



Legislation Text

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CITY of ALBUQUERQUE
TWENTIETH COUNCIL

COUNCIL BILL NO. O-13-60 ENACTMENT NO. _____

SPONSORED BY: Dan Lewis

ORDINANCE

Adding A New Article To Chapter 9 ROA 1994 To Establish A Requirement And Process For Public Notification Prior To The Final Approval Of A Blasting Permit (Lewis)

ADDING A NEW ARTICLE TO CHAPTER 9 ROA 1994 TO ESTABLISH A REQUIREMENT AND PROCESS FOR PUBLIC NOTIFICATION PRIOR TO THE FINAL APPROVAL OF A BLASTING PERMIT.

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

Section 1. Chapter 9 ROA 1994 is amended by adding a new Article to read as follows:

“§9-21-1 NOTICE REQUIREMENT FOR BLASTING PERMIT.

(A) Any project, public or private, that requires a City issued blasting permit shall be subject to the requirements of this ordinance.

(B) No blasting permit shall be issued without the approval of the Fire Marshal, the Albuquerque Police Department and the City Engineer.

(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:

- (1) A sample of the notice that, at least ten days prior to the first blast, shall be:
 - (a) Mailed by first class mail to all property owners of all properties, and/or
 - (b) Hand-delivered to all occupied properties,

that are within 500 feet of the perimeter of the limits of construction where the blasting is to occur

("the Notification Area"); and

(c) Mailed or emailed to the contacts for the following associations and coalitions determined by the City's Office of Neighborhood Coordination to be all or partially within or adjacent to the Notification Area:

(i) Recognized Neighborhood Associations;

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

(iii) Neighborhood Coalitions.

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

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

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

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