

VILLAGE OF BOSTON HEIGHTS	Codified?	First Reading _____	Waiver 3-Reading Rule _____
ORDINANCE NO: <u>2017-2-4</u>	Yes <u>X</u>	Second Reading _____	Yes _____
INTRODUCED BY <u>R. ANTAL</u>	No _____	Third Reading _____	No <u>X</u>

**AN ORDINANCE AMENDING SECTION 549.10 OF THE CODIFIED ORDINANCES
REGARDING BLASTING WITHIN THE VILLAGE
AND DECLARING AN EMERGENCY**

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Boston Heights, Summit County, Ohio, as follows:

Section 1: That Codified Ordinance 549.10 of the Codified Ordinances of the Village of Boston Heights be amended to state as set forth in the attached Exhibit A; which is incorporated herein.

Section 2: That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety of the Village residents, to minimize disturbances within the Village, to counter the inherent dangers associated with blasting, and, to prevent the deleterious and harmful effects that blasting could have on the community. This legislation shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise; at the earliest opportunity provided for by law.

PASSED:



BILL GONCY, MAYOR

ATTEST:



BETTY KLINGENBERG, FISCAL OFFICER

I, Betty Klingenberg, Fiscal Officer and Clerk of the Village of Boston Heights, Summit County, Ohio, do hereby certify that the foregoing Ordinance **2017-2-4** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this **14th Day of February, 2017.**

CHAPTER 549.10. BLASTING

(a) Blasting. No person or company shall blast with dynamite, gun powder, or any other explosive compound in connection with construction or the development of a site within the limits of the Municipality, unless there shall first have been obtained a permit therefore from the Mayor.

(b) Blasting Permit.

(1) Application. Such permit shall set forth the time at which and the circumstances under which such blasting may be done. Applications shall be submitted in writing. No permit shall be issued unless such blasting can be done without injury to persons or damage to adjoining or other property.

(2) Signal Requirement. Prior to each blasting a proper signal of warning shall be given which shall be approved by the Mayor, and the Mayor shall further impose timing and other protective measures as will insure safety to persons and property.

(3) Bond.

A. Initial Bond. The Mayor is hereby authorized to require as a condition of such permit a bond in such amount and form, and with such sureties as he deems satisfactory, conditioned to pay all injuries and damages that may be caused to the Municipality or to persons and/or property from such blasting operations. Such bond shall be furnished prior to the issuance of the permit.

B. Additional Security. The Mayor shall be authorized, for reasonable cause, to require additional security as a condition of the continuance of the permit.

(4) Investigation.

A. Whenever any application is made for a blasting permit, the Zoning Inspector shall, at the expense of the applicant, cause an investigation to be made as to the likelihood of injury or damage to persons or to public or private property from the proposed blasting.

B. Upon completion of the investigation, the Zoning Inspector shall provide the results of any investigation to the Mayor.

(5) Revocation of Permit. The Mayor shall be authorized, for reasonable cause, to revoke a blasting permit.

(c) Penalty.

(1) Separate Offenses. For the purposes of this chapter, each detonation without a permit in violation of this chapter shall constitute a separate offense.

(2) Penalty. Whoever violates this section is guilty of a first degree misdemeanor.