

5.720 Transportation - Parking and Stopping Restricted.

(1) Except as provided in this section, no person may park a vehicle loaded with explosives in the city for any purpose, and no person may stop such a vehicle for any reason except momentarily to comply with moving traffic laws.

(2) A person may park an attended vehicle for the sole purpose of, and while physically engaged in, loading or unloading explosives from the vehicle, or changing drivers.

(3) No person may refuel a vehicle within the city except in extreme emergency and then only with enough fuel to enable it to proceed to the first refueling point beyond the city. The engine of the vehicle shall be stopped during refueling.

5.725 Transportation--Disabled Vehicles.

(1) If a vehicle transporting explosives is disabled, the driver shall immediately cause notice to be given to the police and fire departments.

(2) The fire chief shall determine whether or not the vehicle may be moved, and where it may be repaired when loaded.

(3) If the disabled vehicle is moved when loaded with explosives, it shall be moved with a police escort to a location where repairs can be made without endangering life or property.

(4) If transfer of the explosives is imperative, persons making the transfer shall employ adequate safety measures under the supervision of the fire and police departments.

BLASTING

5.750 Permit Required.

It is unlawful for any person, company, or corporation, without first having received a permit from the City Manager as hereafter provided for, to explode or cause to be exploded any gunpowder, dynamite, giant powder, nitroglycerin, or other explosive for the purpose of blasting out rock, gravel, earth, or other substance within the corporate limits of the city.

5.755 Permit Affidavit.

The City Manager, after notifying mayor and council, shall have power and authority to issue a permit for blasting but before so doing shall require the person, company, or corporation to whom the permit is to be issued to make application in the form of affidavit and containing the following information:

(1) The name and address of the person, company, or corporation applying for said permit, and the name and address of the blaster or of the person who will actually supervise the blasting;

(2) Location where it is desired to use the explosives;

(3) The maximum quantity and kind of explosives to be used at one time and the length of time over which the blasting will continue;

(4) The experience and qualifications of the blaster or person who will supervise the blasting operation;

(5) Facts sufficient to establish the financial responsibility of any individual bondsman or the bonding company who will provide the bond as hereinafter provided for.

(6) A blasting plan prepared and signed by a certified and licensed blasting consultant.

[Section 5.755, amended by Ordinance No. 1509 adopted October 6, 2004.]

5.758 Notification Required.

The contractor is responsible for providing adequate notification to the affected residents of the City of West Linn.

(1) The affected area includes all properties located within 1,000 feet of the blasting area.

(2) The contractor is responsible for notifying all property owners in the affected area.

(3) The contractor is responsible for notifying all Neighborhood Associations in the affected area and attending a regularly scheduled Neighborhood Association meeting to discuss the blasting plan and answer questions.

(4) The contractor is responsible for notifying the city, county, and state police/Tualatin Valley Fire and Rescue District and receive their concurrence.

[Section 5.758, added by Ordinance No. 1509 adopted October 6, 2004.]

5.760 Insurance Requirements.

The City Manager, before issuing a permit for blasting, shall require the person, company, or corporation to whom the permit is issued to execute and deliver a certificate of liability insurance to include X,C,U coverage in a form to be approved by the city in an amount not less than \$1,000,000, or in such additional amount as may be reasonable under all of the circumstances then existing. Said certificate of insurance shall state on its face that the underlying liability insurance policy includes coverage for indemnification of the city, its officers, agents, and employees and the owners of all property within said city from loss or damage that might result from such blasting and coverage to indemnify, hold harmless, and defend the city, its officers, agents, and employees in and from any cost, attorney's fees or judgments incurred or rendered in

any and all suits or actions brought against it as a result in whole or in part from said blasting. The certificate shall also state that the insurance company must give the city a minimum of ten days' notice of cancellation of the required liability insurance coverage. The City Manager shall have the power and authority to limit the force of the explosions to be made and if it is deemed to be in the public interest, after examining the information contained in the application for a blasting permit and after examining all of the pertinent circumstances surrounding the proposed blasting, may then refuse to issue such permit.

5.765 Revocation of Permit.

The City Manager shall have the power to revoke any permit heretofore or hereafter issued under the provisions hereof for failure to comply with any of the provisions of sections 5.750 to 5.785, or for any other reasonable cause.

5.770 Revocations or Denial of Permit--Hearing.

Any person, company, or corporation who makes application for a permit to blast under the terms of sections 5.750 to 5.785 and whose application is denied by the City Manager, or whose permit is revoked by the City Manager under the terms hereof may, within ten days thereafter, file notice of appeal to the City Council with the City Manager, and the City Council shall, within 30 days thereafter, grant a hearing to the appealing party. On appeal, the City Council shall have the same power and authority hereunder as the City Manager.

5.775 Nonliability of City.

By the passage of the ordinance codified in sections 5.750 to 5.785 or the issuance of any permit hereunder, the city

assumes no responsibility for any damage caused by the person, company, or corporation blasting with the said city.

5.780 General Regulations.

All persons blasting in the city pursuant to the permit duly issued by the City Manager or otherwise shall, as a minimum precaution, comply with the following regulations:

(1) Blasting operations shall not be conducted within the city limits between the hours of 4:00 p.m. and 8:00 a.m., nor at any time on a Sunday or legal holiday.

(2) All individuals will possess the appropriate state and federal licenses.

(3) No person shall handle explosives in connection with blasting operations who is not the person named in the application for permit, either as the blaster or supervisor, except for persons under the direct supervision of said supervisor.

(4) No person shall handle explosives while under the influence of intoxicating liquors or narcotics.

(5) Persons authorized to prepare explosive charges or conduct blasting operations shall use every reasonable precaution to insure the safety of the general public and workmen.

(6) When blasting is done in congested areas or in close proximity to a structure, railway, or highway, the blast shall be covered before firing with a mat constructed so that it is capable of preventing fragments from being thrown.

(7) At least three minutes before firing a blast, warning of a blast shall be given by causing a competent man carrying a red flag to be stationed at a reasonable distance from the blast, at each avenue of approach or point of danger.

(8) Electric blasting caps only shall be used as the detonating agent for blasting

operations in congested districts, or on highways, or adjacent to highways open to traffic.

(9) No person shall attempt to use dynamite that is frozen.

(10) When blasting caps are used they shall be securely attached to the safety fuse with a standard cap crimper. All priming shall be done at least 50 feet from any magazine.

(11) Blasting caps shall be inserted in the explosives only as required for each round of blasting.

(12) Blasting caps shall not be inserted in the explosives first without first making a hole in the cartridge with a sharpened stick or standard cap crimper.

(13) All drill holes shall be sufficiently large to freely admit the insertion of the cartridges of explosives.

(14) Tamping shall be done only with wooden rods without metal parts.

(15) Holes shall be stemmed with earth or sand. Rock chips, gravel, or similar material shall not be used for tamping the bore holes. No holes shall be loaded except those to be fired at the next round of blasting. After charging, all remaining explosives shall be immediately returned to a safe storage magazine.

(16) Drilling shall not be started until all remaining butts of old holes are examined with a wooden stick for exploded charges, and if any are found, same shall be re-fired before work proceeds.

(17) No person shall be allowed to deepen drill holes which have contained explosives.

(18) Explosives shall not be extracted from a hole that has once been charged or has misfired unless it is impossible to detonate the unexploded charge by insertion of a fresh additional primer or by drilling a hole in close proximity and at a safe distance from the unexploded charge.

(19) If there are any misfires while using cap and fuse, all persons shall remain away from the charge for at least two hours. If electric blasting caps are used and a misfire occurs, this waiting period may be reduced to 30 minutes. Misfires shall be handled under the direction of the person in charge of the blasting and all wires shall be carefully traced and search made for unexploded charges.

(20) Blasters, when testing circuit to charged holes, shall use sufficient lead-in wires to be at a safe distance and shall use only approved type of testers. No tests of circuits in charged holes shall be made until all persons are at a safe distance.

(21) The blaster shall cause a sufficient warning to be sounded and shall cause all persons to retreat to a safe shelter before he sets off blast and shall also see that none return until he reports it safe for them to do so.

(22) Only the person making wire connections in electrical firing shall fire the shot. All connections should be made from bore hole back to firing machine, and the lead-in wires connected to the blasting machine only when the charge is to be fired.

(23) Empty boxes, which have previously contained high explosives, shall not be used for any purpose, but shall be destroyed by burning in the open air.

(24) No person shall smoke while handling explosives or in the vicinity thereof.

(25) No open flame lamp or light shall be used in the vicinity of explosives.

(26) Containers of explosives shall not be opened in any magazine, or within 50 feet of any magazine. In opening containers, wooden wedges and either wood, fiber, or rubber mallets shall be used. No metal tools except brass shall be used for opening any containers of explosives.

(27) Explosives shall not be stored

overnight or during weekends within the city limits.

[Section 5.780, amended by Ordinance No. 1509 adopted October 6, 2004.]

5.785 Application Fee.

All applications for permits to blast under the provision of sections 5.750 to 5.785 shall be made in writing and filed with the City Manager and shall be accompanied by an application fee in an amount to be set by resolution of the City Council.