

ARTICLE VIII. REGULATION OF EXPLOSIVES*

***Editor's note**--Ord. No. 125-98, adopted Oct. 19, 1998, repealed Art. VIII, §§ 14-583--14-585, relative to moratorium on residential developments. Formerly, such provisions derived from Ord. No. 152-81, §§ 607.1--607.3, adopted Aug. 17, 1981, and Ord. No. 180-87, adopted Nov. 2, 1987. The new Article VIII, regarding regulation of explosives, was passed on March 17, 2003.

Sec. 14-583. Purpose.

The purpose of this ordinance is to protect the public's health, safety and general welfare by regulating and controlling blasting operations within the City.
(Ord. No. 177-02/03, 3-17-03)

Sec. 14-584. Applicability.

This ordinance shall apply to all blasting operations related to construction and development of real estate within the City.
(Ord. No. 177-02/03, 3-17-03)

Sec. 14-585. Definitions.

For the purposes of this Article, the following words and phrases shall have the respective meanings ascribed to them:

Blasting plan means the detailed plan for conduct of any blasting operations, and any amendments thereto where over three hundred (300) cubic yards of material shall be removed, which plan has been approved by the City Planning and Urban Development Department in accordance with the provisions of this ordinance.

Blasting operations means the use of explosives for purposes of breaking up and removing soil, rock and ledge, related to construction and development of real estate within the City.

Blasting permit means a permit issued by the City Fire Department in accordance with the provisions of this ordinance to allow blasting operations within the City.

Blasting submittal means the plan for conduct of any blasting operation where between fifty (50) and three hundred

(300) cubic yards of material shall be removed, which plan has been approved by the Fire Department in accordance with the provisions of this ordinance.

Department means the Department of Planning and Development.

Explosives means any material or container containing a chemical compound or mixture that is commonly used or intended for the purpose of producing an explosion and that contains any oxidizing and combustible materials or other ingredients in such proportions, quantities, or packaging that an ignition by fire, by friction, by compound or mixture may cause such a sudden generation of highly heated gasses that the resultant gaseous pressures are

capable of producing destructive effects on contiguous objects, but shall not mean the components for handloading rifle, pistol and shotgun ammunition, or fireworks.

(Ord. No. 177-02/03, 3-17-03)

Sec. 14-586. Administration.

(a) This ordinance shall be administered by the department, which department shall have the ability to promulgate amendments to the rules that implement this ordinance.

(b) City Council shall enact the initial Rules required for implementing this Article.

(c) The procedure for amendment of rules shall be as follows:

(1) Department staff shall draft proposed rule amendments for presentation to the Planning Board.

(2) The Planning Board shall hold a public hearing on the proposed rule amendments and provide interested parties an opportunity for comment, both written and oral, on the proposed rule amendments.

(3) The department shall review comments made by the Planning Board and interested parties and make changes to the proposed rule amendments at its discretion. The amendments to the rules shall go into effect within thirty (30) days of the public hearing held by the Planning Board.

(Ord. No. 177-02/03, 3-17-03)

Sec. 14-587. Permit Required.

No person may conduct blasting operations within the City without first obtaining a permit from the Fire Department, as required by the National Fire Protection Association 1 Fire Prevention Code, as adopted and amended in section 10-16 et seq. Of this Code. Fees for this permit shall be as established by Order of the City Council.

(Ord. No. 177-02/03, 3-17-03)

Sec. 14-588. Application Requirements.

Prior to the issuance of a permit pursuant to section 14-587 the following information shall be submitted to the City:

(a) A blasting plan shall be submitted by the applicant to the department for all projects where more than three hundred (300) cubic yards of material shall be removed. The blasting plan shall conform with the rules enacted by the department.

(b) A blasting submittal shall be submitted to the Fire Department where between fifty (50) and three hundred (300) cubic yards of material shall be removed. The blasting submittal shall conform with the rules enacted by the department.

(c) Projects where less than fifty (50) cubic yards of material shall be removed, or utility trench work in the accepted public right of way, or repair and replacement of existing public utility infrastructure, including City or Portland Water District infrastructure, shall not require either a blasting plan or blasting submittal. Such projects must conform with National Fire Protection Association Fire Prevention Code and applicants shall submit a monitoring report upon request.

(d) A blasting plan or blasting submittal may be required for any blasting operation at the discretion of the department when it determines that conditions at or near the site of the blasting operations warrant the provision of a plan.

(Ord. No. 177-02/03, 3-17-03)

Sec. 14-589. Storage and handling.

All explosives shall be stored and handled in accordance with the provisions of this code, the laws of the State of Maine and the National Fire Protection Association 1 Fire Prevention Code.

(Ord. No. 177-02/03, 3-17-03)

Sec. 14-590. Enforcement.

(a) This ordinance shall be enforced by the department and/or the Fire Department. Either department shall have the authority to issue a written stop work order in the event of a violation of this ordinance or a failure to follow the approved blasting plan.

(b) The issuance of a stop work order may be appealed to the Director of Planning and Development within two (2) business days of its issuance. The decision of the Director of Planning and Development on the appeal shall be final.

(Ord. No. 177-02/03, 3-17-03)

Sec. 14-591. Penalties.

(a) In addition to the stop work order which may be issued pursuant to section 14-590, the Permittee shall be subject to the following penalties:

1 st offence	\$250.00
2 nd offence	\$500.00
Subsequent offences	\$500.00.

(b) In the event that there are more than three documented violations of the blasting plan, blasting submittal, or blasting permit, the department and/or Fire Department shall have the right to issue a stop work order on all construction or development related to the permitted operation. Permittee shall then be required to obtain City approval of a revised blasting plan. Work shall not be allowed to continue until the revised blasting plan is approved.

(Ord. No. 177-02/03, 3-17-03)