

ORDINANCE NO. 16-029

AN ORDINANCE amending Chapter 15.40 of the Camas Municipal Code by revising the title and adopting certain clarification amendments relating to blasting activity.

THE COUNCIL OF THE CITY OF CAMAS DO ORDAIN AS FOLLOWS:

Section I

The title to Chapter 15.40 of the Camas Municipal Code is hereby amended from “Explosive Materials” to “Blasting”.

Section II

Section 15.40.010 B is hereby amended to provide as follows:

B. The definitions set forth in the currently adopted International Fire Code as pertaining to explosives and blasting and any amendments thereto, are adopted by reference.

Section III

Section 15.40.020 B and G are hereby amended to provide as follows:

B. Blasting materials shall not be transported, sold, given, delivered or transferred to anyone in the city not in possession of a valid blasting permit.

G. The city shall have the power and authority to limit the level of blasting and, after examining all of the pertinent circumstances surrounding the proposed blasting, if it is deemed to be in the public interest, may then refuse to issue such permit or, in the case of a previously issued permit, may suspend or revoke the permit.

Section IV

Section 15.40.030 B is hereby amended to provide as follows:

B. Evidence of current licenses issued to one or more individuals employed in the blasting work included but not limited to all applicable state licenses pursuant to WAC 296-52-61005 and a federal license as issued by the ATF.

Section V

A new Subsection 15.40.030 G I hereby added to provide as follows:

G. Applications documents as submitted by the Permittee shall include language that states: The Permittee shall defend, indemnify and hold the city, its officers, officials, employees, and volunteers harmless from any and all claims, injuries, damages, losses, or suits including attorney fees arising out of or in connection with activities or operations performed by the permittee or on the permittee's behalf out of the issuance of this permit, including the procurement of adequate insurance as required by the City, except for injuries and damages caused by the sole negligence of the City.

Section VI

Section 15.40.040 is hereby amended to provide a title of "Fees" and is further amended to provide as follows:

A. Blasting permit fees are pursuant to the current fee schedule as adopted by the City Council.

B. Blasting permits are valid for a maximum twelve-month period. Extensions or renewal permits are permitted upon approval of the fire chief or his/her designee and require an updated application and payment of new application fees.

C. If the actual costs exceed the permit fee, the applicant will be notified and will receive an invoice for the additional charges. That invoice must be paid within ten days of the date of notification or the city shall discontinue processing the application or, in the case of an already issued blasting permit, shall suspend the effectiveness of the blasting permit until the invoice is paid in full. The city shall not issue final approvals or building permits until all blasting fees including additional charges are paid.

D. Approved variance from standard hours of operation (see CMC 15.40.90) may be subject to additional inspection fees pursuant the current established fee schedule.

Section VII

Section 15.40.050 is hereby amended to provide as follows:

A. The permittee shall procure and maintain, for the duration of the permitted operation, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work

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performed under the permittee, their agents, representatives, employees, or subcontractors. The permittee shall provide a Certificate of Insurance evidencing:

Commercial General Liability (CGL) insurance written on an occurrence basis, with limits no less than \$5,000,000 Per Occurrence/ General Aggregate for personal injury, bodily injury, and property damage. Coverage shall include but not be limited to contractual and property damage. There shall be no exclusion for liability arising from explosion, collapse, or underground property damage.

The City may, at its discretion, require additional amounts or types of insurance sufficient to cover potential claims for bodily injury, death or disability, and/or property damage. This shall be determined prior to issuance of a permit based upon the use proposed by the applicant, in order to reasonably protect the City's interest and the health, safety, and welfare of the public. The City shall be named as an additional insured on the CGL insurance policy with respect to the work performed by or on behalf of the permittee, and a copy of endorsement ISO Additional Insured State or Political Subdivisions Permit CG 20 12 05 3 or substitute form providing equivalent or better coverage shall be provided.

B. The certificate shall also state that the insurance company must give the city a minimum of thirty days' notice of cancellation of the required liability insurance coverage.

C. The permittee shall provide the city with written notice of any policy cancellation within two business days of their receipt of such notice.

Section VIII

A new Section 15.40.085, Hours of Operation, is hereby added to provide as follows:

A. All blasting shall be conducted Monday through Friday. Blasting operations may occur only between sunrise and sunset, or between the hours of 8:00 a.m. and 5:00 p.m., whichever is the more restrictive. The fire chief or his/her designee may approve blasting between 5:00 p.m. and 7:00 p.m. Monday – Friday or on Saturday from 8:00 a.m. to 5:00 p.m. at his/her sole discretion, as deemed appropriate.

B. Requests for special exception to the hours of operation must be submitted to the fire chief or his/her designee no later than 12:00 p.m. on the date for which the exception is being requested. Approved variance may be subject to additional fees as per the current established fee schedule.

C. No blasting shall be permitted after 7:00 p.m. Monday through Friday, after 5:00 p.m. on Saturday, at any time on Sunday, or on any city-observed holiday.

Section IX

Section 15.40.110 F is hereby amended to provide as follows:

F. Monitoring. All blasts are to be monitored using blast-monitoring equipment designed for that purpose and carrying a certification of calibration dated with the current calendar year. The blast monitors shall record peak particle velocity and frequency in three orthogonal directions and air over pressure in dBL. For shots in which the pounds detonated per eight millisecond time increment are less than ten pounds, one blast monitor is required. When ten or more pounds are detonated per eight millisecond time interval, two blast monitors are required. All blast-monitoring records are to be signed and submitted to the city within twenty-four hours of each blast or as otherwise approved by the fire chief or his/her designee prior to commencing blasting activity.

Section X

This ordinance shall take force and be in effect five days from and after its publication according to law.

PASSED BY the Council and APPROVED by the Mayor this 5<sup>th</sup> day of December, 2016.

SIGNED: \_\_\_\_\_  
Mayor

SIGNED: \_\_\_\_\_  
Clerk

APPROVED as to form:

\_\_\_\_\_  
City Attorney