

Chapter 190

BLASTING AND ROCK CRUSHING

[HISTORY: Adopted by the Village Board of Trustees of the Village of Hixton 10-6-1987 (Title 7, Ch. 8, Sec. 7-8-7 of the 1987 Code of Ordinances). Amendments noted where applicable.]

§ 190-1. Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

BLASTING — A method of loosening, moving or shattering masses of solid matter by use of explosive compounds to prepare stone for crushing, to prepare stone for building and/or ornamental use, or to prepare property for development.

PERSON — Any individual, partner, corporation, company, trustee or association, together with the respective servants, agents and employees thereof.

ROCK CRUSHER — Any device, machine, apparatus or equipment used either individually or in conjunction with any other device, machine, apparatus or equipment for the purpose of crushing, grinding, breaking or pulverizing rock or stone.

§ 190-2. Operation.

No person within the Village shall operate a rock crusher or perform blasting in such a manner so that any dust, dirt or vibration from such operation shall, in any way, damage or injure any person or property within the Village. All blasting within the Village shall be performed according to the requirements of Ch. SPS 307, Explosives and Fireworks, Wis. Adm. Code, and all subsequent amendments thereto.

§ 190-3. Permit.

- A. Permit required. No person within the Village shall operate a rock crusher or perform blasting who does not possess a proper permit therefor from the Village.
- B. Applications. All applications for permits hereunder shall be made in writing upon the written form provided by the Village and distributed by the Village Clerk-Treasurer. All applications for permits hereunder shall be signed by the applicant and filed with the Village Clerk-Treasurer at least 60 days prior to the licensing period. The Village Clerk-Treasurer shall immediately refer all applications for permits hereunder to the Village Engineer. The Village Clerk-Treasurer shall issue a permit hereunder only after first receiving the recommendation of the Village Engineer, the duly executed certified check for the permit fee as hereinafter provided and the submittal of the Plan of Operation, if required, as approved by the Village Engineer.
- C. Certified check. Each application for a permit hereunder shall be accompanied by a certified check in the sum of the required permit fee as hereinafter provided, or a renewal

thereof, the same to be payable to the Village.

- D. Plan of operation. Each application for a permit to perform blasting or operate a rock crusher hereunder or renewal thereof shall be accompanied by a plan of operation which shall include: methods of screening from adjacent properties, hours of operation, hours of blasting and operation of rock crusher, dust and noise control, blasting procedures, location and height of stock piles, whether a rock crusher will be needed and how often, water supply, drainage course, maximum depth, legal description of property in question and other information the Village Engineer deems pertinent to the proposed operation. Such plan of operation shall be approved by the Village Engineer. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- E. Each application for a blasting permit shall be accompanied by a Certificate of Insurance identifying the Village of Hixton as a party insured in the amount of \$500,000 for damage to property and \$500,000 for injury to one person and \$1,000,000 for injury to more than one person caused by the blasting.

§ 190-4. Renewals.

All requests for renewals of permits hereunder shall be made at least 60 days prior to the expiration date of the permit and must comply with all requirements of § 190-3 above.

§ 190-5. Blasting procedures and controls.

- A. Energy ratio. The allowable vibration of any blast at the nearest occupied or used building off the subject premises shall not exceed an energy ratio of 0.5 or resultant particle velocity of 1.35 inches per second based on the following formula:

$$\text{Energy ratio} = 0.5 = 10.823 f^2 A^2$$

Where:

f = frequency in cycles per second,

A = amplitude or displacement in inches

$$\text{Energy ratio} = 0.274 V^2 \text{ (V = resultant particles velocity expressed in inches per second)}$$

- B. Measurement of blasts. The operator of the quarry operation, when requested to do so by the Village Engineer, shall measure and submit data to substantiate compliance with the above formula and the operator of the quarry operation, when requested to do so by the Village Engineer, shall measure air blast. This verification shall be performed by a seismological engineering firm acceptable to the Village or by the Village Engineer. Instrumentation shall be by seismograph similar to VME Seismolog Model "B" and approved seismograph sound-measuring equipment or approved equivalents. All expenses for these tests shall be paid by the quarry operator.
- C. Blasting log. A log in duplicate shall be kept of each blast on forms similar to the one on file with the Village Clerk-Treasurer. The original copy of this blasting log shall be filed with the Clerk-Treasurer within 48 hours after the blast, and a copy shall be kept on file at

the quarry office.

- D. Cover material. Operators of quarries for building and/or ornamental stone removal shall cover Primacord, other detonating cord or surface-laid blasting devices with at least one foot of dirt or other suitable cover material.

§ 190-6. Permit fee. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The permit fee for any permit issued pursuant to this chapter shall be as set forth below. No permit fee shall be prorated. All permits issued hereunder shall expire on December 31 following the date of issue:

- A. Quarries using blasting to supply buildings and/or ornamental stone: fee per blasting period as set by the Village Board.
- B. Gravel crushing operations using portable or fixed crushing equipment less than 30 days per year: fee per year as set by the Village Board.

§ 190-7. Violations and penalties.

Any person who shall violate any of the provisions of this chapter shall be subject to a penalty as provided in § 1-3 of this Code of the Village of Hixton. However, upon conviction for the violation of any of the provisions of this chapter by the holder of a permit issued hereunder, and in addition to the forfeiture provided, such permit shall thereupon be canceled, revoked, rescinded and terminated.

§ 190-8. Enforcement.

Before renewal of any license issued under this chapter is refused or any license is revoked, canceled, rescinded or terminated, the licensee shall be given written notice of any charges or violations against him or the reasons proposed for nonrenewal or revocation and shall have an opportunity to be heard before the Village Board.