

SECTION 1107.00 SPECIAL PROVISIONS.

SECTION 1107.09 LAND FILLING SOIL, SAND, OR OTHER MATERIALS.

1107.09 SUBD. 1. PERMIT REQUIRED.

Any person who proposes to add landfill in excess of five hundred (500) cubic yards to any property within the City limits, shall apply to the City for a Land Fill Permit.

1107.09 SUBD. 2. APPLICATION AND REQUIRED INFORMATION.

1. Any person desiring a permit hereunder shall present an application on such forms as shall be provided by the Zoning Administrator requiring the following information:

- A. The name and address of the applicant;
- B. The name and address of the owner of the land;
- C. The address and legal description of the land involved;
- D. The purpose of the land fill;
- E. A description of the source, type and amount of fill material to be placed upon the premises;
- F. The highway, street or streets, or other public ways in the City upon and along which any material is to be hauled or carried;
- G. An estimate of the time required to complete the land fill;
- H. A site plan showing present topography and also including boundary lines for all properties, water courses, wetlands and other significant features within three hundred fifty (350) feet;
- I. A site plan showing the proposed finished grade and landscape plan. Erosion control measures shall be provided on such plan. Final grade shall not adversely affect the surrounding land or the development of the site on which the land fill is being conducted. Top soil shall be of a quality capable of establishing normal vegetative growth; and
- J. A security statement demonstrating the proposed activity will in no way jeopardize the public health, safety and welfare or is appropriately fenced to provide adequate protection; and,
- K. A statement that the applicant will comply with all conditions prescribed by the City or its officers or agents.

2. The application shall be considered as being officially submitted when all the information requirements are complied with. A fee for such application is submitted based upon the schedule as established by City Council Resolution.

1107.09 SUBD. 3 TECHNICAL REPORTS.

1. Such applications for more than five hundred (500) cubic yards shall be forwarded to the City Engineer and Building Official. Where watersheds, floodplains and/or wetlands are in question, the Minnesota Department of Natural Resources shall also be contacted. These technical advisors shall be instructed by the Zoning Administrator to prepare reports for the Council.

2. Upon receiving information and reports from the Zoning Administrator and the City Engineer, the Council shall make its determination as to whether, and when, and under what conditions such permit for a land fill greater than five hundred (500) cubic yards is to be issued to the applicant by the Zoning Administrator.
3. Filing fees in excess of the actual incurred expenses shall be refunded to the applicant. When the expenses incurred in the review of the application exceed the fee, such excess expenses shall be billed to the applicant.

1107.09 SUBD. 4. CONDITIONS OF PERMIT.

1. Under no circumstances shall any such land fill operation be conducted or permitted if the contents of the land fill or any part thereof shall consist of garbage, animal or vegetable refuse, poisons, contaminants, chemicals, decayed material, filth, sewage or similar septic or biologically dangerous material, or any other material deemed to be unsuitable by the City authorities.
2. Unless expressly extended by permit, the hours of operation shall be limited to 7:00 A.M. to 6:00 P.M., Monday through Friday.

1107.09 SUBD. 5. SECURITY.

The Council may require either the applicant or the owner or user of the property on which the landfill is occurring to post a security in such form and sum as the Building Official and/or City Engineer shall determine. The surety shall be sufficient to provide the City for payment of the extraordinary cost and expense of repairing, from time to time, any highways, streets or other public ways where such repair work is made necessary by the special burden resulting from hauling and travel in transporting fill material. The amount of such cost and expense to be determined by the City Engineer.

1107.09 SUBD. 6. FAILURE TO COMPLY.

The Council may, for failure of any person to comply with any requirement made of him/her in writing under the provisions of such permit, as promptly as same can reasonably be done, proceed to cause said requirement to be complied with, and the cost of such work shall be taxed against the property whereon the land fill is located, or the City may at its option proceed to collect such costs by an action against the person to whom such permit has been issued, and his/her superiors if a bond exists. In the event that land filling operations requiring a permit are commenced prior to City review and approval, the City may require work stopped and all necessary applications filed and processed. Application fees shall be double the normal charge.

1107.09 SUBD. 7. COMPLETION OF OPERATION.

1. All land fill operations shall be completed within ninety (90) days of the issuance of the permit. Upon completion the permit holder shall notify the Building Official in writing of the date of completion. If additional time beyond the ninety (90) days is needed for completion, the permit holder may apply to the City and upon a

satisfactory showing of need, the Council may grant an extension of time. If such extension is granted, it shall be for a definite period and the Zoning Administration shall issue an extension permit. Extensions shall not be granted in cases where the permit holder fails to show that good faith efforts were made to complete the land fill operation within ninety (90) days and that failure to complete the operation was due to circumstances beyond the permit holder's control, such as shortage of fill material, labor strike, unusually inclement weather, illness or other such valid and reasonable excuse for non-completion. In the event a request for an extension is denied, the permit holder shall be allowed a reasonable time to comply with the other provisions of this Ordinance relating to grading, leveling and seeding or sodding. What constitutes such "reasonable time" shall be determined by the City Engineer after inspecting the premises.

2. At the completion of a land fill operation, the premises shall be graded, leveled, and seeded or sodded with grass. The grade shall be such elevation with reference to any abutting street or public way as the Zoning Administrator shall prescribe in the permit. The site shall also conform to such prerequisites as the Zoning Administrator may determine with reference to storm water drainage runoff and storm water passage or flowage so that the land fill cannot become a source of, or an aggravation to, storm water drainage conditions in the area. The City Engineer shall inspect the project following completion to determine if the applicant has complied with the required conditions. Failure of such compliance shall result in the withholding of any building permits for the site and notice of such withholding shall be filed in the office of the County Recorder for the purpose of putting subsequent purchasers on notice.

1107.09 SUBD. 8. LANDFILLS IN PROGRESS.

All land fill operations for which a permit has previously been issued shall terminate such operations on the date specified by the permit.

