

BLASTING ORDINANCE

BLASTING ORDINANCE FOR TOWNS COUNTY

PURPOSES

There has been a significant increase in the number of fly rock incidents in the State of Georgia which have included materials leaving the designated blast site. These incidents pose a serious safety hazard to nearby persons and property. It has been determined that these incidents present an imminent peril to the public health, safety, and welfare of the citizens of Towns County.

The public landowners, citizens, and visitors of Towns County are entitled to protection from flying debris, shock wave effects, and potential fire hazards caused by blasting events occurring within the environs of said county. Furthermore, the public and county agencies such as 911, emergency services, and fire services as well as surrounding property owners are entitled to advance notice of such events to occur in order to prepare for such events and their potential consequences.

To protect said public and to enable local agencies to prepare for any adverse consequences from same, this Ordinance is adopted.

BLASTING ORDINANCE

Towns County is hereby establishing a blasting permit system whereby any person or entity wishing to use TNT, dynamite, or any explosive material shall apply for a permit from the Towns County Commission Office at least 24 hours prior to any such blasting event.

Section 1. Application: The Blasting Ordinance shall apply to any Blasting operations occurring within the environs of Towns County as controlled by Office of Insurance and Safety Fire of the State of Georgia and more particularly set out in their Rules and Regulations for Explosives and Blasting Agents, Chapter 120-3-10-.01-0.5, et seq as well as O.C.G.A 25-8-1 et seq. This ordinance shall also apply to landowners and their agents causing such events to occur.

Section 2. Definitions:

1. "Applicant" is any person representing the owner of land within Towns County that requires the use of explosives.
2. "Authority Having Jurisdiction" means the Towns County Commissioner or their designated agent.
3. "Advertisement" means an ad run the Legal Organ of the county for at least 1 week prior to the Blasting event.
4. "Permit" means certificate or letter issued by the Commissioner's Office or his designee showing that the applicant has met all requirements under Chapter 120-3-10-.01-0.5., et seq as required by the Office of Insurance and Safety Fire of State of Georgia, full compliance with O.C.G.A. 25-8-1, et seq, as well as the required advertisement and notice requirements set forth in this Ordinance.
5. "Surrounding Property owners" means owners or occupants of any property which lie within 1000 feet of the blast point on which the blast occurs. This distance shall be measured, due to the high number of slopes in this county, from nearest point of the blast point as measured by a surveyor by transit and not along the contour of the land.
6. "Towns County" means all unincorporated areas of Towns County and excluding the areas lying within incorporated areas of Young Harris and Hiawassee.

7. "Business days" means Monday through Saturday excluding the following Holidays: Christmas Eve, Christmas Day, Thanksgiving Day and the day after, Independence Day, Martin Luther King, Jr. Day, and New Year's Eve.
8. "Blasting Times": No blasting event shall occur no sooner than 30 minutes after sunrise nor later than 30 minutes before sunset.

Section 3. Administration:

(1) Requirements for Permit:

- (a) Proof of proper license issued to applicant or landowner or his agent by the Office of Insurance and Fire Safety of the State of Georgia as set forth in the Rules and Regulations for Explosives and Blasting Agents, particularly Chapter 120-3-10-0.5 et seq as well as full compliance with O.C.G.A. 25-8-1. et seq.
- (b) Proof of advertisement at least one week in the Legal Organ of Towns County prior to any blasting event giving notice to the public of the time, date, and location of the blasting event.
- (c) Certification of notice either by phone, mail, or personal notification to owners or occupiers of land within 1000 feet of the blast point.
- (d) Verification that the blasting event will only occur during "business hours" and during times as defined herein.

Section 4. Fee for Permit:

The County shall require the applicant for a permit to pay an administrative fee of \$25.00 to offset the cost of notifying fire and emergency services for the upcoming blasting event. The applicant shall be responsible for the cost of the legal ad required.

Section 5. Penalties for Violation:

Any person, firm, or corporation or other legal entity violating, ignoring, or refusing to abide by this Ordinance, shall be guilty of a misdemeanor, and after having been found to have violated same by a Court of competent jurisdiction shall be subject to a monetary fine of not less than \$500.00 and not more than \$1,000.00. The County Commissioner's Office or its designee shall enforce this Ordinance.

Section 6. Conflict with other Laws:

Whenever the provisions of this Ordinance impose more restrictive standards than are required in or under other statute, the provisions of this Ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Ordinance, the provisions of this Ordinance shall govern.

Section 7. Severability:

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ADOPTION, THE PUBLIC WELFARE DEMANDS IT.

ADOPTED, THIS THE 17TH DAY OF AUGUST, 2006.

/s/ Bill Kendall,
Towns County Commissioner

/s/ Linda H. Hedden
Towns County Clerk