

TOWN OF MARLBOROUGH
"Heart Of the Hudson Valley Fruit Section"
MILTON, ULSTER COUNTY, NEW YORK 12547
DEPARTMENT OF BUILDINGS

TEL NO. 795-5100 Ext. # 7 - FAX NO. 795-6171

THOMAS CORCORAN JR.
BUILDING INSPECTOR
CODE ENFORCER
FIRE INSPECTOR

Application for Blasting Permit

(Application Fee of \$300.00)

** A Copy of the Deed, Tax Bill and Full payment MUST be submitted with this application*

Building Permit # _____

Date _____

Section _____ Block _____ Lot _____

District Location of Property R R-1 RAG-1 C-1 C-2 HD I

Owner _____ Phone _____

Address _____

Email _____

Owners Signature _____

Contractor _____ Phone _____

Address _____

Email _____

Contact Person _____ Phone _____

Location (address) of Blasting _____

Contractors Insurance Company _____

Address _____

Email _____ Phone _____

Name of Person Blasting _____

Address _____

Email _____ Phone _____

Explosive License # _____ Expires _____

Blasting Operations will be conducted on :

Date(s) _____

Type of blasting agent to be employed _____

HAVE THE FOLLOWING AGENCIES BEEN NOTIFIED

New York Telephone YES NO

Central Hudson Electric & Gas YES NO

Town of Marlborough Water Dept. YES NO

Town of Marlborough Police Dept. YES NO

All Residents in the Immediate Area YES NO

IF ROAD IS BEING BLOCKED OFF, HAVE FOLLOWING BEEN NOTIFIED

Fire Department(s) YES NO

Town of Marlborough Police Dept. YES NO

Town of Marlborough Town Clerk YES NO

Application is hereby made by the understanding for the permit to conduct blasting operations in the Town of Marlborough, Ulster County, New York. I understand that any false statements made on this application will mean the immediate revocation of the permit.

Signature _____ Date _____

Approved Disapproved Signature _____ Date _____

Chapter 93

EXPLOSIVES AND BLASTING

§ 93-1. Title.	§ 93-6. Warning flags.
§ 93-2. Permit required; application; insurance.	§ 93-7. Hours of operation.
§ 93-3. Issuance of permit; fee; revocation.	§ 93-8. Notice of intent to blast.
§ 93-4. Amount of explosives used.	§ 93-9. Special exceptions.
§ 93-5. Precautions required.	§ 93-10. Penalties for offenses; enforcement.
	§ 93-11. Definitions.

[HISTORY: Adopted by the Town Board of the Town of Marlborough at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks — See Ch. 130.

§ 93-1. Title.

This chapter shall be known as the "Explosives and Blasting Law of the Town of Marlborough, New York."

§ 93-2. Permit required; application; insurance.

- A. No person shall blast or cause to be blasted any rock or other substance with any explosive in the Town of Marlborough, as defined in this chapter, without having first obtained a permit from the Building Inspector covering the specific blasting operation, upon written application. Such blasting operations shall be conducted under the direct control and supervision of competent and licensed persons and in accordance with the provisions of New York State laws and regulations and the provisions of this chapter.
- B. The application for a blasting permit shall be on a form approved by the Building Inspector and contain such information as is required by the Building Inspector, accompanied by the fee as required. As part of the application for a blasting permit, the applicant shall also submit a description of all structures, including residential dwellings, located within three hundred (300) feet of the blast site and a list of the names and addresses of the owner or owners of any parcel of property on which the blasting is to take place, as shown on the most recent tax rolls of the Town of Marlborough.
- C. Before such a permit is issued, the person shall submit evidence, in the form of a certificate of insurance issued by an insurance company authorized to do business in the State of New York, guaranteeing that the applicant has in full force and effect a policy of public liability

insurance, including a specific endorsement covering the liabilities arising from blasting and providing bodily injury coverage of not less than five hundred thousand/one million dollars (\$500,000./\$1,000,000.) and property damage insurance of not less than five hundred thousand/one million dollars (\$500,000./\$1,000,000.). Such policy shall also provide to save the town harmless from all claims, actions and proceedings brought by any person, firm or corporation for injury to person or property resulting from or occasioned by such blasting operations. Such policy shall contain the provision that the policy shall not be canceled, terminated, modified or changed by the company unless thirty (30) days' prior written notice is sent to the town by certified mail. No permit shall be valid unless such insurance is in full force and effect.

§ 93-3. Issuance of permit; fee; revocation.

- A. Such permit, when approved and signed by the Building Inspector and upon payment of a fee in an amount set by resolution of the Town Board¹ to the Building Inspector shall be issued and signed by the Building Inspector, who shall keep a record thereof. Each permit shall specify the name of the permittee, the date of expiration [which shall be no later than six (6) months from the date of issue] and the particular place where the blasting is to be done.
- B. The Town Board may revoke any permit issued hereunder at any time for good cause shown. If permit revocation occurs, a hearing shall be conducted by the Town Board upon written notification of the permittee of the time and place of and reason for such hearing.

§ 93-4. Amount of explosives used.

No person shall use, in a blasting operation, a quantity of explosives greater than necessary to properly start the rock or other substances, nor use such an amount as will endanger persons or property.

§ 93-5. Precautions required.

All blasts within two hundred (200) feet of any roadway or structure, before firing, shall be covered with metal rope or metal matting, heavy timbers chained together or other suitable screens of sufficient size, weight and strength to prevent the escape of broken rock or other material in a manner liable to cause injury or damage to persons or property. All blasts not within two hundred (200) feet of any roadway or structure shall have a suitable screen so as not to cause injury or damage to persons or property.

§ 93-6. Warning flags.

No person shall fire or explode or direct or cause to be fired or exploded any blast in or near any highway or public place in the Town of Marlborough unless competent persons carrying a

¹ Editor's Note: The current fees resolution is on file in the office of the Town Clerk and may be examined there during regular office hours.

red flag shall have been placed at a reasonable distance on all sides of the blast to give proper warning thereof at least three (3) minutes in advance of firing.

§ 93-7. Hours of operation.

No person shall conduct blasting operations within the Town of Marlborough after the hour of 5:00 p.m. and before 8:00 a.m., nor at any time on Sunday, except in the case of emergency or necessity, and then only with permission of the Building Inspector or the Fire Inspector.

§ 93-8. Notice of intent to blast.

- A. Not more than thirty (30) days nor less than seventy-two (72) hours prior to the intended blasting, a notice of intent to blast shall be served upon:
 - (1) The inhabitants or users of any structure, including residential dwellings, located within three hundred (300) feet of the blast site.
 - (2) The owner or owners of any parcel of property immediately adjoining or abutting the parcel of property on which the blasting is to take place.
- B. The notice of intent to blast shall be delivered to the inhabitants or users set forth in Subsection A(1) or (2) of this section. In the event that personal delivery of the notice of intent to blast cannot be effected, the notice of intent to blast may be left or posted at the structure or dwelling in a conspicuous place or a certified letter, return receipt requested, may be sent to the affected structure or dwelling. The certified letter shall be mailed to the property owner. The addresses of property owners shall be obtained from the Tax Assessor's office.
- C. The notice of intent to blast shall also be delivered to the Town Clerk, the New York State Police and the Ulster County Sheriff's Department no less than seventy-two (72) hours prior to blasting.
- D. Delivery of the notice of intent to blast, as required by this section, shall be the sole responsibility of the applicant for the blasting permit

§ 93-9. Special exceptions.

Public utilities and governmental agencies may be granted an exception to the provisions of this chapter only by the Town of Marlborough Building Inspector and only upon written request by such public utility or governmental agency for such special exception. Such written request shall state the reasons for the request and the blasting for which such exception is requested and shall include as part of such request certificate(s) of insurance as required in § 93-2C of this chapter. Such request shall be accompanied by a fee in an amount set by resolution of the Town Board.² Such special exception shall be granted for a period not to exceed twelve (12) months

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and may be renewed from time to time upon written request and payment of the fee as required by this section.

§ 93-10. Penalties for offenses; enforcement.

- A. Any person or corporation violating any of the provisions of this chapter shall be guilty of a violation and, upon conviction thereof, shall be subject to a fine of not more than two hundred fifty dollars (\$250.) or imprisonment for not more than fifteen (15) days, or both, for each offense. Every violation of any provision of this chapter shall be a separate and distinct offense, and, in case of continuing violation, every day's continuance thereof shall be deemed to be a separate and distinct offense.

- B. This may be enforced by the Building Inspector.

§ 93-11. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

NOTICE OF INTENT — Includes a written notice setting forth the location and approximate date or dates when blasting will occur. (See § 93-8A.)

PERSON — Includes an individual, corporation, association, firm or partnership.