

Chapter 66 -- Safety and Common Hazards Code

Subchapter A - Fireworks

66.010. Fireworks. For purposes of this Chapter, the term fireworks shall mean and include any combustible or explosive compositions or any substance or articles prepared for the purpose or producing a visible or audible effect by combustion, explosion, deflagration or detonation.

66.020. Provisions for storage, licensing, and selling. It shall be unlawful for any person, firm or corporation to store, sell or offer for sale fireworks of any type within the city limits, provided, however, notwithstanding any ordinance or fire code provision of the contrary, the sale of fireworks shall be permitted by approval of a majority of the Board of Aldermen to any person, firm or corporation who first files a proper application therefore. Upon approval by the Board of Aldermen, the City Clerk shall issue a permit therefore and the applicant shall pay the proper fee. In approving such sale of fireworks, the Board of Aldermen shall take in to consideration, and, may limit, the number of locations in the City for safety reasons; any traffic problems that may be created; access to the place of sale; safeguards for storage and fire control provided by the applicant; and the close proximity of structures that may be in jeopardy from exploding fireworks. Such sales within the City limits shall commence 15 days prior to the 5th day of July ending at 9:00 p.m. on the 5th of July of each year. Fireworks shall not be sold or kept for sale in a place of business where paint, oil, varnishes, turpentine or gasoline or other flammable substances are kept in unbroken containers, unless kept in a separate and distinct section or department of the said place of business. Two (2), two and one half (2-1/2) pound fire extinguishers shall be provided and kept in close proximity to the stock of fireworks in all buildings and small stands temporarily erected to be used as a place for storing and selling fireworks only.

66.030. Application for permit.

1. Any such person, firm or corporation making application for a permit shall file a written request with the city clerk not less than thirty (30) days prior to the fourth (4) day of July, accompanied by a fee of \$3,500.00 per sale location. If the application is not approved by the Board of Aldermen, the \$3,500.00 fee shall be returned to the applicant. If such application is approved, then the total fee shall be \$3,500.00.

a. All permits issued and approved are personal to the applicant and are nontransferable. The sale of fireworks or operation place of sale by one other than the permittee shall void the permit and cause forfeiture of the permit fee.

2. The granting or denial of applications for permits shall be at the sole discretion of the Board of Aldermen, and all applications shall contain the name of the applicant, in addition to a detailed description of the location of the sale site, or sites, type of structure from which sales are to be made, provisions for fire protection and provided further that the location of each sale site shall be only on property which is zoned for commercial or industrial use and shall be at least 100 feet from any temporary or permanent building.

66.040. Use of fireworks with aerial trajectory prohibited. Provided further, notwithstanding any ordinance or fire code provision to the contrary, it shall be unlawful for any person to possess, throw, use, explode, detonate or shoot, within the city limits, bottle rockets, rockets of all sizes and types and any and all fireworks with an aerial trajectory having a cylinder or cartridge holding a propellant charge, which cylinder or cartridge is not intended to be completely consumed before landing.

66.050. Use of other fireworks limited. It shall be unlawful for any person to throw or place any fireworks, including pyrotechnic devices, in such a manner that the explosion of same will be likely to endanger or cause injury or damage to any person or property; provided further that it shall be unlawful for any person to shoot or detonate fireworks of any nature within the city limits except on the 3rd, 4th, and 5th days of July each year.

Subchapter B - Blasting

66.100. Definitions. For the purposes of this Chapter the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural include the singular, and words used in the singular include the plural. The word "shall" as used herein is not merely directory but is considered mandatory. Unless otherwise specified, the following terms are defined:

1. Explosive: any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion.
2. Licensing officer: the employee of the City of Moscow Mills, Missouri, designated by the Board of Aldermen to perform the duties provided for herein.
3. Particle velocity: a unit of measure in inches per second commonly used in mining and quarrying operations to measure by instrumentation the ground vibration caused by blasting.
4. Permit area: The land which the permittee has rights under law to occupy and use and upon which blasting is to be done.
5. Permittee: any person, as hereinafter defined, who shall apply for and obtain a permit under the terms of this Chapter and in accordance therewith.
6. Person: any natural person, firm, partnership, copartner ship, corporation, company, association, joint stock association, and/or their lessees, duly constituted trustees or receivers, heirs, administrators or assigns.
7. Scaled distance: the actual distance in feet divided by the square root of the maximum explosive weight in pounds that is detonated per delay.
8. Structure: any permanent, man-made building or other constructed object of significant value or importance including but not limited to any dwelling, building, office, school, church, bridge, culvert, dam, tower, utility, roadway, etc.

66.110. Permits required; fee.

1. No person shall do or cause to be done any blasting within the city limits, without first obtaining a permit therefore from the City's licensing officer. Such permit shall be subject to all of the provisions of this Chapter and a fee in the amount of \$50.00.
2. Persons applying for a permit shall submit the following information: location of blasts, purpose of blasting, size of blasts, locations of nearest structures, certificate of insurance, and duration of the blasting activities.
3. The licensing officer is authorized to deny a permit request if it is determined from the data provided that the issuance of a permit would result in a high probability of property damage.
4. In the event a permit request is denied by the licensing officer, the applicant may, within two weeks following the denial, file an appeal to the Board of Adjustment.

66.120. Permits; time limit. All permits issued pursuant to the requirements of the Chapter shall be issued for a term not to exceed one (1) year; provided, that if the licensing officer shall determine that the purpose for which the permit is to be issued can be fulfilled in a term less than one (1) year, the licensing officer shall specify the duration of the permit which the licensing officer and the permittee have determined to be sufficient to fulfill the purpose for which the permit is issued.

66.130. Permits; renewals. Any valid permit issued pursuant to this Chapter shall carry with it the right of successive renewal upon expiration. The holders of the permit may apply for renewal by notifying the licensing officer of any changes on the permit application and such renewal shall be issued provided the applicant seeking renewal has met the requirements and conditions of this Chapter.

66.140. Permits; variances.

1. The maximum peak particle velocity allowed is 1.5 ips. Applicants requesting to exceed this velocity may apply to the Board of Adjustment for a determination as to whether such a variance would be in the public's best interest.
2. The permittee shall submit a pre-blast design to the licensing officer at least 10 days prior to the Board of Adjustment meeting. Said pre-blast design shall include sketches of the proposed types of blasts, directions, drill patterns, delays, types and amounts of explosives to be used, critical dimensions and the locations and general conditions of structures to be protected. Such pre-blast design shall also include:
 - a. The intended maximum peak particle velocity and minimum scaled distance, where applicable, for such blasts, and
 - b. The dates and time periods of such blasts; and
 - c. Pre-blast surveys of structures within 100 feet of the blast area. The pre-blast surveys shall be performed by a registered engineer.

- d. A filing fee of One Hundred Dollars (\$100.00) shall accompany all applications for a variance.
3. Variances may be granted by the Board of adjustment if the Board finds evidence to support all of the following criteria:
 - a. The applicant has taken the necessary precautions to protect property from damage and persons from injury; and
 - b. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the areas to be affected by the proposed blast; and
 - c. The applicant will suffer an unusual hardship unless the variance is granted.

66.150. Application requirements.

1. Each application for a blasting permit under the provisions of this Chapter shall be accompanied by a fee as set by the Board of Aldermen.
2. The permit application shall be submitted in a manner satisfactory to the licensing officer and shall contain:
 - a. The name and address of the permit applicant; and
 - b. A description of the property or plan showing the properties upon which the blasting is to be performed; and
 - c. If the applicant is a corporation, the state of incorporation; and
 - d. A statement of whether the applicant, any subsidiary, affiliate, or persons controlled by or under common control with the applicant, has ever held a blasting permit in any state or political subdivision which in the five-year period prior to the date of submission of the application has been suspended or revoked; and
 - e. A description of the purpose for which the blasting permit is to be used; and
 - f. A description of the land which the applicant has the legal right to enter and commence blasting, and a statement of those documents upon which the applicant bases its legal right to enter and commence blasting on the area affected; and
 - g. Accurate maps generally to a scale of one inch to two hundred feet clearly showing:
 - 1) the land proposed to be affected during the period of the permit including all boundaries of the land to be affected; and

2) locations of all structures of the permit area in any direction for a distance of 500 feet; and

h. A restoration statement to be approved by the licensing officer and including an estimated schedule for the restoration of the permit area to its original state and topography, or to a state and topography agreed upon by the licensing officer, permittee and property owner.

66.160. Indemnity bond required. Before any permit referred to in this Chapter shall have been issued to do blasting, the applicant for such permit shall file evidence of sufficient comprehensive general liability insurance to indemnify the City, or its inhabitants, against any damages arising from blasting; said liability insurance shall be provided by a responsible company, licensed to do business in the State of Missouri and shall have a minimum coverage of \$500,000.00 per person, \$500,000.00 per occurrence, \$500,000.00 per property damage, with an umbrella coverage of \$1,000,000.00. The insurance certificate, including a rider specifically covering the insured for doing blasting (blasting collapse and underground), shall be required with the permit application. In specific cases where blasting is being proposed within 1,000 feet of any dam, an additional rider for the endorsement of increased limits for a specific job shall be required at the sole discretion of the licensing officer.

66.170. Use of explosives.

1. In all blasting operations, except as otherwise authorized in this Chapter, the maximum peak particle velocity shall not exceed 1.5 inches per second at the location of any structure. Peak particle velocities shall be measured in three mutually perpendicular directions.

2. The maximum peak particle velocity shall be the largest of any of these three measurements, and shall not apply at the following locations:

a. at structures owned by the person conducting the blasting activity and not leased to another party;

b. at structures owned by the person conducting the blasting activity and leased to another party, if a written waiver by the lessee is submitted to the licensing officer prior to blasting.

3. Flyrock, including blasted material traveling along the ground, shall not be cast from the permit area.

4. Access to an area possibly subject to flyrock from blasting shall be regulated to protect the public. Access to the area shall be controlled to prevent the presence of unauthorized personnel during blasting until an authorized representative of the person conducting the blasting activity has reasonably determined:

a. that no unusual circumstances, such as imminent slides or undetonated charges, exist; and

b. that access to and travel in or through the area can be safely resumed.

5. All blasting shall be conducted so as to prevent injury to persons and damage to public or private property outside the permit area.
6. Before firing any blast, all means of access to the danger zone (the extent of which shall be determined by the blaster, but in no case to be closer to the explosion than the blaster himself, or 300 feet whichever is more) shall be effectively guarded to exclude all unauthorized personnel. The blaster shall then sound a warning of sufficient intensity and duration to be distinctly audible to all persons within the danger zone and all such persons shall retire beyond the danger zone. The danger zone shall then be examined by the blaster to make certain that all persons have retired therefrom to a place of safety. No blast shall be fired while any person is in the danger zone.
7. When the point of explosion is within three hundred feet of a roadway, the blaster shall, just prior to the blast, designate a sufficient number of employees of the operator, each carrying a red warning flag, to stop all vehicular and pedestrian traffic on each possible route of travel within three hundred fifty feet of the point of explosion until the blast has been fired.
8. No person shall return to the danger zone until permitted to do so by the blaster as announced by audible or visual signal.
9. Immediately following the blast the area shall be examined by the blaster for evidence of misfired charges.
10. A complete record shall be kept by the blaster showing the number of holes, the amount of explosive used per hole, amount of explosive used per delay, length of delay, all misfires and method of disposal of misfires.

66.180. Use of explosives records of blasting operations.

1. A summary of the records for each blast, including seismograph reports shall be submitted to the licensing officer at weekly intervals, for blasts occurring during the previous week. The record shall contain the following data for each blast:
 - a. name of the permittee conducting the blast;
 - b. location date and time of the blast;
 - c. testing locations;
 - d. direction and distance in feet, from the blast to the monitoring devices;
 - e. the number of holes drilled;
 - f. the maximum weight of explosives in pounds used in any hole;
 - g. maximum weight of explosives in pounds used per delay;
 - h. length of delay;
 - i. the total weight of explosives in pounds used in the blast;

- j. peak particle velocity at the testing location;
- k. name of company and the person taking the seismograph reading;
- l. affidavit of company monitoring the blast certifying the accuracy and truth of the reading obtained from the seismograph.

2. Monitoring shall be performed by an independent firm, retained and compensated by permittee, who is responsible for submittal of the data directly to the City. The monitoring shall be performed by an engineering technician working under the direction of a registered professional engineer. Tabulated data, provided for in Section 66.170(1) shall be submitted to the City at weekly intervals. The firm shall be responsible for notifying the City within one hour of any blast exceeding the permitted values. Work shall be stopped and the City notified immediately if any blast exceeds 2 ips.

3. The licensing officer may suspend blast monitoring after the data from five blasts is submitted if, at his determination, monitoring is not necessary to protect the public and when no individual blast exceeded 1 ips. All blasts over 1 ips must be continuously monitored. The licensing officer may reimpose the monitoring requirements at his sole discretion. The suspension of monitoring does not relieve the permittee from any other requirements of this Chapter. The permittee shall still be required to supply the data specified in Section 66.170(1).

66.190. Right of inspection.

1. The licensing officer or any authorized police officer, may, at any reasonable time, inspect premises, buildings and installations used for storage or sale of explosives or blasting agents, or any premises on which blasting operations are being conducted for the purpose of determining whether the provisions of this Chapter are being complied with.

2. The licensing officer or any authorized police officer may, during normal business hours, enter and inspect the premises, including places of storage, of any licensed importer, licensed manufacturer, licensed manufacturer-limited, licensed dealer, or permittee for the purpose of inspecting or examining any documents and records required to be kept by such person by law and any explosive materials kept or stored by such person.

3. Any person who shall hinder or obstruct the licensing officer or any police officer in the performance of his official duties shall be guilty of a violation of the provisions of this Chapter and upon conviction thereof, shall be punished as provided in this Section.

66.200. Transfer, assignment or sale of rights granted under permit. No transfer, assignment or sale of the rights granted under any permit issued pursuant to this Chapter shall be made without prior approval of the licensing officer.

66.210. Penalties. Any permittee who violates any permit condition or who violates any other provision of this Chapter may be assessed a penalty, and/or have his permit revoked and future permits refused. Such penalty shall not exceed Five Hundred Dollars (\$500.00) and/or thirty (30) days imprisonment for each violation. Each blast

may be deemed a separate violation for purposes of penalty assessments. In determining the amount of the penalty, consideration shall be given to the permittee's history of previous violations, the seriousness of the violation, including any irreparable harm to the environment or property damage and any hazard to the health or safety of the public.

66.220. Suspension or revocation of permit; hearing; notice.

1. The licensing officer shall have the power to suspend or revoke any permit granted under the terms and conditions of this Chapter for any of the following causes:

a. any fraud, misrepresentation or false statement contained in the application for permit or blast records; and

b. any violation of this Chapter.

2. The Board of Aldermen shall have the power to issue subpoenas and all necessary processes and to require the production of papers, to administer oaths and to take testimony and to make findings thereon and shall hold a public hearing prior to such revocation or suspension.

3. Notice of hearing for the suspension or revocation of a license shall be given, in writing, setting forth specific reasons for the suspension or revocation of the permit and the time and place of the hearing. Such notice shall be mailed to the permittee at its last known address, at least ten (10) days, prior to the date set for the hearing. In the alternative, such notice of hearing may be delivered to the permittee by personal service.

4. Upon revocation or suspension no refund of any portion of the license fee will be made to the permittee and the permittee shall cease all blasting operations.

Subchapter C - Burning

66.300. Open Fires Prohibited.

A. No person or entity shall kindle, set fire to, burn, or maintain an open fire of yard waste, agricultural waste, household waste, commercial/industrial waste, trash, debris, or any other material whatsoever in the City limits except as provided in this subchapter.

B. The provisions of this subchapter shall not prohibit campfires or other fires used for recreational purposes, ceremonial occasions, or other outdoor noncommercial preparation of food. Such fires shall include only vegetative woody materials or untreated wood products and may not include tires, fuel oil, or other materials prohibited by this code or the Missouri Department of Natural Resources. Such fires must be less than 25 square feet in size, be at least 25 feet from any structure, and be attended at all times.

66.310. Open Burning of Yard Waste Only Permitted, Restrictions.

The open burning of yard waste only shall be allowed provided it originated from and is burned on the same premises. Yard waste includes trees, tree leaves, brush, weeds, grass clippings, and other vegetation. Yard waste may only be

burned under the following conditions:

1. Such burning shall only be permitted from October 1st through March 31st.
2. Such burning shall only be permitted between the hours of 8:00 a.m. and 8:00 p.m.
3. Such burning shall not occur within 25 feet of any structure, may not occur on the City's right-of-way, and must be less than 25 square feet in size.
4. Said fires must be attended and controlled at all times, and a immediate means of extinguishment, such as a garden hose or fire extinguisher, must be available at all times.
5. Said fires must not be started or include tires, fuel, oil, or other materials prohibited by this code or state or county laws and regulations.
6. Prior to burning, Lincoln County Central Dispatch at 636-528-6100 must be notified and provided with: a) responsible person or entity and a telephone number for same; b) address, date and time of burning; and c) fire control protection being used.
7. Once the fire is extinguished, Lincoln County Central Dispatch at 636-528-6100 must again be notified.

66.320. Other Restrictions.

A. Notwithstanding anything in this subchapter to the contrary, no burning shall occur within the City limits which violates state or county laws/regulations, or causes or constitutes a public health hazard, nuisance, or other hazard to vehicular or air traffic.

B. "Untreated wood" as used in this subchapter shall mean "lumber and other wooden materials that have not been chemically treated for resistance to moisture, fire, fungi, insects, and other pests or have not otherwise been treated or manufactured with chemicals, or that does not contain adhesives or resins." "Untreated wood" does not include plywood, particleboard, chipboard or wood with other than minimal amounts of paint, coating, or finish.

66.330. Penalty.

Violation of any of the provisions of this subchapter shall be a misdemeanor, punishable by a fine of not less than five dollars (\$5.00) and not more than five hundred dollars (\$500.00) or by jail for a period not to exceed three (3) months or by both such fine and imprisonment.

Subchapter D - Noise

66.410. Prohibited noises.

Moscow Mills City Code

1. No person shall use or perform any type musical instrument or device in any public way or public place in the City before 7:00 a.m. or after 10:00 p.m. of any day, except on special occasions as approved and authorized by the Board of Aldermen.
2. No person shall use any premises in such a way as to destroy the peace and tranquility of the surrounding neighborhood.
3. No person shall use any pile driver, shovel, power hammer, derrick, hoist, tractor, roller or any mechanical apparatus in building or construction operations between the hours of 9:00 p.m. to 7:00 a.m. Monday through Friday, from 12:01 a.m. to 9:00 a.m. and from 6:00 p.m. to midnight on Saturdays and from 12:01 a.m. to noon and from 6:00 p.m. to midnight on Sundays, except for work on essential services, within 1,000 feet of a residence or hospital.
4. No person shall activate or cause to be activated any horn or audible signal device on any motor vehicle of any kind except as a warning of danger or peril as provided in the motor vehicle and traffic ordinance.

Adopted by Ordinance 6/14/93. Amended by: Ordinance #7, 11/14/94. Ordinance #161, 6/10/02. Ordinance #168, 9/9/02. Ordinance #277, 8/1/05. Ordinance #319, 4/19/06. Ordinance #437, 12/10/07. Ordinance #457, 3/24/08. Ordinance #619, 3/12/12.