

SECTION 23

LAND FILLING OPERATIONS

Section

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20-23-1: **PERMIT REQUIRED:** Except for a governmental jurisdiction, in cases where a grading and drainage plan for a private development has been approved as part of a subdivision or other development, or as may be otherwise stipulated by this Chapter, any person who proposes to add landfill in excess of fifty (50) cubic yards to any property within the City limits, shall apply to the City for landfill permit. Notwithstanding the requirements of this Section, no permit will be required for depositing landfill on a lot for which a building permit has been issued for construction thereon provided that there is compliance with Section 20-16-9 of this Chapter.

^{6/9} 20-23-2: **APPLICATION AND REQUIRED INFORMATION:**

A. Any person desiring a permit hereunder shall present an application on such forms as shall be provided by the Zoning Administrator. Such application shall be accompanied by five (5) large scale copies and thirteen (13) reduced scale (not less than 11" x 17") copies of detailed written and graphic materials fully explaining the proposed land filling operation. If, in the opinion of the Zoning Administrator, reduced scale drawings (11" x 17") are determined to be illegible, the submission of larger scale materials shall be required. The scale of such materials shall be the minimum necessary to ensure legibility. The request shall be considered as being officially submitted when all the following information has been submitted:

1. The name and address of the applicant.
2. The name and address of the owner of the land.
3. The address and legal description of the land involved.
4. The purpose of the landfill.

5. A description of the source, type, and amount of fill material to be placed upon the premises.
6. The highway, street or streets, or other public ways in the City upon and along which any material is to be hauled or carried.
7. An estimate of the time required to complete the landfill.
8. 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.
9. 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.
10. A plan and/or statement demonstrating the proposed activity will in no way jeopardize the public health, safety and welfare or is appropriately fenced to provide adequate protection.
11. A statement that the applicant will comply with all conditions prescribed by the City.
12. 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.
13. A written right-of-entry is provided 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.

20-23-3: **TECHNICAL REPORTS:** The Zoning Administrator shall process all landfill permit applications. Such applications, when determined to be necessary by the Zoning Administrator and all those for more than fifty (50) 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 City Council.

20-23-4: **ISSUANCE OF PERMIT:** Upon receiving information and reports from the City Staff and other applicable agencies, the City Council shall make its determination as to whether, and when, and under what conditions such permit for a landfill greater than fifty (50) cubic yards is to be issued to the applicant by the Zoning Administrator.

20-23-5: **CONDITIONS OF OPERATION:**

- ¹¹ 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 or vegetable refuse, poisons, contaminants, chemicals, decayed material, filth, sewage or similar septic or biologically dangerous material, street sweepings not qualifying for exclusion from the definition of "mixed municipal solid waste" under the City Solid Waste Ordinance, 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 AM to 6:00 PM, Monday through Friday.

20-23-6: **SECURITY:** The City 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 Zoning Administrator, City Attorney, and/or City Engineer shall determine, with sufficient surety provided to the City, 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 any applicant to when a permit is issued.

20-23-7: **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, 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 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. In such cases, application fees shall be double the normal charge.

20-23-8: **COMPLETION OF OPERATION:**

- A. All landfill operations shall be completed within ninety (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 ninety (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 not be granted in cases where the permit holder fails to show that good faith efforts were made to complete the landfill 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, 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.

20-23-9: **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.