

CHAPTER 113: MINING REGULATIONS

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§ 113.01 PURPOSE.

Mining operations, as defined in this chapter, are now being and for some time have been conducted in certain places in the city. These acts are inherently accompanied by noise and dust, often create hazardous conditions, and may result in lasting disfigurement of the places where they are carried on, and thus tend to interfere with existing land uses in nearby areas, and to discourage further permanent development of the surrounding properties, and to impair adequate planning of municipal development and to diminish the public health, safety and general welfare. It is, therefore, desirable to regulate existing and future mining operations in the city.
(Prior Code, § 500.01)

§ 113.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

IMPOUNDED WATERS. Any water kept on public or private property within the city in a manner that more than 500 gallons of water are above the natural surface of the surrounding ground. The word **WATER** or **WATERS** as used in the preceding sentence shall be deemed to include any and all liquid substances.

MINING OPERATIONS. Any artificial excavation of the earth with the limits of the City operated for the commercial exploitation of earthly deposits removed there from and creating a depression or depressions exceeding in any one place 200 square feet of surface area, the bottom or lowest point of which shall be 2 feet or more below or lower than the level of the adjoining unexcavated land.
(Prior Code, § 500.02)

§ 113.03 PERMIT REQUIRED.

No person shall open, operate or maintain either directly or indirectly, any mining operation for the purpose of removing earthly deposits there from, or permitting or maintaining impounded waters therein, unless the person shall first have applied to and obtained from the city a conditional use permit as outlined in Chapter 152 of the City Code.

(Prior Code, § 500.03) Penalty, see § 113.99

§ 113.04 APPLICATION FOR MINING OPERATIONS PERMIT.

Applications for a mining operation permit shall be made in writing to the City Council on the form as the Council may, from time to time, designate and shall include the following minimum information and other information as may be required:

- (A) The name and address of the person applying for the permit;
- (B) The name and address of the owner of land subject to the mining operation;
- (C) The estimated period of time within which the mining operation will be conducted; and
- (D) A topographic map of the proposed pit or excavation area to a scale of 1 inch equals 100 feet to a 10 feet contour interval. The map shall show:
 - (1) The area as it presently exists and a minimum of 100 feet of adjacent land on all sides of the area;
 - (2) The proposed contours of the land when the mining operation is completed;
 - (3) Erosion control and restoration plan as shall be required under § 113.06;
 - (4) The proposed method of impounding any water used for washing purposes;
 - (5) A regrading, drainage and planting plan, if appropriate for the land subject to the mining operation;

(6) A designation of the roads, street or highways within the city limits over which any material removed from the proposed mining operation pit area is to be handled or carried;

(7) A graphic or written description of mining operations by significant stages;

(8) A statement as to whether the application includes a request that manufacturing or processing of any kind is permitted on site; and

(9) If the application is for the renewal of an existing permit, the applicant need not furnish all of the information required by the terms of the conditional use permit but shall provide information with regard to any modifications or changes that there are on the original conditional use permit.

(Prior Code, § 500.04) Penalty, see § 113.99

§ 113.05 REGULATIONS AND REQUIREMENTS FOR MINING OPERATIONS.

The following regulations and requirements shall govern all mining operations:

(A) *Roads*. No excavation or digging shall be made close to any adjoining road structure that may endanger the support thereof.

(B) *Slopes*. During the entire period of operation, all excavation, other than the working face, shall be sloped on all sides at a maximum ratio of 2 to 1 unless a steeper slope shall be approved by the City Engineer.

(C) *Processing*. No manufacturing or processing of any kind shall be permitted on the site at any time except the crushing of earthly deposits, unless specifically allowed by the permit.

(D) *Wells*. Applicant shall not drill or install any well larger than 10 inches on the site without first obtaining approval from the Council in writing.

(E) *Wastes*. Applicant shall dispose of all wastewater used on the site in a manner which shall not adversely affect adjoining property and shall use stilling ponds or other methods of disposing of suspended solid in the wastewater that shall be satisfactory to the City Engineer.

(F) *Access roads*. Applicant shall provide adequate access roads to and from the site which shall be calcium chloride improved to the extent of maintaining a dust free surface with proper site distances for traffic safety at each point of access.

(G) *Warning signs*. Applicant shall provide warning signs for proper traffic safety during periods of heavy traffic to and from or past the site and at times as the Administrator-Clerk may require.

(H) *Access by others.* Applicant shall not permit any other person, firm or corporation or combination thereof to operate the pit, other than hauling to and from the pit, without first obtaining the written consent of the Council and an appropriate acknowledgment by others that they shall be bound by any conditions stated in the face of the permit and covered by the bond and liability insurance policy required by this chapter.

(I) *Inspections.* To assure that the mining operations shall be conducted in accordance with the conditions stated on the permit and with the requirements of this section, the city may make at the expense of the person or firm operating the pit, those field measures the city deems necessary to assure that the conditions and requirements shall be followed, the work to be done at the direction of the city on an hourly basis at the time charge fixed by the city.

(J) *Hours.* No operations shall be conducted prior to 6:00 a.m. nor after 7:00 p.m., Monday through Saturday, nor any time on Sundays or legal holidays.
(Prior Code, § 500.05) Penalty, see § 113.99

§ 113.06 EROSION CONTROL.

(A) *Standards and methods.* All current standards and methods to prevent erosion and trap sediment shall be employed.

(B) *Ground cover.* Temporary ground cover such as mulch and permanent vegetation cover shall be provided where appropriate.

(C) *Slopes.* Cut and fill slopes must be designed and constructed in a manner which shall maximize inherent stability and minimize erosion.

(D) *Plan.* An erosion control and restoration plan shall be prepared and submitted to the city.

(E) *Bond.* A performance bond shall be given to the city in the amount equal to 125% of the city's estimated cost for complying with the erosion control and restoration plan.

(F) *Restoration.* Upon ceasing operations or upon leaving any particular excavation or area in the site or upon terminating or interrupting mining operations for a period of 6 months or more, applicant shall regrade same and restore topsoil, sod, seed and plant materials in accordance with the erosion control and restoration plan agreed upon by the Council and operator or owner of the site when the original permit was issued or when renewed.

(Prior Code, § 500.06) Penalty, see § 113.99

§ 113.07 LIABILITY INSURANCE.

The applicant shall file with the City Administrator-Clerk a liability insurance policy or certificate of insurance, issued by an insurance company authorized to do business in the State of Minnesota. The policy shall insure the person performing acts described in this chapter for the sum of at least \$100,000 for injury to 1 person, and \$300,000 for 1 accident, at least \$50,000 for property damage. The policy shall be for the full period of the permit and shall provide for the giving of 45-days' prior notice to the city of termination or cancellation of the policy. In the event the policy is terminated for any reason, the permit shall be automatically revoked upon the day the policy terminates, unless a new policy complying with this chapter is obtained and filed with the City Administrator-Clerk prior to the termination of the policy in force.
(Prior Code, § 500.07) Penalty, see § 113.99

§ 113.08 ANNUAL LICENSE AND INSPECTION FEE.

(A) *General.* An annual license fee of \$500 for each mining operation conducted on an annual basis, shall be paid by each applicant for a permit and shall be paid at the time of making the application. In the event that the same permit is not granted, the fee shall be refunded to the applicant.

(B) *Certain gravel pits.* Notwithstanding division (A) above, the permit fee for any applicant who owns less than 25 acres of land who has excavated an area of less than 15 acres, who has been issued a gravel permit by the city and who has excavated and removed material under the license for a period of 5 years shall be \$200 per year.

(C) *Refunds and pro-rating.* Once the permit is granted to the applicant by the City Council, the termination of activities at the mining operation site, or revocation of the permit, shall not entitle the applicant to the refund pro-rating of any of the license fee that has been paid to the city for the current year.

(D) *Inspection fee.* An annual inspection fee may be charged to a mining operation that is conducted on an annual basis for the purpose of having the Greenfield city staff inspect the mining operation progress. The amount charged to the mining operation shall be equal to cover all expenses incurred by the city to conduct the inspection.
(Prior Code, § 500.08)

§ 113.99 PENALTY.

(A) *Violation a nuisance.* Any mining activities conducted in violation of this chapter shall hereby declared to be a public nuisance, and may be abated in a civil action for an injunction brought by the city.

(B) *Violation a misdemeanor.* Any violation of the chapter shall constitute a misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not more than \$1,000 or both. Time is an essential characteristic of any offense under this chapter and each act performed without complying with all restrictions and requirements of this chapter shall constitute a separate offense and each day of violation shall constitute a separate offense and be punished accordingly.
(Prior Code, § 500.09)