

**AN ORDINANCE REGULATING EXPLOSIVES AND BLASTING WITHIN
THE CORPORATE LIMITS OF THE TOWN OF KEEDYSVILLE**

SECTION 1: PURPOSE

Unregulated blasting may cause undue psychological, physical or nuisance damage to the citizenry and environment of the Town of Keedysville. Through the establishment of certain requirements, it is intended to minimize the effects of blasting activities which may be detrimental to individuals and the community in the enjoyment of life, property and the conduct of business.

It is intended to prevent the permanent damage to the geological, hydrological, wildlife and ecological balance in the Town, and to have an Ordinance which can be effectively and efficiently administered without undue financial and administrative hardship to blasting operators.

SECTION 2: AUTHORITY

This Ordinance is enacted pursuant to the provisions of Article 23A of the Annotated Code of Maryland and the Charter of the Town.

The provisions of this Ordinance are in addition to and not in derogation of any Federal, state, county or municipal statutes, acts, ordinances, regulations or codes of whatsoever nature or kind pertaining to and regulating storage of explosives, handling, or blasting activities.

In the event that different standards than are contained in this Ordinance are contained elsewhere, the more restrictive standards shall apply.

SECTION 3: DEFINITIONS

As used in this Ordinance, the following terms shall have the following meanings unless the context clearly indicates that a different meaning is intended:

- (a) **Town** - The Town of Keedysville, Maryland
- (b) **State** - The State of Maryland
- (c) **County** - Washington County, Maryland
- (d) **Federal** - The United States of America

(e) **Explosives** - Shall mean any substance, chemical compound or mechanical mixture that is commonly used for the purpose of producing an explosion to fragment rock for mining, or quarrying, excavation and construction, and by way of further definition, and not limited thereto, a definition of explosives as included in Article 38A, Section **Fires and Investigations**, Section 26 **Explosives Definitions**. The definition as set forth in Article 38A, Section 26 Definitions (1) of explosives of the Annotated Code of Maryland is incorporated herein.

(f) **Applicant** - The person, company, legal entity or corporation responsible for the managing and conducting of blasting operations.

(g) **Blasting Operations** - Blasting operations are defined to mean drilling and site preparation for blasting and detonation pertaining to blasting.

(h) **Blasting** - Any activity entailing the use of explosives for the purpose of producing an explosion to demolish structures or to fragment rock for mining, quarrying, excavation and construction.

(i) **Project** - For the purposes of this Ordinance, the "Project" shall include all blasting anticipated to be undertaken during the completion of a contract or series of contracts for demolition, excavation or construction.

(j) **Person** - The term "Person" shall be and is used interchangeably as a person, corporation, firm, legal entity of whatsoever nature or kind.

SECTION 4: STORAGE OF EXPLOSIVES

No person shall store, control, use, sell, purchase, transfer, transport or otherwise dispose of explosives in the Town except as provided herein.

SECTION 5: PERMIT REQUIRED

A permit shall be obtained prior to any blasting operations or projects within the Corporate Boundaries.

(a) Application for a permit to blast or engage in blasting operations may be obtained from the Office of the Clerk, Town Hall, Keedysville, Maryland. An application shall be submitted and a permit shall be obtained for any blasting operations.

(b) The application shall contain the following information:

1. Name of Applicant.
2. Legal Status of Applicant (i.e. corporation, individual).
3. Address of Applicant
4. Name and address of Property Owner.
5. General contractor and/or subcontractors, address and legal status of same.
6. Precise locations of the proposed blasting activity.
7. Description of the project for which the blasting is being undertaken.
8. Number and estimate of the blasts required to remove the specified amount of material involved in the blasting project.
9. Adjacent land uses.
10. Location of adjacent structures and distance to those structures.
11. Exact distance from location with respect to wells, springs, underground utility services, etc.
12. Copies of any studies that may have been conducted, or information deemed necessary to avoid damage to the environment which may include, but not limited to: pre-blast assessments, hydrological studies, geological studies, test wells, hours of blasting, seismographs.
13. Proof that the Applicant has all licenses and permits and is qualified to perform the work as required by Article 38A of the Annotated Code of Maryland, other State requirements and Federal licenses that may be necessary.
14. The Applicant shall submit a Certificate of Liability Insurance to cover any damage that may be caused.

SECTION 6: ISSUANCE OF PERMIT

Upon having complied in the conditions precedent set forth in Section 5 of this Ordinance, the Clerk shall issue a permit for the blasting project in question upon the payment of Thirty Five⁰⁰/₁₀₀ Dollars (\$35⁰⁰). The permit shall be effective only for the specific

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project referred to in the Application and shall expire upon completion of the blasting operation described in the Application and permit.

SECTION 7: PERFORMANCE STANDARDS

(A) **Hours of Performance:** Hours of performance shall be limited to daylight hours, no earlier than 8:00 a.m. or later than 5:00 p.m., Monday through Friday, inclusive, except by special exception approved by the Town Clerk and/or any other person(s) designated by the Mayor and Council to authorize same. No blasting activity shall occur on the following legal holidays: New Years day, Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas.

(B) **Water Quality Protection:** Water is a precious resource and measures shall be taken to protect water quality as found in the nearest Town owned well or spring or facility from the property line of the blasting project. If required by the Town, post-blast testing shall be done on said facilities no sooner than 24 hours or no later than 48 hours following a blast. Torpidity in wells tested shall be no greater than that which existed prior to the blasting as established in the pre-blast survey as such has been completed. If there has been any effect upon the water source, the blasting activity shall cease and desist and the permit holder shall be responsible for remedial action and costs to the facility in question.

(C) The applicant shall comply with all standards and conditions contained in other permits issued for the project in local, state and Federal statutes and regulations.

SECTION 8: ENFORCEMENT/PENALTIES

As previously set forth, this Ordinance is designed primarily for the issuance of a permit for blasting activity in the Town. The applicant and/or all persons responsible for the blasting activity shall be regulated by the provisions of the Annotated Code of Maryland and all other applicable Federal and state statutes, codes, acts or regulations of whatsoever nature or kind and same shall be enforced by the appropriate officers and/or agents.

However, in the event that the Clerk of the Town or any other person designated by the Mayor and Council to enforce this Ordinance and/or issue permits shall determine that the blasting operation is or shall be detrimental to the citizenry and/or water/spring and/or infrastructure of the Town's water system, said individual may issue a cease and desist order.

Any violation of this Ordinance shall be considered a misdemeanor punishable by a fine of One Hundred ⁰⁰/₁₀₀ Dollars (\$100⁰⁰). Each day that blasting activity may occur without a permit shall consist of and constitute a separate offense subject to a fine of One Hundred ⁰⁰/₁₀₀ Dollars (\$ 100⁰⁰).

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SECTION 9: SEVERABILITY

If any provision of this Ordinance is declared unconstitutional or held invalid, it shall not effect any other section, clause, or provision hereof, but the same shall remain in full force and effect.

EFFECTIVE DATE: 1st day of December, 2003.

Record & Mail to: Ms. Amy Simmons
Town of Keedysville
P. O. Box 359
Keedysville; MD 21756