued hereunder may be revoked by the City Engineer or his authorized representative for just cause including the institution of proceedings (civil, criminal, or administrative) by the state for violation of applicable state law or regulations. The City Engineer or his authorized representative may restore any permit that has been revoked upon showing that the condition(s) leading to the revocation has (have) been corrected.

63.23 Appeal.

Any permit denial, revocation or suspension may be appealed, within ten (10) working days and not thereafter, to the City Engineer. Any such appeal shall be in writing and

shall clearly specify the facts and circumstances warranting issuance or reinstatement of the permit. The City Engineer shall order such issuance or reinstatement only on the appellant's showing that the denial, revocation or suspension complained of was erroneous. The City Engineer may also order that appropriate conditions be attached to any permit that it finds should be issued or reinstated.

Any person in interest aggrieved by a decision of the City Engineer may seek relief therefrom by appealing to the City Council. The written notice of appeal shall be filed with the City Clerk, accompanied by the fee as set forth in Section 51.01 of this Code, within ten (10) working days after the making of a decision by the City Engineer.

63.24 Records/Reports.

Persons responsible for blasting operations shall maintain a record of each blast. All records shall be retained by the permit holder for at least five years and shall be available for inspection by the City Engineer.

63.25 Local Requirements.

(a) General. All blasting operations, including the storage (day use only) and handling of explosives and blasting agents, shall be performed in accordance with the applicable provisions of this Article and all other pertinent Federal, State, and local regulations. Whenever explosives are used, they shall be of such character and in such amount as are permitted by the State and local laws and ordinances, and all respective agencies having jurisdiction over them.

(b) Initial Notification Property owners shall be notified of blasting activity by written notice at least 21 days prior to the planned start of blasting operations each year. A list of the property owners which the letter was mailed to and a copy of the letter shall be submitted to the City Engineer. The notification shall include:

1. name and contact information for the blaster and/or earthwork contractor.
2. when blasting will occur including date ranges and approximate times of blasting.
3. notification of the community meeting place and time.
4. a discussion of how the blasting will affect traffic, access, and other appropriate issues that may be relevant to the property owner.

(c) Community Meeting. A community meeting shall be held at least once each year and shall be held not less than 10 days prior to blasting for the season. This meeting shall be held by and at the cost of the blaster to:

owners.

1. introduce themselves to the community and affected property

2. explain the need for blasting.

3. answer questions and describe the blasting process.

4. introduce the public relations contact for the blaster.

5. explain the communications notification system (which will be explained by the blaster for the benefit of all property owners or affected tenants).

(d) Previous Day Notice. The day before an anticipated blast, the blaster shall use an automated call system or email to notify all residents requesting such notification of blasting. The notification call shall be received no later than 4:00 pm the day before the blasting will occur.

(e) Reporting. A copy of the blaster's vibration results and blast pattern shall be submitted to the City Engineer or his authorized representative within twenty-four (24) hours of each blast. The applicant shall submit to the City Engineer or their authorized representative, in writing the following items:

1. Details of the round as shot to include the information shown on the approved blasting log in the Blast Plan.

2. Results of the blast monitoring at each instrument location, including PPV in millimeters per second (inches per second), as well as a copy of the wave form recording for each monitoring location and the air overpressure recording marked with the date, time, location of the equipment, and signature of seismograph operator.

63.26 Prohibitions.

- (a) No blasting shall be conducted without a valid permit having first been obtained.

- (b) Permit holders shall only blast between the hours of 8:00 AM and 6:00 PM.

- (c) No blasting shall be conducted on Sundays or on state or national holidays.

- (d) No blasting shall be conducted after an order to cease blasting has been issued by the City Engineer and communicated to the permit holder.

- (e) No blasting will be conducted on dates or on times of specific dates

identified by the City Engineer

63.27 No Storage of Explosives or Blasting Agents.

Overnight storage of Explosives, caps, or blasting agents will not be allowed within the City limits. Explosives, caps, or blasting agents will be attended by the blasting contractor trained in the use of explosives at all times when within the City limits.

63.28 Emergency Conditions.

In situations that pose an imminent danger to public safety or are in the best interest to the citizens of the City, the City Engineer may, for a limited time, waive such provisions of this Article as may be necessary to avoid and/or lessen that danger or economic impact. The details of any waiver granted under the authority of this Article shall, as soon as practicable, be reported to the City Manager and City Council.