

## Section 49: Land Filling Operations

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**49.01 Purpose.** The purpose of this Section is to regulate land filling operations so as to protect neighboring properties from negative effects of land filling operations and to promote the safety and general welfare of the public by establishing minimum requirements and conditions for land filling operations.

**49.02 Permit Required.** Except for a governmental jurisdiction and cases where a grading and drainage plan for a private development has been approved as part of a subdivision or other development, any person who proposes to add landfill in excess of 75 cubic yards to any property within the City limits, shall apply to the City for an administrative permit.

**49.03 Application and Required Information.** Before any work is commenced, the owner or authorized agent, shall file an application on such form as shall be provided by the City and shall submit 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 landfill.
- 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 landfill.

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- H. A site plan showing present topography and also including boundary lines for all properties, water courses, wetlands, and other significant features within 150 feet of the subject site.
- 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 landfill is being conducted. Top soil shall be of a quality capable of establishing normal vegetative growth.
- J. 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.
- K. A written right-of-entry given to the City and/or its officers to enter the land for the purpose of determining compliance with all applicable conditions imposed on the operation.
- L. When approval is required by the State of Minnesota, the applicant shall provide proof of such approval along with the application.
- M. In the City's sole discretion, a Certificate of Survey may be required.

### 49.04 Review and Approval.

- Subd. 1.** The Zoning Administrator shall review the application and required information to determine conformance with the Comprehensive Plan, Zoning Ordinance, Airport Zoning Ordinance, Official Map, and this Ordinance. The Zoning Administrator shall give final approval. In reviewing the application, the Zoning Administrator may request comments from Consultants. The Zoning Administrator may refer the matter to the Planning Commission for recommendation, if necessary.

Upon receiving information and reports from the City Staff and other applicable agencies, the Zoning Administrator shall make its determination as to whether, when, and under what conditions such permit shall be granted.

- Subd. 2.** Unless a request for additional review time is requested by the Zoning Administrator, action on the application shall be made within 60 days.

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**Subd. 3.** The City Council shall serve as the Board of Adjustment and Appeals if the application is denied by the Zoning Administrator.

### **49.05 Conditions of Operation.**

- A. Under no circumstances shall any such landfill operation be conducted or permitted if the contents of the landfill or any part thereof shall consist of garbage, animal, vegetable or plant, 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.
- B. Unless expressly extended by permit, the hours of operation shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Saturday.
- C. All land filling activity must also comply with the soil erosion and sediment control standards as outlined in Section #50 (Storm Water Management and Erosion Control Guidelines).

**49.06 Financial Guarantee.** The City may require either the applicant, owner, or user of the property on which the landfill is occurring to post a security in such form and sum as determined by the Zoning Administrator with the recommendations of the City Attorney and/or City Engineer. The security will provide to the City sufficient security conditioned to pay to the City 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; and conditioned further to comply with all requirements of this Section, and the particular permit, and to pay any expense the City may incur by reason of doing anything required to be done by an applicant to whom a permit is issued.

**49.07 Failure to Comply.** The City may, for failure of any person to comply with any requirement made of them in writing under the provisions of such permit, proceed to cause said requirement to be complied with, and the cost of such work shall be taxed against the property whereon the landfill 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 their 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.

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### 49.08 Completion of Operation.

- A. All landfill operations shall be completed within 90 days of the issuance of the permit. Upon completion, the permit holder shall notify the City in writing of the date of completion. If additional time beyond the 90 days is needed for completion, the permit holder may apply to the City and upon a satisfactory showing of need, the City may grant an extension of time. If such extension is granted, it shall be for a definite period and the City shall issue an extension permit. Extensions shall only be granted in cases where the permit holder shows that good faith efforts were made to complete the landfill operation within 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, teamster's 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 Section relating to grading, leveling, and seeding or sodding. What constitutes such "reasonable time," shall be determined by the City Engineer after inspecting the premises.
- B. At the completion of a landfill 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 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 landfill 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 required thereof. 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 purposes of putting subsequent purchasers on notice.

**49.09 Landfills in Process.** All landfill operations for which a permit has previously been issued shall terminate such operations on the date specified by the permit.