

TOWN OF CUMBERLAND - EXPLOSIVE PERMIT

OFFICE USE ONLY

PERMIT # _____

Map _____ Lot _____

Permit Fee \$ _____

APPLICANT INFO: NAME/COMPANY: _____

PHONE #: _____ **ADDRESS:** _____

EMAIL ADDRESS: _____ **TIME IN BUSINESS:** _____

PROPERTY OWNER INFO: NAME/COMPANY: _____

PHONE #: _____ **ADDRESS:** _____

EMAIL ADDRESS: _____

ADDRESS & LOCATION OF BLASTING ACTIVITY: _____

BLASTING DATES: _____

_____ **Date:** _____

Signature of Owner or Authorized Agent

Attach the Following:

___ 1. Names of all abutters within 1,000 feet of the property boundaries (or *500 feet for residential blast less than 50 cubic yards) at least ten days prior to the blast.

___ 2. Proof of notification to all abutters and public utilities (water/sewer/gas) of time and date(s) of blasting.

___ 3. Certificate of Insurance in an amount no less than \$1,000,000 with a company licensed to do business in Maine.

___ 4. Private/public well testing results within 1,000 feet of blast site prior to blasting. (Well testing results are also required after blasting.)

___ 5. Blasting plan to include number of cubic yards of material to be removed, anticipated dates/times of blasting and where the materials will be taken if removed from site. If on-site crushing/processing of materials is to occur, also include info on amount of materials and anticipated dates/times of processing.

Conditions of Approval: _____

APPROVAL SIGNATURE: _____ **Date:** _____

*****NOTIFY CUMBERLAND DISPATCH AT (207) 829-6391 PRIOR TO BLAST EACH DAY*****

Cumberland Ordinance Chapter 78. Explosives/Blasting - View at <https://ecode360.com/CU3016>

Chapter 78

Explosives/Blasting

[HISTORY: Adopted by the Town of Cumberland 11-13-1989; amended in its entirety 9-12-2022. Subsequent amendments noted where applicable.]

§ 78-1 Purpose.

The purpose of this chapter is to protect the public's health, safety, and general welfare by regulating and controlling blasting operations within the Town, and to ensure that any damages caused by a person who uses an explosive device in Cumberland are adequately covered by insurance.

§ 78-2 Applicability.

This chapter shall apply to all blasting operations related to construction and development of real estate within the Town and also shall apply to any person using or detonating explosive devices within the Town for gravel extraction or personal use.

§ 78-3 Definitions.

For the purpose of this chapter, the following terms shall have the meanings indicated:

APPLICANT: A person or business entity that has a permit issued by the Maine Commissioner of Public Safety under the provisions of Chapter 318 of Title 25 of the Maine Revised Statutes for the possession, use, storage or transport of explosives, who seeks to conduct blasting for construction or site alterations of a site in accordance with a Planning-Board-approved site plan or subdivision plan or residential construction as approved by the Code Enforcement Officer.

EXPLOSIVE DEVICES: Dynamite, blasting caps and other detonating agents such as those used for construction, well blasting and other related activities.

§ 78-4 Permit required.

- A. No person or entity may conduct blasting operations within the Town without first obtaining a permit from the Code Enforcement Officer as required by the National Fire Protection Association No. 1 Fire Prevention Code, as adopted and amended in Chapter **96** of Town of Cumberland Code of Ordinances. Fees for this permit shall be as established by order of the Town Council. This permit will be granted only after the applicant provides to the Code Enforcement Officer, in writing, the following information:
- (1) Applicant's name, address, contact information, including telephone number and email address, and information on the length of time the company has been in business;
 - (2) Property owner's name, address and other contact information, including telephone number and email address;
 - (3) Names of all abutters within 500 feet of the property as shown by the Town tax records;
 - (4) Proof that the abutters have all been notified of the date and approximate time of the detonation;
 - (5) Proof that all public utilities, such as water, sewer and natural gas, have been notified;
 - (6) Testing results for all public and private wells within 1,000 feet of the blast site both prior to, and following completion of, blasting. If a permit is issued, a copy of these test results shall be provided to the CEO and permanently maintained in his/her office; and
 - (7) A blasting plan that includes the number of cubic yards of materials to be removed, the anticipated dates and times that blasting will occur, and information on where the blasted material will be taken, if to be removed from the site. If on-site crushing or processing is to occur, information on the amount of material and dates and times of work will be required.
- B. The applicant shall also provide a written certificate of insurance with a company licensed to do business in Maine in an amount no less than \$1,000,000. Where the extent of blasting requires, the Code Enforcement Officer may require the applicant to offer pre- and post-blasting photography of buildings to property owners within 1,000 feet of the blasting site. If a permit is issued, a copy of the pre- and post-blasting photography shall be provided to the Code Enforcement Officer and permanently maintained in his/her office.

§ 78-5 Storage and handling.

All explosives shall be stored and handled in accordance with the provisions of this chapter, the laws of the State of Maine, and NFPA No. 1 Uniform Fire Code as adopted in Chapter 3 of the Rules of the Office of the State Fire Marshal.

§ 78-6 Notice and survey requirements.

- A. An applicant proposing a small residential blast of less than 50 cubic yards (as measured in place) shall send notice all property owners of record within 500 feet. The notice shall offer pre-blast and post-blast surveys, which shall be provided by the applicant to those who request it.
- B. An applicant proposing any other blast shall notify owners within 1,000 feet of the property at least 10 days prior to the blast. The notice shall offer pre-blast and post-blast surveys, which shall be provided to those who request it. Proof of this notice shall be given to the Code Enforcement Officer prior to issuance of the blasting permit.

§ 78-7 Hours of blasting.

Blasting shall occur Monday through Friday, between the hours of 9:00 a.m. and 4:00 p.m., unless otherwise approved by the Planning Board. Requests for extension of hours of blasting must be submitted by the applicant, in writing, to the Code Enforcement Officer at least 24 hours in advance of blasting date.

§ 78-8 Suspension of blasting operations.

If it is determined that blasting operations pose any risk to public health, safety, or general welfare, the Code Enforcement Officer shall have the authority to suspend the blasting permit at any time until they deem it safe for blasting operations to continue.

§ 78-9 Violations and penalties.

- A. Any person acting in violation of this chapter shall be subject to enforcement under the provisions of this section.
- B. In the event that there are more than three documented violations of the blasting plan, blasting submittal, or blasting permit, or any other requirement of this chapter, a stop-work order may be issued by the Code Enforcement Officer on all construction or development related to the permitted operation. The permittee shall then be required to submit a revised blasting plan to the Code Enforcement Officer for review and approval. Work shall not be allowed to continue until the revised blasting plan is approved.
- C. In addition to the possibility of a stop-work order in the event of a violation, the permittee shall be subject to the following penalties:
 - (1) First offense: \$500.
 - (2) Second offense: \$1,000.
 - (3) Subsequent offenses: \$1,000.
- D. Each violation shall constitute a separate offense. In addition to penalties, the Town may seek injunctive relief. If the Town is successful in an enforcement action under this chapter, it shall be entitled to its costs of enforcement, including its attorney's fees.

§ 78-10 Waivers.

Upon written request by the applicant, the CEO may waive all or a portion of the blasting provisions provided that all waivers are consistent with the purposes set forth in § 78-1.