

ARTICLE IV Explosives, Ammunition and Blasting Agents (§ 104-20 — § 104-24)**§ 104-20 Applicability.**

This article shall apply to the manufacture, possession, storage, sale, transportation and use of explosives and blasting agents.

§ 104-21 General provisions.**A.**

Compliance required. All explosives must be stored, used and transported in compliance with the requirements of this article.

B.

Exceptions. Nothing in this article shall be held to mean or include any small-arms ammunition, signal rockets, fireworks or devices or compositions used to obtain visible or audible pyrotechnic effects or to apply to the use of blasting explosives for agricultural purposes in quantities not exceeding 200 pounds at any one time and by the owner of the property where the blasting is done.

C.

Definitions. As used in this article, the following terms shall have the meanings indicated:

EXPLOSIVE

Includes any chemical compound or any mechanical mixture containing any oxidizing and combustible units or any other ingredients in such proportions, quantities or packing that an ignition by fire, friction, concussion percussion or detonator of any part of the compound or mixture may cause sudden generation of highly heated gases such that the resultant gaseous pressures are capable of producing destructive effects upon life, limb or contiguous objects, but does not mean gasoline, kerosene, naphtha, turpentine, benzine, colloided nitrocellulose in sheets or rods or grains not under 1/8 of an inch in diameter, wet nitrocellulose and wet nitrostarch containing moisture of 20% or more or wet picric acid containing or being in moisture of 10% or more.

D.

Manufacture prohibited. It is prohibited for any person to manufacture any explosive in the Town of Mount Pleasant outside incorporated villages, except that any explosives may be manufactured in the laboratories in colleges and similar institutions for the purpose of investigation and instruction.

E.

Certain explosives prohibited. It is prohibited for any persons to have, keep, store, sell offer for sale, give away, use, transport or manufacture any of the following explosives in any quantity: liquid nitroglycerine; high explosives containing over 60% of nitroglycerine (except gelatin dynamite); high explosives having an unsatisfactory absorbent or ones that permits leakage of nitroglycerine under any conditions liable to exist during transportation or storage; nitrocellulose in a dry condition in a quantity greater than 10 pounds in one exterior package; fulminate of mercury in bulk in a dry condition and fulminate of all other metals in any condition, except as a component of manufactured articles not hereinafter forbidden; or explosives containing an ammonium salt and a chlorate.

F.

Encasement. Except while blasting, no person shall possess or store explosives unless such explosives are completely enclosed or encased in tight metal, wooden or fiber containers or are contained in a licensed magazine. A person having an explosive in his possession or control shall under no circumstances permit any grains or particles of it to remain on the outside of or about its container. Every container shall be plainly marked with the name of the explosive contained therein.

G.

Records of sales or gifts.

Editor's Note: Amended at time of adoption of Code (see Ch. [1](#), General Provisions, Art I).

(1)

Every person selling or giving away an explosive shall keep at his principal office or place of business a journal or book of record setting forth in legible writing a complete history of the transaction, including the name and quantity

of the explosives, the name, residence and business address of the purchaser and the name and address of the person taking the explosive away or, if delivered, the address of the place of delivery and the name of the person receiving same. Such journal or book of record shall be open to inspection by the Building Inspector. No explosives shall be sold, given away or otherwise disposed of or delivered to any person under 18 years of age, whether said person is acting for himself or for another person.

(2)

A record of each delivery in the Town of Mount Pleasant or of each delivery to a person of explosives for use in the Town of Mount Pleasant shall be mailed to the Building Inspector of the Town of Mount Pleasant by first-class mail within 24 hours of said delivery.

§ 104-22 Transportation.

A.

License required. It shall be unlawful to transport any explosives except in a vehicle for which a license has been issued the Building Inspector. Application for such license shall be accompanied by an inspection fee as set forth in Chapter [A224](#), Fees. Each license or renewal thereof shall expire on December 31 next following its issuance and may be renewed upon payment of an inspection fee as set forth in Chapter [A224](#), Fees. No such license or renewal shall be issued until the applicant has furnished a surety bond in the sum of \$50,000, such bond to meet the approval of the Town Board and, after such approval, to be filed with the Town Clerk.

Editor's Note: Amended at time of adoption of Code (see Ch. [1](#), General Provisions, Art I).

B.

Prohibited in public conveyances. It shall be unlawful to transport or carry any explosive in or upon any public conveyance which is carrying passengers for hire.

C.

Hours of transportation. It shall be unlawful to transport or deliver any explosives between sunset and sunrise, except with the special approval of the Building Inspector.

Editor's Note: Amended at time of adoption of Code (see Ch. [1](#), General Provisions, Art I).

D.

Condition, contents and operation of vehicle.

(1)

Every vehicle used for the transportation of explosives shall be kept clean and in good repair at all times and, when containing explosives, shall be operated as required herein. No person shall place or carry, or cause to be placed or carried, in or upon a vehicle containing an explosive any metal tool, piece of metal, fire or any match, exploder, detonator, blasting cap or other device for producing spark, flame or heat, except tools for the operation and repair of such vehicle.

(2)

Whenever the vehicle is parked or becomes disabled and remains on the street between sunset and sunrise, it shall be protected by lights, reflectors or other approved warnings visible for at least 200 feet. Before a disabled vehicle is towed, all explosives shall be removed to another licensed vehicle. All fuel tank inlets shall be equipped with a device to relieve excessive internal pressure. Exhaust pipes shall be protected by a properly constructed flame baffle to prevent backfire flames from igniting the contents of motor vehicles.

(3)

The floors of all vehicles must be tight. Any exposed metal on the inside of the body liable to come into contact with any package of explosive must be covered or protected with wood or other nonmetallic material.

(4)

Every vehicle must be equipped with not less than two fire extinguishers of a make and type approved by the Underwriters for such purpose, of at least a one-quart capacity each, filled and ready for such immediate use and placed at convenient points on each vehicle, and such vehicle shall be inspected daily by the owner or operator or his representatives to determine that:

(a)

Fire extinguishers are filled and in working order.

(b)

Electric wiring is completely insulated and firmly secured and all lights are in proper working order. The battery and wiring must be so installed that they will not come in contact with any package of explosives.

(c)

The chassis, engine, pan and bottom of the body are clean and free from surplus oil and grease.

(d)

Brakes and steering apparatus are in good condition.

(e)

The fuel tank and feed line from the fuel tank have no leaks.

(f)

In general, the vehicle is in proper condition for the safe transportation of explosives.

(5)

No vehicle shall pass fires of any kind burning on or near the public highway unless, after proper investigation, this is found to be safe.

(6)

All congested thoroughfares, places where crowds are assembled, streetcar tracks, tunnels, viaducts and dangerous crossings should be avoided as much as possible.

(7)

Explosives must not be transported in any form of trailer, nor shall any trailer be attached to a motortruck or vehicle hauling explosives.

(8)

The driver must always have the motortruck or vehicle under complete control.

(9)

Each vehicle must come to a full stop before crossing any main public highway and must then proceed with caution.

(10)

Motor vehicles must not coast or freewheel at any time.

(11)

No driver of any vehicle shall leave the driver's seat until the motor of the vehicle is stopped and the brakes are set. The driver of any vehicle other than a motor vehicle containing any explosive, when necessary to leave the driver's seat, shall securely set the brakes.

(12)

Vehicles while containing explosives shall never be taken into a garage or repair shop for repairs or storage. This rule will not apply to open, sunshade garages where no open-flame light or burner is in use.

(13)

No fuel shall be run into the fuel tank of any vehicle while carrying explosives except to replenish the fuel supply en route when the fuel tank is of insufficient capacity to permit the destination to be reached with one filling, and then only when the engine of the vehicle is stopped.

(14)

No vehicle shall be parked on any public street adjacent to or in close proximity to any dwelling or building or place where persons work, congregate or assemble. This does not apply to persons assisting in the loading or unloading of any vehicle.

(15)

Packages must not be placed where they are likely to fall off vehicles, tailboards must be closely and securely fastened during transportation, and the sides and ends of open-bodied vehicles must also be high enough to prevent any such package from falling off the vehicle.

(16)

Bale hooks or metal tools must not be used for loading, unloading or other handling of explosives.

(17)

Any vehicle equipped with an open body must have packages of explosives loaded therein completely covered with tarpaulin to protect them from the weather and from sparks.

(18)

Before any explosive is loaded into or unloaded from any motor vehicle, the engine of the vehicle shall be stopped and the brakes set. For horse-drawn vehicles, the horses must have been securely tied and the brakes set.

E.

Marking of vehicles. Every vehicle carrying an explosive shall display upon an erect pole upon its front end, at such height as to be visible from all directions, a red flag with the word "danger" printed, stamped or sewn in white letters thereon. The flag shall be at least 18 inches wide by 30 inches long, and the letters at least 12 inches high. In addition to such flag, the vehicle shall carry on its front, sides and back signs with the word "explosives" and the permit number in easily legible letters at least three inches high.

F.

Load limit. It shall be unlawful to transport or carry in or upon any such vehicle any explosive in excess of 3,000 pounds, except with the special permission of the Building Inspector.

Editor's Note: Amended at time of adoption of Code (see Ch. [1](#), General Provisions, Art I).

G.

Drivers. Every vehicle carrying explosives shall be in continuous charge of a competent person having experience as a handler of explosives, and no other person shall be allowed in or upon said vehicle. No person shall approach, ride upon, drive, load or unload a vehicle carrying explosives carelessly, recklessly or while smoking or while under the influence of intoxicating liquor or narcotics.

H.

Delivery. It shall be unlawful to deliver any explosive except in original and unbroken packages or at any place other than a duly licensed magazine and to the person in charge thereof, provided, however, that the Building Inspector may permit the delivery to a licensed blaster of a smaller amount to be loaded into holes for immediate blasting.

Editor's Note: Amended at time of adoption of Code (see Ch. [1](#), General Provisions, Art I).

I.

No interference. It shall be unlawful for any person to interfere with or molest a vehicle containing explosives, or the person in charge thereof.

§ 104-23 Storage.

Editor's Note: Amended at time of adoption of Code (see Ch. [1](#), General Provisions, Art I).

Except while being transported or blasted or while in the custody of a common carrier awaiting shipment or delivery to a consignee during the time permitted by federal law, all explosives shall be stored in magazines in accordance with §§ 453 to 458, inclusive, of Article 16 of the Labor Law of the State of New York. Each such magazine shall be at all times in charge of a competent person at least 21 years of age who has satisfied the Building Inspector as to his fitness. It shall be unlawful for any other person to have access to the magazine or place, handle or remove any explosive therein.

§ 104-24 Blasting.

A.

Permit required.

(1)

It shall be unlawful for any person to blast or carry on any blasting operations unless he is the holder of a blaster's license in the Town of Mount Pleasant and unless he obtains a permit for the proposed work from the Building Inspector.

Editor's Note: Amended at time of adoption of Code (see Ch. [1](#), General Provisions, Art I).

(2)

Applications for blasters' licenses shall be made to the Building Inspector on forms prescribed by them. Applicants shall be at least 21 years of age and of good character and habits and shall satisfy the Building Inspector as to their experience in handling explosives and the ability to use the same without undue risk.

Editor's Note: Amended at time of adoption of Code (see Ch. [1](#), General Provisions, Art I).

(3)

Each application shall be accompanied by an examination fee as set forth in Chapter [A224](#), Fees. Licenses shall expire on December 31 next following the date of their issuance and may be renewed by the Building Inspector for the time of one year on the payment of a registration fee as set forth in Chapter [A224](#), Fees, for each such renewal. Licenses may be revoked if, in the opinion of the Building Inspector, the holder has proved himself incompetent or careless. If so revoked, no new license shall be issued to the same person for a period of three months, and then only upon satisfying the Building Inspector of his fitness for such license.

Editor's Note: Amended at time of adoption of Code (see Ch. [1](#), General Provisions, Art I).

(4)

Permits for blasting shall only be issued to persons holding a blaster's license or to contractors who have in their employ persons holding such a license.

(5)

The permit shall state the location for which it is approved including the tax lot number, the date issued, the name of the person authorized to do the blasting, the number of blasts to be set and such other information as the Building Inspector may deem necessary. The permit shall be good only for the one lot designated therein, shall not be transferable and shall expire not later than one year from date thereof. The permit shall not be issued until the applicant shall furnish a bond by a solvent fidelity or surety company authorized by the laws of the State of New York to transact such business, in such amount as shall be fixed by the Building Inspector, which amount shall be on file in the office of the Town Clerk, which said bond must meet with the approval of the Town Board as to form correctness and sufficiency of surety, and, after such approval, said bond shall be filed with the Town Clerk. The applicant shall also satisfy the Building Inspector that any magazine to be used for the storage of explosives on the work for which the blasting permit is desired has been duly licensed by the State Industrial Commissioner under § 458 of Article 16 of the State Labor Law. Application for such permit shall be accompanied by an inspection fee as set forth in Ch. [A224](#), Fees. Any amount paid in excess of the total fee due based upon the actual number of blasts shall be refunded. Any additional blasts shall require the permit to be amended and the applicable additional inspection fee to be paid. The maximum fee per day shall be as set forth in Ch. [A224](#), Fees.

[Amended 5-9-2000

Editor's Note: Amended at time of adoption of Code (see Ch. [1](#), General Provisions, Art I).

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B.

Hours of blasting. It shall be unlawful to blast or carry on any blasting operations after 7:00 p.m. or before 8:00 a.m., nor shall any blasting be done on Sunday, except with the approval of the Building Inspector.

Editor's Note: Amended at time of adoption of Code (see Ch. [1](#), General Provisions, Art I).

C.

Quantity of explosive per hole. No person shall use in a blasting operation a quantity of explosive greater than necessary properly to start the rock. In all cases of blasting rock, unless special permission is obtained from the Building Inspector, the explosive to be used shall not exceed the equivalent of one pound in weight of forty-percent explosive for each four-foot depth of the hole if not 10 feet below the surface and one pound in weight of sixty-percent explosive for each four-foot depth of a hole that is more than 10 feet below the surface. The Building Inspector may give permission to use larger quantities of explosives if the blasting operation is below ground far enough where it will not interfere with the peace of the community.

Editor's Note: Amended at time of adoption of Code (see Ch. [1](#), General Provisions, Art I).

D.

Covering blasts. Before firing any blast, except where the same is in a tunnel, the material to be blasted shall be covered on the top and sides with timber, held securely together by strong chains or ropes of iron or steel and

covered with sheets of tin or heavy woven matting of rope or wire.

E.

Firing. It shall be unlawful to explode a blasting charge by means of time fuse, slow-burning or safety fuse or by any means other than some form of electrical apparatus. At least three minutes before firing a blast, the blaster shall give warning thereof by causing a competent man carrying a red flag to be stationed at a reasonable distance from the blast at each avenue of approach or point of danger.

F.

Shoring. The blasting of rock contiguous to any structure shall be so conducted as not to cause damage thereto. To this end, weak walls or other supports shall be shored up, and rotten or decomposed rock shall be removed only by the use of gads, picks or crowbars. When blasting in the vicinity of a weak structure is unavoidable, only light face blasts with short lines of resistance and small charges shall be used.

G.

Tamping. Blasting charges shall be tamped only by means of wooden tamping rods, and explosives shall be pressed or set into place by steady, even pressure only. All strokes or blows with the tamping rods are forbidden, and no tamping rod shall be used which is frayed or split at the end.

H.

Unexploded charge. Immediately after firing a blast, the blaster shall cause all debris to be removed and shall thoroughly examine the rock and the drill holes to ascertain whether there remains any unexploded charge, and, until this is done, no drills shall be set up. In case a charge shall fail to explode, it must be exploded by drilling one hole at least 12 inches away, which shall be loaded and fired in the usual manner, but in no case shall the charge and tamping be removed from the hole without the special permission of the Building Inspector. In case a blast shall fail to carry away the entire drill hole and leaves the lower part intact, no further drilling shall be done in that hole.

Editor's Note: Amended at time of adoption of Code (see Ch. [1](#), General Provisions, Art I).

I.

Blasters' helpers. No person shall load holes in blasting operations except the blaster authorized in the permit; provided, however, that while holes are being actually loaded, drillers and drill helpers may act as blasters' helpers under the direct supervision and responsibility of the blaster.

J.

Capping cartridges. Cartridges, while being capped, shall be removed from any magazine to a distance of not less than 50 feet and, after being capped, shall not be returned to a magazine. Cartridges shall be capped only as required for the work and for immediate use.