

ORDINANCE NO. 071079

Amending the Building and Rehabilitation Code, Chapter 18, Code of Ordinances and amending the Fire Prevention and Protection Code, Chapter 26, Code of Ordinances by repealing Sections 26-3301.2, 26-3301.2.1, 26-3301.2.2, 26-3301.2.3, 26-3301.2.4, 26-3301.2.5 and 26-3301.2.6 and enacting in lieu thereof two new Sections 26-3307 and 18-400, pertaining to blasting and the use of explosives in mining or construction.

WHEREAS, this ordinance amends a technical code; and

WHEREAS, Section 67.280, Revised Statutes of Missouri, requires that at least three copies of an amendment to a model code that is proposed to be adopted by a city be filed with the City Clerk for not less than 90 days before such amendment may be adopted; and

WHEREAS, The Missouri Blasting Safety Act adopted by the Missouri General Assembly in 2007 and codified in Sections 319.300 through 319.345, Revised Statutes of Missouri, preempt existing City ordinances regulating blasting; and

WHEREAS, The Missouri Blasting Safety Act states the specific regulatory activities the City is authorized to undertake; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Fire Prevention and Protection Code, Chapter 26, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Sections 26-3301.2, 26-3301.2.1, 26-3301.2.2, 26-3301.2.3, 26-3301.2.4, 26-3301.2.5 and 26-3301.2.6 and enacting in lieu thereof one new Section 26-3307, pertaining to blasting and the use of explosives in mining or construction, to read as follows:

**Sec. 26-3307. Blasting**

Sections 3307.1 through 3307.15 of this Code have been preempted by the Missouri Blasting Act and are therefore deleted from the Code.

Section 2. That the Building and Rehabilitation Code, Chapter 18, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by enacting one new Article XV, to be titled Blasting, comprising one new Section 18-400, pertaining to blasting and the use of explosives in mining or construction, to read as follows:

**ARTICLE XV BLASTING**

**Sec. 18-400. Notice**

- (a) Any person using explosives who conducts blasting in the City that is required to provide notice to an appropriate City representative and fire protection official pursuant to section 319.342, Revised Statutes of Missouri, shall provide such notice to the Director of the City Planning and Development Department, or the Director's designee, at City Hall and to the Fire Chief, or the Chief's designee.
- (b) Notice shall be given at least two business days in advance of blasting in writing or by telephone.
- (c) The notice required by this section shall state the name, address, and telephone number of the person using explosives, the name of the individual responsible for supervision of blasting, the blaster's license or registration number, if applicable, the policy number and claims contact information for their general liability insurance, the date and approximate period over which blasting will be conducted, the location of blasting by street address, route, or other description, and the nature of the project or reason for blasting.
- (d) If blasting will be conducted at an ongoing project, such as a long term construction project, or at a permanent site, such as a surface mine, the person using explosives shall only be required to make one notice to the Director of the City Planning and Development Department and to the Fire Chief in advance of the first use of explosives.
- (e) No notice is required to be given for ongoing projects or permanent sites in existence at the time of the effective date of this ordinance.

Section 3. Pursuant to Section 67.280, Revised Statutes of Missouri, the Council finds that at least three copies of this proposed amendment to a technical code was filed with the City Clerk and made available for public use, inspection, and examination at least 90 days prior to the adoption of this ordinance.

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Approved as to form and legality:

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Alan Holtkamp  
Assistant City Attorney