

TOWN OF EATON MUNICIPAL CODE
EXPLOSIVES AND BLASTING ORDINANCE
TOWN OF EATON, BROWN COUNTY, WISCONSIN

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SEC. 1-1 PURPOSE OF CHAPTER

- a) The purpose of this chapter is to regulate the use of explosive materials and to establish uniform limits on permissible levels of blasting resultants to reasonably ensure that blasting resultants do not cause injury, damage, or a nuisance to persons or property. The standards established herein apply to the detonation of explosives used to fragment ore or minerals for mining, quarrying, excavation, and construction within the Town of Eaton. This ordinance applies to all quarry and mining operations existing at this ordinance's adoption and all such operations beginning after this ordinance's adoption.

- b) Conflict with This Ordinance, Wisconsin Statutes, or Regulations.
The Town Board may, in its sole discretion, issue conditional use permits for individual blasting projects that contain provisions specific to that individual project. If the provisions of the conditional use permit regulating environmental activities exceed the requirements of either this ordinance, applicable statutes, state DNR administrative code regulations, and/or any applicable federal regulations or statutes, the provisions of the conditional use permit shall control. If the provisions of the conditional use permit regulating environmental activities are less strict than those of this ordinance, applicable statutes, state DNR administrative code regulations, and/or any applicable federal regulations or statutes, those statutory and/or administrative code provisions shall control to the extent that they exceed the provisions of the conditional use permit provisions. However, if the provisions of the conditional use permit that regulate non-environmental activities differ from those found in this ordinance, those provisions of the conditional use permit shall control. Examples of conditions which regulate non-environmental activities include, but are not limited to, hours of operation, blasting logs, enforcement provisions, complaints of violations, records of operation, renewal of permit, inspection, and right of access.

SEC. 1-2 DEFINITIONS

The following definitions shall apply in this chapter. Terms not herein defined shall be understood to have their usual and ordinary dictionary meaning.

- a) "Airblast" means an airborne shock wave resulting from the detonation of explosives.
- b) "Approved" means approval granted by the Town of Eaton.
- c) "Blaster" means any individual holding a valid blaster's license issued by the Wisconsin Department of Commerce.
- d) "Blasting business" means any individual, corporation, company, association, firm, partnership, society, or joint stock company engaged in a blasting operation.
- e) "Blasting" means any method of loosening, moving, or shattering masses of solid matter by use of an explosive.
- f) "Blasting operation" means any operation, enterprise, or activity involving the use of blasting.
- g) "Blasting resultants" means the physical manifestations of forces released by blasting, including, but not limited to, projectile matter, vibration, and concussion, which causes injury, damage, or unreasonable annoyance.
- h) "Community" means a built-up inhabited area.
- i) "Permitted explosives use area" means the area that surrounds a blasting site and
 - 1) Is owned by the operator; or
 - 2) With respect to which, because of property ownership, employment relationship, or agreement with the property owner, the operator can take reasonably adequate measures to exclude or to ensure the safety of persons and property.
- j) "Detonator" means any device containing a detonating charge that is used for initiating detonation in an explosive. The term includes, but is not limited to, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses, detonating cord delay connectors, and non-electric instantaneous and delay blasting caps.
- k) "Department" means the Wisconsin Department of Commerce.
- l) "Electric blasting cap" means a blasting cap designed for and capable of initiation by means of an electric current.
- m) "Explosion" means the substantially instantaneous release of both gas and heat.
- n) "Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion unless the compound, mixture, or device is otherwise classified by the Department by rule.
- o) "Explosive materials" means explosives, blasting agents, and detonators. The term includes, but is not limited to, dynamite and other high explosives, slurries, emulsions, water gels, blasting agents, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord, and igniters.
- p) "Flyrock" means rock that is propelled through the air from a blast.
- q) "Ground vibration" means a shaking of the ground caused by the elastic wave emanating from a blast.

- r) "Mine" means an excavation in the earth from which ore or minerals can generally be extracted without crushing or blasting.
- s) "Mineral" means a naturally occurring, inorganic solid substance that is extracted or obtained from the earth.
- t) "Mining" means to obtain ore or minerals from a quarry, as by crushing, blasting, or excavating.
- u) "Ore" means a mineral or an aggregate of minerals.
- v) "Quarry" means an open excavation or pit from which ore or minerals are obtained by mining.
- w) "Site" means the entire property owned or operated in which the quarry or mine is located; where measurements of distance are involved, said measurements shall begin at the boundaries of the property.
- x) "Parties in interest" means the blaster and blasting business and all owners of property located within at least one-half (1/2) mile of the boundaries of a blasting site.
- y) "Highway" means any public street, public alley, or public road.
- z) "Inhabited building" means a building regularly occupied in whole or in part as a habitation for human beings or domesticated animals or any church, schoolhouse, railroad station, store, places of employment, or other structure where people are accustomed to assemble, except any building or structure occupied in connection with the manufacture, transportation, storage, or use of explosive materials.
- aa) "Particle velocity" means any measure of ground vibration describing the velocity at which a particle of ground vibrates when excited by a seismic wave.
- bb) "Person" means any individual, corporation, company, association, firm, partnership, society, or joint stock company.
- cc) "Powder factor" means any ratio between the amount of powder loaded and the amount of rock broken.
- dd) "Primer" means a capped fuse, electric detonator, or any other detonating device inserted in or attached to a cartridge of explosive.
- ee) "Stemming" means the inert material, such as drill cutting, used in the collar portion or elsewhere of a blast hole to confine the gaseous products of detonation.
- ff) "Nuisance" means an excessive, repeated noise, odor, dust, vibration, action, or other disturbance that would cause an unreasonable annoyance to a person or domesticated animal, a physical injury to or an interference with the real or personal property or an interest in the real or personal property of a person.
- gg) "Town" means the Town of Eaton.

SEC. 1-3 REGULATION OF EXPLOSIVE MATERIALS AND BLASTING

- a) General. No person shall handle or use explosive materials in the Town of Eaton unless he:
 - 1) Possesses a valid State of Wisconsin blaster's license with the proper classification or is supervised by a holder of a valid State of Wisconsin blaster's license with the proper classification; and

- 2) Possesses all necessary state permits and complies with all applicable local, state, and federal regulations, including, but not limited to, the requirements of this chapter and Chapters Comm. 5 and 7 and NR 415 of the Wisconsin Administrative Code and Chapter 295 of the Wisconsin Statutes.
- b) Permit. No person shall handle, use, or cause explosives to be detonated within the Town of Eaton without an explosives use permit issued by the Town of Eaton as hereafter set forth to such person, his supervisor, or employer:

- 1) Application. Applications for an explosives use permit shall be in writing upon forms provided by the Town Clerk. Applications shall be accompanied by a five hundred dollar (\$500) permit fee. Permits shall be issued on an annual basis commencing January 1 and ending on December 31. All explosives use permits applied for after January 1 shall be prorated from the date of the issuance of the permit through the end of the year. Applications may be made by and permits issued to the blasting business provided that the person doing the blasting or responsible for such blasting shall hold a valid Wisconsin blaster's license with proper classification. The applicant will identify the licensed blasters operating under the permit and the blasting locations with the Town of Eaton.

Renewal. All the applications for re-issuance and renewal for an explosives use permit shall be filed by the permittee with the Town Clerk within sixty (60) days before the expiration date of the previous permit along with the annual five hundred dollars (\$500) permit fee. No permit renewal shall be granted unless the project is in complete compliance with the terms of the existing permit. Permit renewals may be conditioned upon correction of any unanticipated environmental impacts occurring during the original or renewal permits. A public hearing shall be required to be held with respect to a renewal application, including such time as the application provides for an enlargement of the previously-approved site or otherwise provides for an alteration or change in the method of operations previously approved which might adversely affect the use or enjoyment of nearby properties. Any appeal from the Town Board's decision to renew or not to renew a permit shall be initiated as an action commenced in the Circuit Court not later than forty-five (45) days from the date the Town Board decides to deny renewal of a permit.

- 2) Certificate of Insurance. Each application for an explosives use permit as herein stated or a renewal thereof shall be accompanied by a Certificate of Insurance for a Commercial General Liability Policy and said Policy of Insurance shall have limits of coverage of not less than five million dollars (\$5,000,000) in the aggregate and five hundred thousand dollars (\$500,000) per occurrence, and the Town shall be named as an additional insured on applicant's Policy of Liability Insurance.
- 3) Explosives Use Plan. Each application for an explosives use permit or a renewal thereof shall include a written description of the total area within which explosives are proposed to be used, blasting procedures to be

employed, including types of explosives, initiating systems, and an aerial photograph or drawing acceptable to the Town Board with a scale of not less than one (1) inch equals four hundred (400) feet and having an overlaying grid of fifty (50) feet by fifty (50) feet which accurately includes all areas and inhabited buildings within one thousand (1,000) feet of all proposed blasting areas.

- 4) Hours of Operation. Blasting shall only be conducted between 9:00 a.m. and 4:00 p.m. on Monday through Friday provided, however, that, in the event an emergency has delayed a blast beyond 4:00 p.m., loaded holes may be blasted within a reasonable time thereafter but not later than 5:00 p.m. that day. Blasting shall not be conducted at other times or on Saturdays, Sundays, or legal holidays without written permission from the Town Board, which shall only be granted upon a showing of extreme need.
- 5) Blasting Log. An accurate blasting log shall be prepared and maintained for each blast fired, and a true and complete copy of said log shall be supplied to the Town Clerk within seven (7) working days of the initiation of the blast. The Town may require that the permittee furnish to the Town an analysis of any particular blasting log to be prepared by the permittee. In the event the permittee cannot or will not prepare a reliable analysis, the Town may, after reasonable prior notice and opportunity for a due process hearing on the matter, hire and obtain such analysis from an independent expert. The permittee shall be liable for the reasonable cost of such analysis. Each blasting log shall include, but not be restricted to, the following information:
 - a. Name and license number of blaster in charge of blast.
 - b. Blast location with grid coordinate references to the supplied aerial photograph or drawing of the explosives use area.
 - c. Date and time of blast.
 - d. Weather conditions at time of blast.
 - e. Diagram and cross-section of blast hole layout.
 - f. Number of blast holes.
 - g. Blast hole depth and diameter.
 - h. Spacing and burden of blast holes.
 - i. Maximum holes per delay.
 - j. Maximum pounds of explosives per delay.
 - k. Depth and type of stemming used.
 - l. Total pounds of explosives used, including primers and initiating cord.
 - m. Distance to nearest inhabited building not owned by permittee.
 - n. Type of initiation system used.
 - o. Seismographic and airblast information, which shall include:
 - 1) Type of instrument and last calibration date.
 - 2) Exact location of instrument and date, time, and distance from the blast.
 - 3) Name and company affiliation of person taking reading.
 - 4) Name of the person and firm analyzing the seismographic and airblast data when required.

- 5) Vibrations and airblast levels recorded.
 - 6) Copy of the seismograph printout.
- 6) No permittee shall be required to obtain more than one (1) permit annually for its operations within the Town.

SEC. 1-4 TEMPORARY PERMITS

The Town Clerk, upon receipt of a properly completed temporary permit application form, may issue a temporary permit to allow for special construction or demolition activities requiring the use of explosives. Temporary permits shall be issued for a duration of fourteen (14) consecutive days. The temporary permit fee shall be two hundred dollars (\$200) and shall be submitted with the completed temporary permit application form. Only one (1) temporary permit can be issued for any given site or blaster within the year of permit issuance. Temporary blasting for basements and sewer and water laterals for single-family residential construction will not require a temporary permit under this section.

SEC. 1-5 REGULATION OF BLASTING RESULTANTS

- a) Purpose of Sections. It is the purpose of this section to provide for the establishment of uniform limits on permissible levels of blasting resultants to reasonably ensure that blasting within the Town of Eaton does not cause injury, damage, or a nuisance to persons or property outside and beyond the permitted explosives use area.
- b) Instrumentation. All blast-monitoring instruments used to produce data to support compliance with this subsection shall meet the following minimum specifications:
 - 1) Seismic frequency range. 2 to 200 Hz (+/- 3 Hz).
 - 2) Acoustic frequency range. 2 to 200 Hz (+/- 1dB).
 - 3) Velocity range. 0.02 to 4.0 inches per second.
 - 4) Sound range. 100 to 140dB linear.
 - 5) Transducers. Three (3) mutually perpendicular axes.
 - 6) Recording. Provide time-history of wave-form.
 - 7) Printout. Direct printout showing time, date, peak air pressure, peak particle velocity, and frequency in three (3) directions and a printed wave-form graph of the event depicting measured air blast and particle velocity in the three (3) directions.
 - 8) Calibration. At lease once every twelve (12) months, according to manufacturer's recommendations.

c) Control of Adverse Effects.

- 1) General Requirements. Blasting shall be conducted so as to prevent injury or a nuisance to persons and damage to public or private real or personal property outside the permitted explosives use area.
- 2) Airblast.
 - a. Limits. Airblast shall not exceed the following limits at the location of any dwelling, public building, place of employment, school, church, community, or institutional buildings outside and beyond the permitted explosives use area.

Lower Frequency Limit of Measuring System in Hz	Maximum Level in dB
2 Hz or lower – flat response	133 peak
6 Hz or lower – flat response	129 peak

d) Ground Vibration. General.

- 1) The maximum ground vibration at the location of any dwelling, public building, place of employment, school, church, community, or institutional building outside the controlled blasting site area shall be established in accordance with either the maximum peak particle velocity limit (see Table 7.64-2), the scaled-distance of par. g), or the blasting level chart of par. h), whichever is applicable and yields the lowest permissible maximum ground vibration.
- 2) All structures in the vicinity of the blasting area not listed in sub d. 7 (such as water towers, pipelines and other utilities, tunnels, dams, impoundments, landfills or other solid waste disposal facilities, and underground mines) shall be protected from damage by establishment by the operator of a maximum allowable limit on the ground vibration. The operator shall establish the limit after consulting with the owner of the structure. Such limits shall be subject to change by order of the Town Board subsequent to a due process hearing requested by any interested person.

Maximum peak particle velocity. An operator may use the maximum ground vibration limits listed in Table 7.64-2.

**Table 7.64-2
PEAK PARTICLE VELOCITY LIMITS**

Type of structure	Maximum in allowable peak particle velocity for ground vibration, in/sec	
	At frequencies below 40 Hz *	At frequencies 40 Hz and greater

Modern homes and structures with drywall interiors	0.75	2.0
Older homes and structures with plaster on wood lath construction for interior walls	0.30	2.0

* All spectral peaks within 6 dB (50 pct) amplitude of the predominant frequency must be analyzed.

- 3) Ground vibration shall be measured as the particle velocity. Particle velocity shall be recorded in three mutually perpendicular directions. The maximum allowable peak particle velocity shall apply to each of the three measurements and the vector sum of the three measurements.
 - 4) A seismographic record shall be provided for each blast.
- e) Scaled-distance equation.
- 1) An operator may use the scaled-distance equation, $W = (D/D_s)^2$, to determine the allowable charge-weight of explosives to be detonated in any 8-millisecond period without seismic monitoring where W = the maximum weight per delay of explosives, in pounds; D = the distance, in feet, from the blasting site to the nearest structure listed in par. a) 1; and D_s = the scaled-distance factor listed in Table 7.64-3.
 - 2) The development of a modified scaled-distance factor may be authorized by the Town on receipt of a written request by the operator and supported by seismographic records of blasting at the site. The modified scaled-distance factor shall be determined such that the particle velocity of the predicted ground vibration will not exceed the prescribed maximum allowable peak particle velocity of par. b) at a 95 percent confidence level.

**Table 7.64-3
SCALED-DISTANCE FACTOR LIMITS**

Distance from the blasting	Scaled-distance factor (D_s) to be applied without seismic monitoring
0-300	50
301 to 5,000	55
5,001 and beyond	65

- f) Blasting Level Chart (see figure 7.64)
- 1) An operator may use the ground vibration limits found in Figure 7.64 to determine the maximum allowable ground vibration.

- 2) If the Figure 7.64 limits are used, a seismographic record, including both particle-velocity and vibration frequency levels, shall be provided for each blast. The method of analysis shall be subject to reasonable discretionary review and modification by the order of the Town Board following a due process hearing.
- g) Dust Emissions. The Excavator shall ensure, at all times, to minimize as much as possible the visible emissions from the quarry property at the property line. This shall apply to all quarry-related operations, including, but not limited to, blasting, crushing, and transportation of quarry materials. If emissions do occur in violation of this section, all quarry operations shall be temporarily suspended. Any member of the Town Board shall have the authority to direct Excavator to immediately temporarily suspend quarry operations upon receiving notice of a violation of this section. In addition, Excavator shall comply with all applicable regulations, including, specifically, NR 415.075, Wisconsin Administrative Code. Excavator shall provide the Town with a fugitive dust control plan similar to that described in NR 415.075(6), Wisconsin Administrative Code. Preventative dust suppression methods may be necessary to comply with this condition. Dust suppression methods shall include, but not be limited to, the following:
- 1) Paving, chip sealing, or covering with calcium chloride (or such other methodology as may be approved by the Town Board) the driveway into the quarry.
 - 2) The tires of all vehicles engaged in ingress or egress from the quarry site shall be clean or cleaned completely to prevent the tracking of material onto Phillips Road.
 - 3) Posting and maintenance of a 10-mph speed limit on paved or unpaved roads or other areas used by haul trucks inside the quarry property line.
 - 4) Covering, treatment, or securing of materials likely to become airborne from haul trucks during transport and prior to any transportation offsite from the quarry.
 - 5) Use of wet drilling or other means of control approved by the DNR.
 - 6) Use of blast hole stemming materials that have been approved by either the Department or the Department of Industry, Labor, or Human Relations.
 - 7) An electronically powered anemometer shall be installed at the highest practical point on the quarry property. The wind speed shall be monitored before loading a blasting charge. If the wind speed equals or exceeds 10 mph or 16.09 KM/hr, the charge shall not be loaded, and blasting shall not take place. Excavator shall keep a log of wind speed readings taken before each blast and shall produce said log to the Town upon request.

SEC. 1-6 MONITORING.

- a) Monitoring.

- 1) The permittee shall monitor all blasts at the closest location to the blast of any dwelling, public building, place of employment, school, church or community, or institutional building outside and beyond the permittee explosives use area provided, however, that the permittee may monitor at another location approximately the same distance from the blast site if the permittee is unable to obtain permission to conduct the monitoring from the owner of the preferred location. The Town Board or its designee may, at its discretion, require the relocation of monitoring equipment to a more suitable site and/or may conduct independent air-blast monitoring to spot-check data supplied by the permittee. If independent monitoring by the Town after hearing discloses that the ordinance was violated by the permittee, then, in that event, the permittee shall pay the reasonable costs incurred by the Town for the independent monitoring.
 - 2) The measuring equipment used shall have an upper end flat frequency response of at least two hundred (200) Hz.
 - 3) All measuring equipment during monitoring shall be spiked to the ground or sandbagged.
- b) Flyrock. Flyrock produced as a result of explosives use shall be totally contained within the permitted explosives use area.
- c) Seismic Monitoring. The Town Board, at its discretion, may conduct independent seismic blast monitoring to spot-check data supplied by the permit holder. If the independent monitoring discloses that the permit holder supplied data is inaccurate or that the ordinance was violated, the permit holder must pay the cost incurred by the Town for the independent monitoring.

SEC. 1-7 PREBLAST SURVEY AND NOTIFICATION

- a) Preblasting Notification.

Each explosives use permit application and all reapplications shall include the names and addresses of all residents or owners of dwellings or other structures or any other parties of interest located within a least one-half (1/2) mile of the boundaries of the blasting site.

- b) At the time of permit application, the applicant shall have notified, in writing, all residents or owners of dwellings or other structures located within the previously defined area one-half (1/2) mile who may request a preblast survey and a water quality test for existing wells. This request shall be in writing. The applicant shall cause a preblast survey to be conducted as to such dwelling or structures and water quality testing for existing wells, provided, however, that the applicant shall not be required to conduct a preblast survey or well water quality testing more than once every six (6) years as to any dwelling, structure, or well. A change of ownership of a property would justify a request of a preblast survey to be conducted before the six-year limit.

- c) The owner of a dwelling or structure that is within one-half (1/2) mile of the blasting site, which, subsequent to the conducting a preblast survey has been modified to the extent that a building permit is required, may request a preblast survey. If it is found that a preblast survey for such improved or modified structure is appropriate, the applicant/permittee may conduct such surveys within a reasonable period of time but in no case exceeding twice a year for all such requests by all owners.
- d) The preblast survey and water quality testing shall be promptly conducted in a manner and form and by an independent survey company, a laboratory approved by the State of Wisconsin or organization selected by the applicant and acceptable to the owner or resident and the Town Building Inspector. The survey shall determine the condition of the dwelling or structure and shall document any preblasting damage or other physical factors that could reasonably be expected to be affected by the use of explosives. The testing of wells shall determine the condition of the water as to be safe for human use. The Board may consider accepting a blasting survey or well water test that was prepared prior to the effective date of this ordinance if the blasting survey and well water test meets the requirements outlined herein.
- e) The survey shall include a written report signed by the person who conducted the survey. Copies of the survey report shall be promptly provided to the Town Clerk, the owner or resident, and the applicant/permittee. The owner, resident or applicant/permittee shall promptly submit in writing to the Town Clerk any objections to the survey report, setting forth in detail such objections.
- f) The water quality test for existing wells shall include a written report signed by the person who conducted the test. Copies of the test shall be promptly provided to the Town Clerk, the owner or resident, and the applicant/permittee. The owner, resident or applicant/permittee shall promptly submit in writing to the Town Clerk objections to the test, setting forth in detail such objection.
- g) Reasonable and reasonably related expenses incurred as a result of such independent surveys shall be the responsibility of the applicant/permittee.

SEC. 1-8 ENFORCEMENT AND PENALTY PROVISIONS.

- a) Enforcement. The following are criteria that the Town Board may consider for issuance, re-issuance, suspension, or revocation of a blasting permit:
 - 1) Compliance with the blasting standards established by the Town as noted herein by this ordinance.
 - 2) Development and submittal to the Town Board of the explosives use plan and compliance with the explosives use plan.

- 3) Development and submittal to the Town Board the blasting log and compliance with the operation plan with the information called for by the blasting log.
 - 4) Maintaining the financial assurance requested by the Town Board.
 - 5) Compliance with the operational hours for blasting as noted herein by this ordinance.
 - 6) Compliance with airblast and ground vibration standards established by the Town Board as noted herein by this ordinance.
 - 7) Compliance with the pre-blasting notification requirements to residents and the Town Board as noted herein by this ordinance.
 - 8) Attempts made by the permittee or party in interest to comply with the provisions of this ordinance.
 - 9) Consideration of atmospheric, unknown conditions, including geophysical conditions, and other matters beyond the control of the permittee or party in interest.
 - 10) Any other relevant evidence.
- b) Suspension/Revocation. Unless expressly provided herein or by other Town Ordinance provisions, the explosive use permit may be suspended or revoked for cause for noncompliance with the ordinance after the proper Town Board hearing noted below, unless in an emergency condition determined by the Town Board wherein the license or permit can be suspended temporarily for a set time-period. Prior to any action for suspension or revocation, the Town Board must, by the Town Clerk, have received a verified complaint concerning the licensee or permittee. The following persons may file verified complaint with the Town Board:
- 1) The Town Chair
 - 2) The Town Clerk
 - 3) The Town Supervisors
 - 4) The Town Zoning Administrator/Building Inspector
 - 5) The Town Constables
 - 6) Any Town of Eaton resident
 - 7) Any landowner within 4,000 feet of the blasting site

The Town Board will make a determination if the allegations of the complaint are of sufficient magnitude, importance, or otherwise of such a nature as to require a formal evidentiary hearing.

The person subject to charges for violation of any Town ordinance or any violation of a condition of an explosives use permit shall be provided a copy of the verified complaint and notice of hearing before the Town Board. The hearing shall be required to be not less than ten (10) days nor more than thirty (30) days after receipt of notice, unless otherwise stipulated in writing by the Town Board and the person subject to charges.

The person subject to charges for violation of any Town ordinance or any violation of a condition of an explosives use permit shall be entitled to the following:

- 1) Representation by legal counsel
- 2) Right to present and cross-examine witnesses
- 3) Right to subpoena witnesses by the Town Chair issuing subpoenas to compel attendance of witnesses

The Town Board, after the hearing for any person previously issued an explosives use permit by the Town Board, may act as follows:

- 1) Revoke the permit as a final decision
- 2) Suspend the permit for a number of days, weeks, or months until the date certain as a final decision
- 3) Request additional information as an interim decision prior to taking future action
- 4) Take no action on the permit as a final decision.

The final decision of the Town Board to revoke or suspend the explosives use permit shall be subject to appeal by writ of certiorari to the Circuit Court.

- c) **Penalty.** In addition to the denial, suspension, or revocation of a permit issued under this chapter, any person who shall violate any provision of this chapter or who shall fail to obtain a permit as required hereunder shall upon conviction of such violation be subject to a penalty of a civil forfeiture of not less than Twenty Dollars (\$20) nor more than Five Hundred Dollars (\$500), together with the costs of prosecution which include all statutory costs plus the actual attorney's fees incurred by the Town in pursuit of such prosecution of any such violation(s). Any default of such forfeiture determined by a court of competent jurisdiction shall be subject to any penalties provided by Section 66.115, 66.117, 66.119, and 66.12, Wis. Stats., as may be amended.

Each violation and each day a violation continues or occurs shall constitute separate offense. Nothing in this chapter shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this chapter.

ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH ARE HEREBY REPEALED.

SEPARABILITY OF CHAPTER PROVISIONS. If any section, subsection, sentence, clause, or phrase of the chapter is for any reason held to be invalid or unconstitutional by reason of any decision of any court or competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause, or phrase or portion thereof. The Board hereby declares that it would have passed this chapter and each section, subsection, sentence, clause,

phrase, or portion thereof irrespective of the fact that nay one or more section, subsection, sentence, clause, phrase, or portion may be declared invalid or unconstitutional.

This ordinance shall take effect upon its approval and the day after publication.