

## **CHAPTER 57 EXCAVATING & FILLING**

### **57.01 EXCAVATION**

Subd. 1 Permit Required. No person, firm, partnership, association, corporation or organization of any kind shall do any grading, filling, or extract sand, gravel, rocks, peat, earth, or any other material from the earth and remove same from said site without first obtaining a special use permit from the Council.

Subd. 2 Application. Said application for the special use permit shall include a finished grading plan which will not adversely affect the surrounding land or development of surrounding land. The Council may require that any excavation be refilled and may further require that a bond or cash deposit in any amount that is deemed sufficient to cover the expense of refilling said excavation be posted with the Municipality as a condition precedent to the obtaining of the special use permit, Said excavations shall not be refilled with any material except that of a non-combustible nature, and if the Council requires refilling, Council approval of the materials there in used must be first obtained. Said site cannot be refilled with garbage or other combustible materials unless said site is approved by the Council as a private or public dumping ground, subject to regulations thereto.

Subd. 3 Nuisance. Any grading of land that would leave an area in such a condition that blowing sand or earth will create a public or private nuisance, must be re-seeded or re-sodded or recovered in some manner to prevent said nuisance. A special use permit must be obtained by any party intending to so grade and the Council can require that a bond or cash deposit in an amount sufficient to correct the situation be posted with the Municipality as a condition precedent to issuing such special use permit.

Subd. 4 Exclusion. Any excavation that is necessary for the construction of a structure when said structure will replace the excavated materials is not covered by this Chapter.

Subd. 5 Administration. This Chapter shall be administered and enforced by the Building Inspector and he may institute in the name of the Municipality appropriate actions or proceeding against a violator as provided by law.