

CITY OF ST. CLAIR
ORDINANCE CODE
CHAPTER 160: LAND FILLING AND LAND EXCAVATION/GRADING ACTIVITIES

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SECTION 160.01 PURPOSE

This Chapter has been established to govern land filling, land excavation and grading activities in the City of St. Clair to ensure the protection of public property, minimize impacts on adjacent property, and protect natural resources.

SECTION 160.02 DEFINITIONS

AS-GRADED – The extent of surface conditions on completion of grading.

BORROW – Earth material acquired from an off-site location for use in grading on a site.

COMPACTION – The densification of a fill by mechanical means.

COMPLETED – The fulfillment of all permit requirements, including but not limited to, all work as shown on the submitted plans, site and roadway clean-up, establishment of turf and payment of all additional fees resulting from the permit and associated activities.

EARTH MATERIAL – Any rock, natural soil or fill and/or any combination thereof.

EROSION – The wearing away of the ground surface as a result of the movement of wind, water and/or ice.

EXCAVATION – The mechanical removal of earth material.

FILL – A deposit of earth material placed by artificial means.

GRADE – The vertical location of the ground surface.

EXISTING GRADE – Is the grade prior to grading.

ROUGH GRADE – Is the stage at which the grade approximately conforms to the approved plan.

FINISH GRADE – Is the final grade of the site which conforms to the approved plan.

GRADING – Any excavating or filling or combination thereof.

SITE – Any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

SLOPE – An inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

SOIL – Naturally occurring superficial deposits overlying bedrock.

SECTION 160.03 PERMIT REQUIRED

No person shall undertake, authorize or permit any filling, excavating, grading or other topographical changes of more than 25 cubic yards without first having obtained a permit from the City of St. Clair except for:

- A. Excavation undertaken in accordance with grading plans approved in conjunction with an approved plat/subdivision.
- B. An excavation below finished grade for basements and footings of a building, block retaining wall, or other structure authorized by a valid building permit.
- C. Cemetery graves.
- D. Excavations for wells or private utilities.
- E. Exploratory excavations under the directions of soil engineers.
- F. All excavating and grading covered by an engineering escrow required by other City Ordinances or agreements.

SECTION 161.04 APPLICATION AND OTHER REQUIRED INFORMATION

- A. Any person desiring a permit hereunder shall complete a permit application form provided by the City.
- B. Other required information, shall include the following:
 - 1. PROJECT/SITE GRADING PLAN
 - a. Location of property lines
 - b. Location of buildings/structures on the project site
 - c. Boundary lines of all properties, water courses, wetlands and significant features within 100 feet
 - d. Existing topography (contours and elevations) Available at:
<http://arcgis.dnr.state.mn.us/maps/mntopo/>
 - e. Proposed finished topography with arrows indicating direction of drainage (contours and elevations)
 - f. Erosion Control Plan (i.e.: silt fence, etc.)
 - g. Landscape/Vegetation Plan
 - 2. Additional information as required by the City Council, City Engineer or other City Official.
- C. The application shall be considered official submitted when all the in required information has been presented to the City Clerk along with the application fee. The fee shall be based upon the fee schedule as established by the City Council.

SECTION 160.05 APPLICATION REVIEW AND TECHNICAL REPORTS

- A. Upon receipt of a completed application, the City Clerk shall forward the application to the City Engineer and/or City Building Official for review. The City Engineer and/or City Building Official may impose such modifications and conditions as may be deemed necessary to protect the public's interest and natural resources.
- B. Where protected watersheds, floodplains, and/or protected wetlands are in question, the appropriate Agency shall also be contacted. The requirements of the governing Agency shall be inclusive to those required by the City.
- C. When the expenses incurred in the review of the application exceed the fee, such excess expenses shall be billed to the applicant.

- D. Any applicant aggrieved by a decision of the City Engineer and/or the City Building Official may appeal the determination to the City Council in accordance with Section 22 of the City of St. Clair Zoning Ordinance.

SECTION 160.06 ISSUANCE OF PERMIT

Upon receiving information and reports from the City staff and other applicable agencies, as applicable, the City Council shall make its determination as to whether, and when, and under what conditions such permit for a landfill or land excavation/grading activity is to be issued to the applicant.

SECTION 160.07 CONDITIONS OF PERMIT

- A. Under no circumstances shall any grading, excavation or filling operations be conducted or permitted if the contents of any part of the work consist of garbage, animal or vegetable waste, contaminants, chemicals, poisons, decayed material, filth, sewage or similar septic or biologically dangerous 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 7:00 p.m., Monday through Saturday.
- C. The City, as a prerequisite to the granting of a permit, or after a permit has been granted, may require the applicant to whom such permit is issued, or the owner or user of the property on which the land fill, excavation/grading is located to:
 - 1. Install safety fence around the excavation.
 - 2. Slope the banks, and otherwise properly guard to keep the excavation in such condition as not to be dangerous from caving or sliding banks.
 - 3. Properly drain, fill in or level the excavation, after it has been created, so as to make the same safe and healthful as the City shall determine.
 - 4. Keep the excavation/grading within the limits for which the particular permit is granted.
 - 5. In instances where an existing natural or created buffer shall be impacted by grading or filling operations, site restoration shall be completed in a manner that resembles, to the extent possible, the original vegetation and topographic state of the property.
 - 6. Wetlands, floodplains, shorelands, public waters and other natural features shall be protected to the maximum extent possible.
 - 7. Adequate drainage, stormwater retention and erosion control measures shall be provided. These include, but are not limited to, silt fence, rock checks and/or wood mulch.

8. Remove excavated/graded material from the excavation site that has tracked onto highways, streets or other public ways. If material is not removed within 24 hours after notification from the City, the permittee is subject to a \$250 fine for every 24 hours the material is not removed. Dust control shall also be provided if requested by the City.
9. Roads surrounding the site shall be swept as needed to remove any debris that may accumulate as a result of the grading activity. The City requires the installation of a rock entrance to the property if material is hauled off or brought to the site.
10. Complying with the requirements of the MPCA and NPDES Permits where applicable.
11. Retain and store topsoil from the site in question and utilize such materials in the restoration of the site. All areas altered by the grading activity shall, at a minimum, be restored with seed and disc mulch or sod within one (1) weeks after completion of the activity. An extension to this deadline may be approved, if appropriate, but in no case shall site restoration be delayed beyond October 1 of the year in which the grading activity is approved.

SECTION 160.08 RUNOFF/DRAINAGE

No land shall be developed and no use shall be allowed that results in water runoff causing flooding, erosion or deposits of soil on adjacent property. Such runoff shall be properly channeled into a watercourse, ditch, stormpond or other appropriate facility subject to review and approval by the City Engineer.

SECTION 160.09 SECURITY

The City shall require either the applicant or the owner or user of the property on which the landfill or excavation/grading is occurring to post a security in such form and sum as determined by the zoning administrator. The amount of the security shall be sufficient to cover the City's 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 or excavated material. The amount of the security shall also be sufficient to ensure compliance with all requirements of this article and the particular permit, and to pay the expense the City may incur as a result of the permit.

SECTION 160.10 FAILURE TO COMPLY

The City may, for failure of any persons 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 certified as an assessment against the property whereon the landfill or excavation/grading operation is located, or the City may at its option proceed to collect such costs by an action against the persons to whom such permit has been

issued, and their superiors if a bond exists. In the event that landfilling or excavation/grading 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.

SECTION 160.11 COMPLETION OF OPERATION; EXTENSIONS

- A. ZONING ADMINISTRATOR TO BE NOTIFIED. All landfill and excavation/grading operations shall be completed within 90 days of the issuance of the permit. Upon completion, the permit holder shall notify the zoning administrator in writing of the date of completion.
1. If additional time beyond the 90 days is needed for completion, the permit holder may apply to the zoning administrator and upon a satisfactory showing of need, the zoning administrator may grant an extension of time. If such extension is granted, it shall be for a definite period.
 2. Extensions shall not be granted in cases where the permit holder fails to show that good faith efforts were made to complete the landfill or excavation/grading operation within 180 days and that failure to complete the operation was due to circumstances beyond the permit holder's control, such as shortage of fill or excavated material, teamster's strike, unusually inclement weather, illness or other such valid and reasonable excuse for non-completion.
 3. In the event a request for an extension is denied, the permit holder shall be allowed a reasonable time to comply with other provisions of this article relating to grading, leveling and seeding or sodding. What constitutes such reasonable time shall be determined by the zoning administrator after inspecting the premises.
- B. STANDARDS TO BE MET. At the completion of a landfill or excavation/grading 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 shall prescribe in the permit. The site shall also conform to such prerequisites as the City may determine with reference to stormwater drainage runoff and stormwater passage or flowage so that the landfill or excavation cannot become a source of, or an aggravation to, stormwater drainage conditions in the area. The zoning administrator 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.

SECTION 160.12 OPERATIONS IN PROCESS

All landfill and excavation/grading operations for which a permit has previously been issued shall terminate on the date specified by the permit.

SECTION 160.13 VALIDITY

Should any Section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part declared to be invalid.

SECTION 160.14 PENALTY

Any person who violates this Chapter shall be punished according to the laws of the State of Minnesota. A violation of this Chapter shall constitute a misdemeanor. Each day a person maintains a temporary or permanent residence in violation of this Ordinance constitutes a separate violation.

SECTION 160.15 EFFECTIVE DATE

City of St. Clair Ordinance Code, Chapter 160: Landfilling, Excavation and Grading Operations shall be in full force and effect after its passage and publication as provided by law and shall replace and supersede all other Ordinances governing landfilling, excavation and grading.

PASSED and ADOPTED by the City Council of the City of St. Clair, Minnesota this 1st day of December 2015.

ST. CLAIR CITY COUNCIL

Marvin More, Mayor

ATTEST:

Catherine Seys, City Clerk-Treasurer