

SECTION 1107.10 EXCAVATION OF SOILS.

1107.10 SUBD. 1. PERMIT REQUIRED.

The extraction of sand, gravel, black dirt or other natural material from the land by a person in the amount of five hundred (500) cubic yards or more shall be termed land excavation and shall require a permit.

1107.10 SUBD. 2. EXCEPTIONS.

It is intended hereunder to cover the removal of natural materials from lands including such activity when carried on as a business, but shall not apply to basement excavation or other excavation which is already covered by the Building Code or other such regulations of the City.

1107.10 SUBD. 3. APPLICATION FOR PERMIT.

1. Any person desiring a permit hereunder shall present an application on such form 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 excavation;
- E. A description of the type and amount of material to be excavated from 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 excavation;
- 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 excavation is being conducted. Top soil shall be of a quality capable of establishing normal vegetative growth;
- 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 shall be paid to the City at the time the application is submitted based upon the schedule as established by City Council Resolution.

1107.10 SUBD. 4. TECHNICAL REPORTS.

The Zoning Administrator shall immediately upon receipt of such applications forward a copy thereof 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.

1107.10 SUBD. 5. ISSUANCE OF PERMIT.

Upon receiving information and reports from the Zoning Administrator, Building Official and City Engineer, the Council shall make its determination as to whether, and when, and under what conditions such permit for an excavation is to be issued to the applicant by the Zoning Administrator.

1107.10 SUBD. 6. CONDITIONS OF PERMIT.

1. The Council, as a prerequisite to the granting of a permit, or after a permit has been granted, may require the applicant to whom such permit is issued, or the owner or user of the property on which the excavation is located to:
 - A. Properly fence the excavation;
 - B. Slope the banks, and otherwise properly guard and keep the excavation in such condition as not to be dangerous from caving or sliding banks;
 - C. Properly drain, fill in or level the excavation, after it has been created, so as to make the same safe and healthful as the Council shall determine;
 - D. Keep the excavation within the limits for which the particular permit is granted; and,
 - E. Remove excavated material from the excavation, away from the premises, upon and along such highways, streets or other public ways as the Council shall order and direct.
2. Hours of Operation. 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.

1107.10 SUBD. 7. 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.

1107.10 SUBD. 8. 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 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.

1107.10 SUBD. 9. COMPLETION OF OPERATION.

1. All excavation operations shall be completed within ninety (90) days of the issuance of the permit. Upon completion the permit holder shall notify the Zoning Administrator 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 Building Official 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 excavation operation within ninety (90) days and that failure to complete the operation was due to circumstances beyond the permit holder's control, such as labor strike, unusually inclement weather, illness or other such valid and reasonable excuse for noncompletion. 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 an excavation, 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 City Engineer shall prescribe in the permit.

The site shall also conform to such prerequisites as the City Engineer may determine with reference to storm water drainage runoff and storm water passage or flowage so that the excavation 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 conditions imposed as part of the permit.