## CITY of ALBUQUERQUE **TWENTIETH COUNCIL**

COUNCIL BILL NO. <u>0-13-60</u> ENACTMENT NO.

SPONSORED BY: Dan Lewis

Deletion

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Bracketed/Underscored Material] - New

1 ORDINANCE 2 ADDING A NEW ARTICLE TO CHAPTER 9 ROA 1994 TO ESTABLISH A 3 **REQUIREMENT AND PROCESS FOR PUBLIC NOTIFICATION PRIOR TO THE** FINAL APPROVAL OF A BLASTING PERMIT. 4 5 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE: 6 7 Section 1. Chapter 9 ROA 1994 is amended by adding a new Article to read as follows: 8 9 "
§9-21-1 NOTICE REQUIREMENT FOR BLASTING PERMIT. 10 (A) Any project, public or private, that requires a City issued blasting 11 permit shall be subject to the requirements of this ordinance. 12 (B) No blasting permit shall be issued without the approval of the Fire 13 Marshal, the Albuquerque Police Department and the City Engineer. [Bracketed/Strikethrough Material] (C) The City Engineer shall not approve a blasting permit until the applicant has submitted the following material to the City Engineer together with the blasting permit application: A sample of the notice that, at least ten days prior to the first (1) blast, shall be: Mailed by first class mail to all property owners of all (a) properties, and/or Hand-delivered to all occupied properties, (b) that are within 500 feet of the perimeter of the limits of construction where the 23 blasting is to occur ("the Notification Area"); and 24 Mailed or emailed to the contacts for the following (c) 25 associations and coalitions determined by the City's Office of Neighborhood Coordination to be all or partially within or adjacent to the Notification Area: 26

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2 (ii) Unrecognized Neighborhood Associations and
3 Homeowner Associations that have provided contact information to the City's
4 Office of Neighborhood Coordination; and

(i)

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(iii) Neighborhood Coalitions.

**Recognized Neighborhood Associations;** 

6 (2) A list of all addresses to which the notice will be sent or hand-7 delivered.

8 (3) Proof of compliance with any other notice procedures deemed 9 necessary by the City Engineer to protect the public's health, safety and 10 welfare which may include, but are not limited to, the use of variable message 11 board signs in the vicinity of the blasting area to alert the public to the start 12 date of the project. If variable message boards are required, the number and 13 locations of these signs will be determined by the City Engineer. The applicant 14 should coordinate with the City Engineer in advance of its application to 15 determine what notice, if any, will be required in addition to the requirements in 16 subsection (C)(1) of this ordinance.

(D) At a minimum, the notice shall state the purpose for blasting, the
general project site boundaries, the anticipated start date and estimated
completion date of the blasting activity, and the name and contact phone
number of the individual(s) from whom further information may be obtained."

Section 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

Section 3. COMPILATION. This ordinance shall be incorporated in and
made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

30 Section 4. EFFECTIVE DATE. This ordinance shall take effect five days after31 publication by title and general summary.

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