

**TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY**

ORDINANCE No. 2021-17

**ESTABLISHING A NEW CHAPTER 156 "BLASTING" OF THE CODE OF
THE TOWNSHIP OF VERONA**

BE IT ORDAINED, by the Township Council of the Township of Verona, County of Essex, New Jersey as follows:

SECTION 1. There is hereby established a new Chapter 156 (Blasting) of the Code of the Township of Verona to read as follows:

CHAPTER 156 BLASTING

ARTICLE I Blasting

§ 156-1 Words usage.

Whenever a term is used in this chapter and is defined by the statutes of the State of New Jersey (The New Jersey Explosive Act, *N.J.S.A.21: 1A-128 et. seq.*) or the rules and regulations of the Bureau of Engineering and Safety, New Jersey Department of Labor and Industry, or Chapter 190, Explosives of Title 12 of the New Jersey Administrative Code, such term is intended to have the meaning set forth in the definition of such term found in said statutes, act or rules and regulations, unless a contrary intention is clearly expressed from the context of this chapter.

§ 156-2 Construal of provisions.

The provisions of this chapter shall not relieve any person of the duty to observe other or more restrictive provisions as set forth in the statutes of the State of New Jersey, the New Jersey Explosive Act or the Rules and Regulations of the Bureau of Engineering and Safety, New Jersey Department of Labor and Industry, or any other applicable law or regulation. This Ordinance is intended to supplement the requirements of the Underground Facility Protection Act. The notification requirements herein shall be in addition to the requirements of this Act.

§ 156-3 Application to be filed; contents.

- A. Any person desiring to perform any blasting activities or operations in the Township of Verona shall file an application with the Township Engineer.
- B. Such application shall contain the following information:
 - (1) The name, address and telephone number of the applicant.
 - (2) The street address of the property upon which the blasting activity will be conducted (including tax block and lot).
 - (3) A sketch map showing location and extent of the proposed blasting.
 - (4) The times and dates of the proposed blasting activity.
 - (5) The original copy of a certificate of insurance for the person, firm or corporation performing such blasting operations.
 - (6) The issuance date, expiration date and number of the state blasting permit and the name, address and telephone number of the holder, if different than applicant.

- (7) The names and addresses of all property owners located within 400 feet and within 1,000 feet of the exterior of the lot or boundary line of the property upon which the blasting activity shall be conducted.
- (8) Soil engineer's report describing the soil types, topography of the property upon which the operation is to be performed and the nature and location of any rock formations on the site and the location of homes, septic systems and wells within 500 feet of the boundary of the property on which the operation is to be performed;
- (9) The approximate amount of the rock to be removed from the site.
- (10) Blaster's insurance required; hold harmless agreement to be executed.
 - (a) Risks emanating from blasting and explosion shall be covered during the period of blasting activity by insurance covering the risk of explosion in an amount and form satisfactory to the Township Attorney based upon current risk analysis. Prior to the issuance of any blasting permit, the applicant shall file an original copy of a certificate of its blaster's insurance with the Township Clerk. The Township of Verona shall be named as an additional insured and certificate holder.
 - (b) Prior to the issuance of a blasting permit, the applicant shall indemnify and hold harmless the Township of Verona and all of its officials, agents and employees from all suits, actions or claims of any character, name and description for trespasses or tortious or negligent acts or faults of the applicant, its agents or employees resulting in any injuries or damages received or sustained by any person or persons or any property in connection with the proposed blasting operations or on account of the applicant's failure to observe the requirements of the statutes of the State of New Jersey including but not limited to the New Jersey Explosive Act and the Underground Facility Protection Act, the rules and regulations of the Bureau of Engineering and Safety, the New Jersey Department of Labor and Industry, this chapter, or any other applicable rule or regulation.

§ 156-4 Permit fees; duration of permit.

- A. The permit fee for blasting or the use of blasting materials shall be set forth in Chapter A565-1 of this Code and shall accompany the application. Such fees shall cover the cost of administrative review and engineering or other inspection as may be required. Payment shall be made by check or money order payable to the Township of Verona.
- B. Permits shall be valid for one year unless sooner revoked and shall be valid only for the number of days proposed for blasting activity noted in the application. A new application and permit fee must be submitted should the total days of blasting activity exceed the number of days proposed in the initial application.

§ 156-5 Preblasting activities and regulation of hours.

- A. At least fourteen calendar days prior to the blasting, the permittee shall provide written notice of such proposed blasting activity, such notice by certified mail, return receipt requested, or personally serve each property owner or occupant within 1,000 feet of the proposed blasting activity or the exterior or boundary line upon which such blasting activity shall be conducted. Such notice shall also be delivered to the Township Clerk, the Township Engineer, the County Engineer and all operators of all public utilities, cable television companies or local utilities operating within 1,000 feet

of the exterior or boundary line upon which such blasting activity shall be conducted.

- B. Prior to the commencement of any blasting activities on the site, the permittee shall, with the consent of the individual property owners, conduct a preblast survey of all properties within 400 feet of the exterior lot or boundary line of the property upon which blasting activity shall be conducted. Said survey shall include all dwellings, buildings or accessory structures, including water, wastewater and storm sewer mains, septic systems and wells on the identified properties. Such survey shall be filed with the Township Engineer prior to blasting commencing.
- C. Blasting shall be prohibited except during the following days and times: Monday through Friday, 9:30 a.m. to 2:30 p.m.
- D. Blasting shall be prohibited on Saturdays, Sundays and all federal and state holidays.
- E. Upon the written request of a permittee and a fee pursuant to Chapter A565-1 of this Code, the Tax Collector shall, within 10 days, make and certify a list from the then current tax duplicates of names and addresses of owners to whom the permittee is required to give notice pursuant to Subsection A and Section B of this section. The permittee shall be entitled to rely upon the information contained in such list, and failure to give notice to any owner or occupant not on the list shall not be deemed a violation of this section.

§ 156-6 Suspension of blasting; postblast survey.

- A. If any damage is caused by the blasting activity, the Township, in its discretion, may halt all blasting activity pending an investigation by the State Department of Labor and Industry. No further blasting activity may be conducted until approval is obtained from the State Department of Labor and Industry and the Township.
- B. Upon the expiration of the blasting permit or within 72 hours following completion of blasting activity, whichever first occurs, the permittee shall, with the consent of the individual property owners, conduct a postblast survey of all properties within 400 feet of the exterior lot or boundary line of the property upon which blasting activity shall be conducted to determine the existence and/or extent of any and all damage, and the same shall be filed with the Township Engineer. The failure to determine or discover the existence of any damage within such seventy-two-hour period shall not be deemed to constitute a waiver should any claim be made subject to the expiration of such period.

§ 156-7 Violations and penalties; enforcement.

- A. Any person who violates any of the provisions of this article, unless otherwise provided for in this article, shall, upon conviction thereof, be subject to the penalties set forth in Chapter 1, Article II, General Penalty, of the Township Code. Each violation shall constitute a separate offense for each day it continues. Such fine shall be in addition to any state and/or federal penalties.
- B. The Township Engineer or his/her designee, shall be responsible for the issuance of permits pursuant to this Chapter.
- C. The Township Engineer, the Construction Code Official, or their designees shall be responsible for the administrative and legal enforcement of this Chapter.

§ 156-8 Nonapplicability.

- A. Nothing contained in this chapter shall be construed as applying to the military or naval forces of the United States or the duly authorized militia of this or any state nor to the Police or Fire Department of this municipality, provided that the same are acting in their official capacity and in the performance of their official duties.
- B. Nothing contained in this chapter shall be construed as applying to the public display of fireworks, provided that the same are displayed according to applicable state statutes or any other applicable law.

SECTION 2. Chapter A565-1 (Schedule of Fees) of the Code of the Township of Verona is hereby supplemented by the addition of the following Section as follows:

Type	Fee
Ch. 156, Blasting	
§ 156-4, Application fee for blasting permit	\$1,000 plus \$100 per day of proposed blasting activity
§ 156-5(E) Fee for furnishing list of property owners	\$40

SECTION 3. In case any one or more of the provisions of this Ordinance shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

SECTION 4. If any section, sub-section, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 5. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. This ordinance shall take effect 20 days after final passage and publication as prescribed by law.

ATTEST:

JENNIFER KIERNAN
MUNICIPAL CLERK

I HEREBY CERTIFY THAT THE AFOREMENTIONED ORDINANCE WAS PUBLISHED IN THE STAR LEDGER, A NEWSPAPER PUBLISHED IN THE COUNTY OF ESSEX AND CIRCULATED IN THE TOWNSHIP OF VERONA, IN THE ISSUE OF MAY 21, 2021 AND XXXX.

JENNIFER KIERNAN
MUNICIPAL CLERK

INTRODUCTION: May 17, 2021
PUBLIC HEARING: June 7, 2021
EFFECTIVE DATE: