

# Chapter 86 Explosives

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## Chapter 86 Explosives

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### Article I Prospect Hill Spring

#### *§ 86-1. Purpose*

Prospect Hill Spring is the public water source for the Town of Boyce and the communities of Millwood, Waterloo, and White Post. Use of explosives is hereby limited within the area of Prospect Hill Spring so as to protect the quality and quantity of spring water.

#### *§ 86-2. Definition*

For the purpose of this ordinance “explosive” shall be as defined in § 59.1-137. Explosives Definition, Code of Virginia.

#### *§ 86-3. Prohibited Area*

Use of explosives is prohibited within the Spring Conservation Overlay District as described in § 3-E-2 of the Clarke County Zoning Ordinance.

#### *§ 86-4. Limited Area*

Within the area described below and outside the Spring Conservation Overlay District, the use of explosives is allowed after submission and approval by the Clarke County Board of Supervisors (the Board) of a Blasting Plan that addresses the potential impact of the proposed blasting activity on the geology within this area:

- Beginning at the intersection of Virginia Route 620 and the Norfolk Southern Railroad right of way near the intersection of Virginia Route 620 with US Route 340;
- thence southwest along the south boundary of the Norfolk Southern Railroad right of way to Virginia Route 723;
- thence southeast along the northeast boundary of Virginia Route 723 to the intersection of Route 723 with the southeast boundary of present Tax Parcel 29-A-16A;
- thence northeast along the southeast boundary of Tax Parcel 29-A-16A to its eastern corner;
- thence in a straight line from the east corner of Parcel 29-A-16A to the corner of the intersection of the boundaries of present Tax parcel 30-A-1B and present Tax Parcel 30-A-7;
- thence northeast along the common boundary of Parcels 30-A-1B and 30-A-7 to Virginia Route 620;

- thence north along the west boundary of Virginia Route 620 to the point of beginning.

#### *§ 86-5. Blasting Plan*

The Blasting Plan shall include the following elements:

- a. Demonstration that the proposed improvements, including construction of buildings, earthwork operations, road construction, utility installation, and storm drainage/storm water management facilities, for which blasting is to occur are located and designed so as to require the least intensive degree of blasting necessary and that it is necessary to remove the rock rather than relocating development improvements, changing elevations, etc.;
- b. Geotechnical investigation evaluating the impact of the proposed blasting on the quantity and quality of groundwater recharging Prospect Hill Spring. The investigation shall include electrical resistivity and/or seismic refraction testing to show the limits, hardness and characteristics of rock, location of voids, groundwater levels, etc. Test pit evaluation where improvements are planned may be required by the Board after its initial review and approval;
- c. A program for a pre-blast survey of existing water quality and quantity of Prospect Hill Spring and public utilities within the area defined in section 4 above;
- d. A blasting schedule identifying the location, size, and time period of blasting activities;
- e. A statement indicating that:
  - i. all blasting shall be done by licensed blasters and the contractor shall conform to all federal, state, and local laws and regulation regarding transportation, storage, and use of explosives; and
  - ii. the contractor shall be fully responsible and liable for all damage incurred to publicly owned facilities as a result of the contractor's use of explosives and blasting operations regardless of whether or not the contractor had complied with such federal, state, or local laws and regulations.
- f. A monitoring plan conducted by a independent third party,
- g. Blasting work shall be performed in the presence of a licensed blaster;
- h. Other requirements that in the opinion of the Board ensures protection of Prospect Hill Spring.

#### *§ 86-6. Insurance*

The contractor shall take out and maintain, during the period of blasting operations plus 30 days, special liability and property damage insurance for all personal and property damage incurred as a result of the contractor's use of explosives and blasting operations. The Board shall approve the coverage and amount of such insurance. No explosives shall be delivered to the site until proof of such insurance coverage is delivered to the Board. If the coverage or amount of insurance is not deemed sufficient, a special bond covering the blasting operations may be required by the Board and the bond's costs shall be paid by the contractor.

#### *§ 86-7. Notice*

All governmental agencies as required by law, including the Board, shall be notified before the period of blasting commences.

#### *§ 86-8. Review Costs*

The Contractor shall pay the county's costs for professional consultant review of the Blasting Plan.

### Article II County-wide

#### *§ 86-9. Purpose*

More than 3,000 existing dwellings in Clarke County rely on private wells and septic systems for their water source and sewage disposal systems. In addition, portions of public water and sewer systems traverse areas of the county outside of town corporate limits. Use of explosives is hereby limited near:

- a. private wells so as to protect the quality and quantity of private well water,
- b. private septic systems so as to insure their effectiveness in processing sewage and the potential contamination of the groundwater, and
- c. public waterworks and sewer system and treatment works so as to ensure such facilities are not damaged.

#### *§ 86-10. Definitions*

For the purpose of this ordinance "explosive" shall be as defined in § 59.1-137. Explosives Definition, Code of Virginia. For the purpose of this ordinance "perennial spring" shall be as defined in § 143 and § 184 of the Code of Clarke County

#### *§ 86-11. Prohibited Area*

Except in incorporated towns and the Berryville Annexation Area, use of explosives is prohibited within 100 feet of private wells, public waterworks, private sewage disposal systems, public sewerage system and treatment works, and perennial springs.

*§ 86-11. Limited Area*

Between 100 feet and 500 feet of private wells, public waterworks, private sewage disposal systems, public sewerage system and treatment works, and perennial springs the use of explosives is allowed only after submission and approval by the Clarke County Board of Septic and Well Appeals (the Board) of a Blasting Plan that addresses the potential impact of the proposed blasting activity on such facilities.

*§ 86-12. Blasting Plan*

The Blasting Plan shall include the following elements:

- a) Demonstration that the proposed improvements, including construction of buildings, earthwork operations, road construction, utility installation, and storm drainage/stormwater management facilities, for which blasting is to occur are located and designed so as to require the least intensive degree of blasting necessary and that it is necessary to remove the rock rather than relocating development improvements, changing elevations, etc.;
- b) A program for a pre-blast survey of all existing above and below ground facilities within 500 feet of the site proposed for the use of explosives;
- c) A blasting schedule identifying the location, size, and time period of blasting activities;
- d) A statement indicating that:
- e) all blasting shall be done by licensed blasters and the contractor shall conform to all federal, state, and local laws and regulation regarding transportation, storage, and use of explosives; and
- f) the contractor shall be fully responsible and liable for all damage incurred to publicly owned facilities as a result of the contractor's use of explosives and blasting operations regardless of whether or not the contractor had complied with such federal, state, or local laws and regulations.
- g) A statement that blasting work shall be performed in the presence of a licensed blaster;
- h) Other requirements that in the opinion of the Board ensures protection of wells, water works, drain fields, and sewage disposal systems.

*§ 86-13. Insurance*

The contractor shall take out and maintain, during the period of blasting operations plus 30 days, special liability and property damage insurance for all personal and property damage incurred as a result of the contractor's use of explosives and blasting operations. The Board shall approve the coverage and amount of such insurance. No explosives shall be delivered to the site until proof of such insurance coverage is delivered to the Board. If the coverage or amount of insurance is not deemed sufficient, a special bond covering the blasting operations may be required by the Board and the bond's costs shall be paid by the contractor.

*§ 86-14. Notice*

All governmental agencies as required by law, including the Board, shall be notified before the period of blasting commences.

*§ 86-15. Review Costs*

The Contractor shall pay the county's costs for professional consultant review of the Blasting Plan.

**Amendments Chapter 86**

2003-04-08

Adopted Article I Prospect Hill Spring Explosives Ordinance. Chapter number assigned by staff.

2003-12-16

Added Article II County-wide Explosives Ordinance. Number assigned by staff.