

ORDINANCE NO. 13

AN ORDINANCE REGULATING MINING AND ESTABLISHING STANDARDS FOR THE EXTRACTION OF SAND AND GRAVEL, PROVIDING FOR THE ISSUANCE OF PERMITS AND A PENALTY FOR THE VIOLATION THEREOF.

The Town Board of the Township of Eureka, Dakota County, Minnesota, ordains as follows:

SECTION 1. DEFINITIONS

The extraction of sand, gravel, rock, soil, black dirt, topsoil, or other material from the land in the amount of four hundred cubic yards (400 cu. yds.) or more and the removal thereof from the site without processing shall be mining. The only exculsion from this definition should be removal of minerals associated with the construction of a building on the property from which the material was extracted provided such removal is an approved item in the building permit.

Section 2. PROHIBITION

Mining in Eureka Township shall be prohibited except upon issuance of a special use permit following a public hearing.

Section 3. APPLICATION

A. Application for a special use mining permit shall include the following information:

1. Name and address of the applicant.
2. A complete and accurate description of the land upon which the applicant purposes to engage in mining.
3. Existing topography and land area involved.
4. The estimated time required to remove the material.
5. Plan of operations including travel routes to and

from the site.

6. Plan for drainage and dust control.
7. A soil processing plan showing the nature of the processing and equipment, location of the plant, disposal of water, and the like.
8. Proposed hours of operation.
9. Noise and lighting factors shall be noted.
10. Plan for proposed use of the land following completion of mining operation.
11. A finished plan elevation which shall show a finished grade such that it will not adversely affect the surrounding land or future development of the site on which the mining operations are conducted. The finished plan shall restore the mining site to a condition whereby it can be utilized for the type of land use proposed to occupy the site after mining operations cease. The finished grade shall not interfere with or create a surface drainage problem.

B. The application shall be accompanied by a permit fee of \$15.00 or \$2.50 for each one thousand cubic yards (1000 cu.yds.) of material proposed to be removed, whichever is greater.

Section 4. SET - BACK

Production or processing of sand and gravel shall not be conducted closer than 30 feet to the boundary of any zone where such operations are not permitted, nor shall such production or processing be conducted closer than 20 feet to the boundary of any adjoining property line, nor closer than 200 feet from any adjoining structures, unless the written consent of the fee owner of such adjoining property is first secured in writing. Sand and gravel excavating shall not be made closer than 30 feet to the right-of-way line of any existing or platted street, roadway or highway,

except that excavating may be conducted in such limits in order to reduce the elevation thereof in conformity to the existing or platted street, road, or highway.

Section 5. APPEARANCE

All buildings, structures and plants used for the production or processing of sand and gravel shall be maintained in such a manner as to assure that such buildings, structures and plants will not become dangerously dilapidated. Weeds and any other unsightly or noxious vegetation shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance and to prevent seeding on adjoining property.

Section 6. DUST, DIRT AND HAUL ROADS

All equipment used for the production of sand and gravel shall be constructed, maintained and operated in such a manner as to minimize, as far as is practicable, dust conditions which are annoying to persons living in the vicinity. All access roads from sand and gravel operations to public highways, road or streets or to adjoining property shall be paved, treated or watered so as to minimize dust conditions.

When the gravel or other mining operation terminates, the operator shall restore all roads used for hauling to the same condition as the road was when the gravel or other mining operation commenced.

Section 7. NOISE

All equipment used for the production of sand and gravel shall be constructed, maintained and operated in such a manner

as to minimize any vibrations which are injurious or annoying to persons living in the vicinity.

Section 8. SURFACE WATER

The mining operation shall in no way be allowed to interfere with surface water drainage nor shall the mining operation be allowed to affect the quality of surface or subsurface water.

Section 9. BLACK DIRT AND TOPSOIL

The excavation or removal of black dirt or topsoil for sale or for use other than on the premises from which the soil shall be taken except in connection with the construction or alteration of a building on the premises and the excavation or grading incidental thereto is prohibited.

Section 10. SAFETY-FENCING

A. Any sand and gravel operation within any residential zone, or within a 150 yard radius of which there are more than two (2) family residential units, and which operation results in or produces, for a period of at least one month, collections of water, or slopes steeper than one (1) foot vertical to three (3) feet horizontal, shall be subject to the following safety requirements:

1. Where such collections of water are one and one-half ( $1\frac{1}{2}$ ) feet or more in depth for any period of at least one month, and occupying an area of 700 square feet or more, all access to such collections of water shall be barred by a fence or some similarly effective barrier of at least six (6) feet in height.
2. Where such slopes steeper than one (1) foot vertical to three feet horizontal exist for a period of one month or more, access to such slopes shall be

barred by a fence or some similarly effective barrier of at least six (6) feet in height.

Section 11, HOURS OF OPERATION

All sand and gravel operations shall be conducted between the hours of 7:00 a.m. and 7:00 p.m.

Section 12. DISCONTINUANCE OF OPERATIONS

Within a period of three (3) months after the termination of a sand and gravel operation, or within three (3) months after abandonment of such operation for a period of six (6) months or within three (3) months after expiration of a sand and gravel permit, all building, structures and plants incidental to such operation shall be dismantled and removed by, and at the expense of the sand and gravel operator last operating such buildings, structures and plants; except that such buildings, structures and plants need not be dismantled and removed so long as they may legally be used for the production or processing of sand and gravel or for some other purposes permitted in the zone in which they are located.

Section 13, LAND REHABILITATION

A. All excavations not made to a water producing depth must be grated or backfilled. Excavations made to a water producing depth must meet the following requirements:

1. The depth of the excavation must not be less than ten (10) feet below the low water mark;
2. All banks shall be sloped to the water line at a slope which shall not be steeper than three (3) feet horizontal, to one foot vertical;

3. All banks shall be sodded or surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding and to a depth of at least three (3) inches.

4. Such topsoil as required by the preceding subsection shall be planted with trees, shrubs, legumes or grasses.

B. Excavating not made to a water producing depth, but which must be graded or backfilled, shall meet the following requirements:

1. Such grading or back-filling shall be made with non-noxious, non-flammable, non-combustible solids;
2. The graded or back-filled area shall not collect and permit stagnant water to remain therein;
3. The peaks and depressions of the area shall be reduced to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No graded slope shall exceed 20 percent.
4. Such graded or back-filled area shall be sodded or surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding and to a depth of at least three (3) inches.
5. Such topsoil as required by the preceding subsection shall be planted with trees, shrubs, legumes or grasses.

#### Section 14. ISSUANCE

No special use mining permit shall be issued without a public hearing on the application therefore. Notice of the public hearing shall be given by publication in the Dakota County Tribune at least ten (10) days prior to the hearing.

#### Section 15. EXPIRATION AND RENEWAL

All special use mining permits issued hereunder shall

expire on December 31 of the year in which they were issued. It shall be in the discretion of the Town Board to require a public hearing on an application for a renewal permit and the fee for the renewal permit shall not exceed fifty (50) percent of the fee originally charged for issuance of the original permit and may be less than that as in its discretion the Town Board may require.

Section 16. PENALTY

Any person, firm, corporation or association of persons who shall violate any of the provision of this ordinance shall be punished by a fine of not to exceed \$100.00 or be imprisoned in jail for not to exceed ninety (90) days. Each ten (10) days of violation shall constitute a separate offense and be punishable as such.

ATTEST

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H. O. Leine  
Eureka Town Clerk

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Albert J. Wachter  
Eureka Town Chairman

Passed by the Eureka Town Board this 17th day of May,  
1972.

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