

AN ORDINANCE LICENSING AND REGULATING THE EXCAVATION OF SAND, GRAVEL, OR OTHER SOIL IN THE CITY OF OAK PARK HEIGHTS, PROVIDING FOR FEES, BONDS AND PENALTIES FOR VIOLATION OF THE SAME.

THE CITY COUNCIL OF THE CITY OF OAK PARK HEIGHTS, WASHINGTON COUNTY, MINNESOTA, DOES ORDAIN:

901.01 Permit Required.

No person, firm, or corporation shall hereafter open, operate, or maintain within the limits of the City of Oak Park Heights, any sand, gravel, or other pit or place or grounds for the excavation of sand, gravel, or other soil unless such person, firm, or corporation shall first have obtained a permit from the City Council authorizing the same; provided, however, that no license shall be required for the owner of land to take gravel or sand for use on the premises or to make products which are to be used on said premises. Such permits shall be renewable annually and shall expire one (1) year from the date of issuance. Failure to comply with the conditions of such permit as hereinafter set forth shall be grounds for revocation of the same or for refusal to renew the same upon expiration thereof.

901.02 Requirements of Application.

Prior to the issuance of such a special use permit, the following requirements shall be complied with:

A. The application shall contain the following:

1. A legal description of the lands from which it is proposed to remove earthly deposits.
2. The name and address of the applicant and the owner of the land.
3. Copies of any agreements contemplated or entered into between the owner of such lands and any other person, firm or corporation for the operation or maintenance of such removal of earthly deposits.
4. The purpose of the removal. Soil boring samples may be required to determine the nature of the materials to be mined or extracted and the extent of the deposits.
5. The estimated time required to complete the removal.
6. The highways, streets, or other public ways within the City upon and along which the material removed shall be transported.

7. In the event that water is used in the operation of a pit, then in that event approval from the State of Minnesota Department of Health shall be obtained as to the type, location and depth of said well and contained with said application.

B. The applicant shall submit a plot plan showing the following:

1. The nature and location of the processing of earthly deposits.
2. The area, depth and grade of such processing and the estimated quantity of earthly deposits to be added to or removed from the premises.
3. The drainage of surface water at all stages of processing.
4. The distance of the processing from the lot lines and from any structures in the immediate vicinity.
5. The proposed finished elevations as compared to the elevations prior to the extraction based on sea level readings.
6. The plot plan shall be prepared and certified by a registered architect or land planner.

C. The City Council may impose the following restrictions and requirements in agreement form upon the applicant or any other person interested in the issuance of such permit, either as a prerequisite to the granting of said permit, or after such permit has been granted, as follows:

1. That the owner or applicant properly fence any pit so that said pit or any standing waters therein may not be a hazard to children.
2. That the applicant or owner slope the banks and otherwise guard and keep any pit in such condition as not to be dangerous to the persons or property because of sliding or caving banks; provided, however, that the maximum slopes shall be as follows: Slopes on interior or working portions of the pit shall be at one foot horizontal to one foot vertical slopes or any edge contiguous to property owned by others or railroads shall be four foot horizontal to one foot vertical.
3. That the owner or applicant prevent water run-off damage, including erosion on adjacent property and the deposit of material by water run-off on adjacent property.

4. That the owner or applicant employ all reasonable means to reduce dust, noise and nuisances, including but not limited to spraying the material that is being processed with water.
5. That the applicant or owner shall plant suitable and fast growing screening trees which shall be a minimum of six feet high placed in two rows staggered with trees not more than ten feet apart in each row, when necessary to eliminate unsightly view of the operations.
6. On completion of the operation, the applicant shall properly drain and level off any pit and restore the contour of the site of the operation to a condition that is reasonably similar to the condition that existed prior to the commencement of the operation. Such condition must not adversely affect the surrounding land or future development of the site on which the operation was conducted. Upon closing operations or leaving any particular excavation or area in the site, the applicant shall re-grade that area which they have excavated or disturbed in order that no slopes are in excess of three feet horizontal to one foot vertical.
7. The applicant or owner shall remove any extracted material upon and along the highways, streets, and other public ways in the City as the City Engineer shall order and direct.
8. The applicant or owner shall reimburse the City for the cost of periodic inspections by the City Engineer, or other City employee, for the purpose of seeing that the terms under which the permit has been issued are being complied with.
9. The applicant and/or owner shall submit to the City Council a detailed map of the highways, streets, roads, and other public ways within the City upon and along which the material removed shall be transported. The City Engineer shall inspect such roads proposed to be used by the applicant and/or owner and shall recommend to the City Council necessary upgrading or repairing of such roads prior to their use as said roads by the applicant and/or owner. The City Council shall designate said roads and shall incorporate the said recommendation of the engineer into the permit issued to the applicant; it shall be the responsibility of the applicant and/or owner to maintain said haul roads in accordance with the terms as set forth in said permit. The City Engineer shall make periodic inspections of said haul roads to assure compliance with the permit and upon completion of the operational period of said gravel pit, the owner

and/or operator shall make any necessary repairs to said haul roads as recommended by said City Engineer.

All costs of the inspections above described shall be borne by the owner and/or operator. Dust control shall be the continuous obligation of the owner and/or operator during any operational period on all haul roads, and the use of such roads shall be further subject to any road and weight restrictions imposed by the City of Oak Park Heights. The City Council shall further designate the maximum speed limit which the trucks of the owner and/or operator shall be driven over said haul roads.

10. No material may be removed or excavated from or stockpiled upon an area contiguous to private property or roadway right-of-ways closer than one hundred (100) feet.
11. The hours of operation shall be limited to 7:00 A.M. to 7:00 P.M. daily, provided however, that no excavation or processing work shall be conducted on Sundays or legal holidays as set forth in the Minnesota Statutes. "Operation" shall be defined to include the driving of all hauling trucks or equipment into or out of a gravel pit, loading, roadwork or engine start-up of any kind. No drainage pumps of any kind, or other similar units, shall be run at any time other than during those hours specified above. It is the specific intent of this section that no crushing, loading, hauling, or engine start-up activity of any kind shall take place on or upon any gravel pit area other than during those hours specified above.
12. Annually the applicant shall submit in writing to the City Council the estimated quantity of gravel to be removed, the anticipated route over which the trucks are to travel, the beginning and completion time for the operation, and the area in the pit which will be used for excavation. It is understood that the above information may not at all times be submitted with certainty but it is the intent of this provision to keep the City of Oak Park Heights as well informed as possible regarding the anticipated operation for the year in question.
13. In the event that a development plan is submitted which anticipates a lake about which lots will be platted, said lake must be planned for at least a fifteen (15) foot depth. Any development plan indicating a lake development shall provide a means for level control or computations which prove that the lake can contain drainage directly to it by free board storage utilizing a one hundred (100) year storm. It is understood that the water table in the area in question is unstable

and any problems arising regarding the depth of the lake created shall be referred to the City Engineer.

14. The operation of the gravel pit shall not effect the safety or quantity of any well within one-quarter (1/4) mile from the pit. Proof that the hydraulic or static effect is not detrimental to any such well shall be provided by the applicant.
15. All equipment run by fossil fuels and used in the operation of any gravel pit in the City of Oak Park Heights shall be equipped at all times with a muffler in good working order which blends the exhaust noise into the overall noise of said equipment and is in constant operation to prevent excessive or unusual noise. The exhaust system of such equipment shall not emit or produce a sharp, popping or crackling sound.
16. The City Council may at its discretion attach such other additional conditions to said permits as they may deem necessary in the interest of public health, welfare, and safety of the community.

D. Bond.

The applicant must file with the City Clerk a surety bond, in such form and sum as the City Council may require, running to the City, conditioned to pay the City the cost and expense of repairing any highways, streets, or other public ways within the City, made necessary by the special burden resulting from the hauling and transporting of, such costs and expense shall be determined by the City Engineer. The surety bond shall be further conditioned to comply with all requirements of this Ordinance and the particular permit, and to save the City free and harmless from any and all suits and claims for damages resulting from the negligent removal or storage of earthly deposits within the City.

E. Fees and Application.

1. Except as hereinafter provided, the annual fee for such permit shall be as established by Council resolution from time to time and shall accompany the application. In the event that such application is denied, the City Council shall retain such amount of said fee as shall be necessary to defray the costs of engineering and legal services incurred by the Council in connection with such application, and the balance, if any, shall be returned to the applicant.
2. In the event the cost of engineering and legal services exceed said sum, then in that event the applicant shall upon notice from the City, reimburse the City for the same. The application shall be in such

form and shall furnish such information as shall be required by the City Council. Where the applicant proposes to excavate surface soil known as black dirt, annually showing a volume of less than fifteen hundred (1500) cubic yards, the annual fee required for such permit shall be as established by Council resolution from time to time.

F. Insurance Requirements.

The gravel contractor or lessor of the land involved shall secure and maintain such insurance from an insurance company authorized to write casualty insurance in the State of Minnesota as will protect himself and his agents and the City of Oak Park Heights from claims for bodily injury, death, or property damage which may arise from operations under a gravel permit duly issued under this Ordinance. A gravel contractor shall not commence work under this Ordinance and under a permit duly issued by the City of Oak Park Heights until he has obtained all insurance required under this paragraph and shall have filed a certificate of insurance or the certified copy of an insurance policy with the City of Oak Park Heights. Each insurance policy shall contain a clause providing that it shall not be canceled by the insurance company without ten (10) days written notice to the City of Oak Park Heights of intention to cancel. The amounts of such insurance shall not be less than the following:

1. Workmen's Compensation and Employer's Liability Insurance: Shall be secured and maintained as required by the State of Minnesota.
2. Public Liability, Personal Injury, and Property Damage:
 - a. Injury or death of one person - \$250,000.00.
 - b. Injury to more than one person in a single accident - \$500,000.00.
 - c. Property damage - \$200,000.00.
3. Automobile and Truck Public Liability, Personal Injury and Property Damage, Including Owned and Non-Owned Vehicles:
 - a. Injury or death of one person - \$250,000.00.
 - b. Injury to more than one person in a single accident - \$500,000.00.
 - c. Property damage - \$500,000.00.
4. Insurance for Other Hazards:

The gravel contractor is responsible for any damage as a result of the work, operations, acts, omissions, neglect, equipment failure or other causes arising out of this contract, including such damage as may be caused by or result from water. Insurance for hazards other than protected by insurance herein specified is at the contractor's option.

901.03

Violation.

Any person, firm, or corporation that shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Seven Hundred Dollars (\$700.00) or by imprisonment not to exceed ninety (90) days for each offense, or both. Each day that the violation shall continue shall constitute a separate offense.