

TOWN OF GOFFSTOWN, N.H.

BLASTING ORDINANCE

1. PURPOSE: It is hereby found and declared that the preservation and promotion of public safety and the preservation of community peace and quiet requires that the Town of Goffstown (hereinafter "Goffstown" or "town") act to assure that blasting within the town is conducted in a safe, responsible and proper manner.
2. AUTHORITY: This ordinance is adopted pursuant to the authority of state law, currently codified as New Hampshire RSA 31:39(e) and (n), RSA 154:18, RSA 153:5 and RSA 158:9-f II.
3. TITLE: This ordinance shall be known as, and may be cited as, the Goffstown Blasting Ordinance.
4. DEFINITIONS:
 - a.) "Blasting" shall mean the detonation of an explosive device as defined by NFPA 495
 - b.) "Chief" or "Fire Chief" shall mean the chief of the Goffstown Fire Department or the department member who has been designated by the chief to fulfill the requirements of this ordinance.
 - c.) "Fire Department" shall mean the Goffstown Fire Department.
 - d.) "Selectmen" or "BOS" shall mean the Goffstown Board of Selectmen.
5. ADMINISTRATIVE RESPONSIBILITY: The Fire Department, by its Fire Chief, shall administer this ordinance, conduct appropriate oversight of all blasting and, in cooperation with other officials, departments and agencies, enforce the provisions of this ordinance.
6. PERMIT REQUIRED: No blasting shall be conducted within the town unless a permit has first been obtained for that purpose. Each permit shall identify the permit holder and designate the date(s) and time(s) when, and location(s) where, blasting may be conducted and shall be valid for no more than thirty (30) days.
7. FEE REQUIRED: No permit shall be issued unless the fee has been paid. This non-refundable fee shall be twenty five dollars (\$25.00) and shall be collected at the time of application.
8. APPLICATION: Application for a permit shall be made to Fire Department headquarters, during customary office hours, on a form to be prescribed by the department. A current and valid State of New Hampshire blaster's license and certificate of insurance shall be submitted as part of the application. An application shall be submitted no less than ten (10) days prior to the first date for which permission to blast is being requested.
9. AUTHORITY TO ISSUE: Permit applications shall be received, reviewed and the information contained therein verified as necessary by the Fire Chief. Prior to issuing any

permit the chief may consult with such federal, state and/or town officials and employees whose area(s) of responsibility are, or may be, affected by the proposed blasting operation. After review and verification the chief shall approve the application and issue the permit, issue the permit with any condition(s) necessary to achieve the purposes of this ordinance or deny the application. Any denial, along with the reason(s) therefor, shall be provided, in writing, to the applicant.

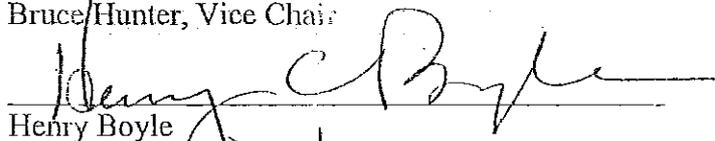
10. REQUIREMENTS: Prior to any blasting, the permit holder shall conduct a pre-blast inspection. This inspection shall include all structures within a minimum distance of one hundred fifty feet (150'), or such extended distance as may be specified in the permit, from the site of the proposed blast. A written report describing this inspection shall be completed and signed by the permit holder and filed with the department. All blasting shall be conducted in compliance with the requirements of NFPA 1 Fire Prevention Code, BOCA Fire Prevention Code, NFPA 495 Explosive Materials Code and New Hampshire Code of Administrative Rules Saf-C1600 (State Police regulations). Except as previously approved by the chief, all blasts within one thousand feet (1,000') of any structure shall be covered by a blasting mat(s). The department shall be notified at least twenty four (24) hours prior to any blasting within a project and both the department and the Goffstown Police Department shall be notified at least one (1) hour prior to any shot.
11. PROHIBITIONS: No blasting shall be conducted without a valid permit having first been obtained. Permit holders shall only blast between the hours of 7:00 AM and 6:00 PM. No blasting shall be conducted on weekends or on state or national holidays. No blasting shall be conducted after an order to cease blasting has been issued by the chief and communicated to the permit holder. No drilling shall take place within fifty feet (50') of any loaded hole(s).
12. REVOCATION: The chief may revoke any permit upon a showing that the permit holder has violated any provision of this ordinance or any requirement or condition of that permit. In addition any permit may be revoked or suspended upon a showing that a condition or conditions exist which warrant such revocation or suspension. The chief may restore any permit that has been revoked upon a showing that the condition(s) leading to the revocation has(have) been corrected.
13. APPEAL: Any permit denial, revocation or suspension may be appealed, within ten (10) working days and not thereafter, to the Selectmen. Any such appeal shall be in writing and shall clearly specify the facts and circumstances warranting issue or reinstatement of the permit. The BOS shall order such issuance or reinstatement only on the appellant's showing that the denial, revocation or suspension complained of was erroneous. The BOS may also order that appropriate conditions be attached to any permit that it finds should be issued or reinstated.
14. PENALTY: Any person found to have violated any provision of this ordinance shall be guilty of a violation and shall be punished by a maximum fine as provided by applicable state law, which is currently one thousand dollars (\$1,000.00). Each violation and/or each day of violation shall be regarded as a separate offense.

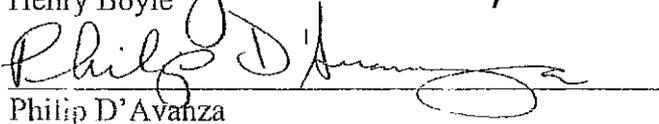
15. EMERGENCY CONDITIONS: In situations that pose an imminent danger to public safety, the chief may, for a limited time, waive such provisions of this ordinance as may be necessary to avoid and/or lessen that danger. The details of any waiver granted under the authority of this section shall, as soon as practicable, be reported to the Town Administrator or Selectmen.
16. INTERPRETATION: This ordinance is intended to complement and supplement, and not conflict with, federal and state regulation of blasting operations and explosives and shall be interpreted in accord with that intent. To that end, should the requirements of this ordinance differ from any requirement or regulation prescribed by any law, statute, ordinance, rule or other regulation governing blasting operations and explosives, the provision that imposes the higher standard shall govern.
17. CONSTRUCTION: Whenever a word appears in singular form such word shall also include the plural form and vice versa, whenever and wherever the facts and context so permit or require. Whenever masculine, feminine or neuter pronouns appear, each such pronoun shall include all genders.
18. SEVERABILITY: If any provision of this ordinance, or its application to any person or circumstance, is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect any other provision or application of this ordinance that can be given effect without the invalid provision or application and, to this end, the provisions of this ordinance shall be severable.
19. EFFECTIVE DATE: Public Hearings were held on December 23, 2002 and January 6, 2003. This ordinance, adopted on **January 20, 2003**, shall take effect on April 1, 2003.

DONE by the Board of Selectmen of the Town of Goffstown, New Hampshire pursuant to the authority of New Hampshire RSA 41:14-b (adopted by the town at Town Meeting on March 1995).


Robert Wheeler, Chair


Bruce Hunter, Vice Chair


Henry Boyle


Philip D'Avanza

Barbara Griffin