

# Town of Georgetown, IN

Ordinance # G-05-34

**AN ORDINANCE PROVIDING FOR REASONABLE  
NOTIFICATION OF THE TOWN OFFICIALS AND  
THE AFFECTED CITIZENS IN THE EVENT ANY  
KIND OF BLASTING IS REQUIRED AS A PART  
OF A DEVELOPMENT IN THE  
TOWN OF GEORGETOWN.**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE  
TOWN OF GEORGETOWN, INDIANA THAT:

**WHEREAS**, the proper officials of a political subdivision are responsible for providing for the general health, safety and welfare of our citizens and as such may establish such regulations and requirements as the Council finds necessary to properly maintain and monitor the public welfare; and,

**WHEREAS**, the members of the Town Council of Georgetown, Indiana are the proper officers of the Town of Georgetown, a political subdivision, to establish such regulations; and,

**WHEREAS**, the Town Council identifies that one of the modern development and building techniques is to use explosives to blast, or shoot rock at higher elevations in the soil such that basements can be dug, pipes laid, etc, and;

**WHEREAS**, the Town Council fully acknowledges that blasting permits and licensing are functions of the State of Indiana government, and not the Town, but by the same token, the Town Council is simply interested in requiring formal notice of any blasting in advance of it beginning; and,

**WHEREAS**, the Town Council, after review and consideration, has determined that an ordinance should be adopted formally establishing regulations concerning blasting for the general safety, welfare and peace of mind of our citizens.

NOW THEREFORE, BE IT ORDAINED:

**SECTION 1. Licensing**

When blasting is required to excavate rock, the contractor(s) shall comply fully with the provisions of the Laws and Regulations governing explosives and blasting, as ordained and issued by the State of Indiana under the provisions of the Indiana Code 22-10-6 et seq., to include but not limited to obtaining the necessary permits from the State and insuring operations personnel are duly licensed by the State.

**SECTION 2. Notification**

No less than two weeks prior to any blasting, a pre-blast survey of potentially affected homeowners and properties shall be conducted by the contractor(s) or his agent.

The General Contractor shall provide the Georgetown Clerk/Treasurer with the name of the agency and person(s) who will be performing the survey. The Clerk/Treasurer shall provide the person(s) performing the pre-blast survey an original letter of introduction to identify him/her to the residents. No copies of the letter shall be permitted. The pre-blast survey shall be completed not less than five days prior to the beginning of blasting.

Property owners/tenants living within 1,000 feet of the parcel property line in any direction in which the blasting is being performed shall be notified of the upcoming blasting scheduled, to include the beginning date, the proposed ending date, and any specifics on the time of day blasting will occur by the contractor or his agent. The affected property owners will be instructed by the contractor to *only* accept an original letter of introduction on the Town of Georgetown's letterhead. The Contractor shall furnish to the Town, upon request, all photographs taken and reports made during the pre-blast and post blast surveys, without any additional cost to the Town of Georgetown.

### **SECTION 3. Insurance**

No blasting shall be done unless proper insurance has been secured and is in force, with proof of insurance provided to the Office of the Clerk/Treasurer. Except with written permission of the Town Clerk/Treasurer, no blasting will be permitted during the hours of darkness nor any time on Sundays.

### **SECTION 4. Preventive Procedures**

During blasting operations, every precaution shall be used for the protection of persons and private and public property. Each blast shall be well covered with mats and other suitable means to confine the rock fragments. Only the minimum amounts of explosives shall be used to shatter the rock. The contractor shall monitor the blasts to ensure that excessive charges are not being used. The debris from the blasting operations shall be disposed of properly, in accordance with Indiana State regulations and standards.

### **SECTION 5. Disputes**

Nothing in this ordinance shall be construed to imply nor infer that the Town has any responsibilities for reparations, should damage occur as a result of any blasting. Any damage allegations are a conflict between the property owner alleging damage and the contractor, and/or their respective insurance companies. This ordinance is purely a requirement for due notification of pending explosive work.

### **SECTION 6. Style and Form of Notice**

The letter from the general contractor to the affected citizens shall include, but not be limited to the following information:

- A. Dates blasting is scheduled to occur
- B. Hours of blasting
- C. Notice to residents that they need to document the existing condition of their property prior to blasting beginning, e.g. photographs.
- D. The name and address of the general contractor, the blasting contractor, the supervisors of the blasting, insurance companies insuring the blasting, and attorneys for the general contractor.

**SECTION 7. SEVERABILITY**

Should any portion of this ordinance be found to be invalid or unconstitutional, the remaining parts of this ordinance shall be severable and shall continue in full force and effect.

NOW, THEREFORE, BE IT FURTHER ORDAINED that all Ordinances of the Town of Georgetown, Indiana which are in conflict with this Ordinance are hereby repealed to the extent of such conflict, and any Ordinance not in conflict with this Ordinance shall remain in full force and effect.

Adopted by the Town Council of the Town of Georgetown, Indiana, this 17<sup>th</sup> day of November, 2005.

Gary S. Smith  
Gary Smith, President

Jeff McCaffrey, Vice President

Jay Davis  
Jay Davis, Member

Dean Hammersmith  
Dean Hammersmith, Member

Chris Carter, Member

ATTEST:

Douglas Cook  
Douglas Cook, Georgetown Clerk/Treasurer