

Eureka Township

*Dakota County
State of Minnesota*

ORDINANCE NO. 2009-1

AN ORDINANCE AMENDING THE MINING ORDINANCE (ORDINANCE NO. 6)
REGARDING PERFORMANCE STANDARDS FOR EARTHEN BERMS.

THE BOARD OF SUPERVISORS OF THE TOWN OF EUREKA ORDAINS:

SECTION 1. AMENDMENT. Chapter 7, Section 1(O) of Ordinance 6 is hereby amended as follows (added portions underlined):

O. Berming. Earthen berms shall be constructed along all road rights-of-way. In the instance where the setback from a residence applies under Chapter 7, Section 1(M), then, in addition, earthen berms shall be constructed along the adjoining property line. Berms shall provide screening of the mining activity from the right-of-way and any adjoining property line on which a berm is required. A combination of berms and other screening which has no written objection from any owners of real property located within 1000 feet of the proposed extraction activity may satisfy this requirement, subject to Town Board approval of the design. In the absence of such an alternative design, berms shall be a minimum of eight (8) feet in height. All berms shall have a minimum slope of 3:1 and have a silt fence at the base on the side closest to adjacent property. The silt fence shall be maintained until vegetation is established, at which time it shall be removed.


Section 2. SEVERABILITY. Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid in any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part hereof, other than the part held to be invalid.

Section 3. EFFECTIVE DATE. This Ordinance shall take effect and be in force upon its adoption by the Board of Supervisors.

Attest:



Nanett Sandstrom, Town Clerk



Jeff Otto, Town Board Chair

Passed by the Eureka Town Board this 9th day of February, 2009.

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