

**CHAPTER 94: LAND ALTERATION, MATERIAL  
STORAGE, EXCAVATIONS AND FILLING OF LAND**

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**§ 94.01 PURPOSE.**

It shall be the purpose of this chapter to regulate all land alterations to existing topography, excavations, and the uncontrolled filling of the land in order to avoid hazardous conditions, change to natural drainage ways, unsightly conditions and soil erosion to assure proper stormwater management and to ensure that conditions created by the activities do not endanger public health and safety.

(Prior Code, § 560.01) (Am. Ord. O-6-03, passed- -)

**§ 94.02 ADVERSE EFFECT.**

Any land alteration which shall include the filling or excavation of earthy deposits shall in no way adversely affect adjacent private or public properties.

(Prior Code, § 560.02) (Am. Ord. O-6-03, passed- -) Penalty, see § 94.99

**§ 94.03 FREE FLOW OF WATER.**

Land alterations may not obstruct the free flow of water in a natural waterway or a public street drain, storm sewer, gutter or ditch.

(Prior Code, § 560.03) (Am. Ord. O-6-03, passed- -) Penalty, see § 94.99

**§ 94.04 UNLAWFUL ACCUMULATION.**

Land alterations and the filling of property shall not include the accumulation, storage or dumping of asphalt, broken or unused metals, wood, lumber, cement, electrical fixtures, plumbing fixtures, building materials, trash, debris, rubbish or similar material.  
(Prior Code, § 560.04) (Am. Ord. O-6-03) Penalty, see § 94.99

**§ 94.05 PERMIT.**

(A) Earth removal, land reclamation, material storage or filling shall be permitted in all zoning districts, on any lot or parcel, except that it shall be unlawful for any person to remove, store, excavate or place as fill any rock, sand, dirt, gravel, clay or other like material within the city, in excess of 300 cubic yards without first having applied for and having obtained an earth removal and land reclamation permit from the city. When 301 to 5,000 cubic yards of materials is to be removed from or deposited on any lot or parcel, the applicant shall receive approval from the City Council. When 5,001 or more cubic yards of material is to be removed from or deposited on any lot or parcel, a conditional use permit as regulated by Chapter 152 of this code, shall be required.

(B) The inclusion of an earth removal and land reclamation permit process in this code shall not be interpreted to imply an applicant's entitlement to the issuance of a permit. The city may refuse to issue a permit if in the opinion of the city, the application shall not be in the best interest of the neighborhood in which the work would occur, or that of the city as a whole.  
(Prior Code, § 560.05) (Am. Ord. O-6-03, passed- -)

**§ 94.06 APPLICATION.**

The application for a permit under this chapter shall be made according to § 152.021(B) of this code.  
(Prior Code, § 560.06) (Am. Ord. O-6-03, passed- -)

**§ 94.07 EXCEPTIONS.**

The requirements of this chapter shall not apply to the following:

(A) The excavation, removal, storage or placement of rock, sand, dirt, gravel, clay or other like material for any construction for which a building permit has been issued or a development contract signed.

(B) (1) Any excavation, removal, storage or placement of rock, sand, dirt, gravel, clay or other like material as may be required by the state, county, or city authorities within their acquired rights-of-way in connection with the construction or maintenance of roads and highways.

(2) The term ***RIGHTS-OF-WAY*** as used in this chapter shall not include isolated parcels used exclusively for borrow pits.  
(Prior Code, § 560.07) (Am. Ord. O-6-03, passed- -)

#### **§ 94.08 CONDITIONS REQUIRED.**

(A) The Council, as a prerequisite to the granting of a permit, may require the applicant or the owner of the premises to incorporate and attach any conditions or restrictions that the Council deems necessary for the preservation of the health, welfare and safety of the citizens.

(B) These conditions and restrictions may include, but shall not be limited to, the following:

(1) Inclusion of erosion control measures, final restoration improvements and other features as required by the city;

(2) Proper fencing of pits or excavations, and the barricading of entrances to prevent the general public from depositing garbage or other refuse;

(3) Sloping of banks and other guarding to keep a pit or excavation in a condition as not to be dangerous because of sliding or caving banks;

(4) Proper draining, filling, or leveling off of any pit or excavation so as to make the pit or excavation safe and healthful as the city may determine;

(5) Limiting of the depth of any excavation to an elevation no lower than the minimum floor elevation for building construction as established by the City Engineer, so as not to diminish the development potential of the parcel;

(6) Limiting any fill material to clean fill, which shall be defined as rock, sand, gravel, clay or other like and non-decomposable material. Concrete, asphalt, metal, wood, hazardous substances as defined by state law (see M.S. §§ 221.037, 299A.49, 221.0335, 229F.092, 221.011, 2182.651, 115E.01, 115B.02, 115B.25, 299F.092, and 116.061, as they may be amended from time to time) and other debris shall be prohibited;

(7) Requiring all decomposable materials, or other unsuitable foundation materials, to be removed from an area before deposition of fill begins;

(8) Preparing a site plan showing existing and proposed grade elevations and the effect of stormwater drainage on adjacent areas;

(9) Specifying a time when the excavation of land reclamation project shall be completed;

(10) Placing a minimum of 4 inches of topsoil over the completed project and establishing appropriate ground cover within 60 days of completion;

(11) Reimbursing the city for the cost of periodic inspections by the city for the purpose of determining that the terms under which the permit is issued are being complied with;

(12) Providing an erosion control plan in accordance with the requirements of the National Pollutant Discharge Elimination System (NPDES) and Chapter 151, Subdivisions of this code;

(13) Comply with the following stormwater management regulations:

(a) Minnesota Pollution Control Agency Manual *Protecting Water Quality in Urban Areas*; July 1991;

(b) National Urban Runoff Program, NURP, Standards;

(c) Local watershed and M.P.C.A. standards and permitting requirements and provide written evidence of approved permits prior to issuance of land alteration permit from the city; and

(d) City of Greenfield Stormwater Management Performance Standards;

(14) Posting a letter of credit in the form and sum as the city may require, running to the city, conditioned to pay the city the cost and expense of repairing or cleaning any highways, streets or other public ways within the city made necessary by the special burden resulting from the transporting to or from the site of materials by the applicant, the amount of the cost to be determined by the Council; and conditioned further to comply with all the requirements of this chapter and the particular permit, and to defend, indemnify, and hold the city harmless from all suits or claims for damages resulting from the negligent excavation, removal, storage or filling of rock, sand, dirt, gravel, clay or other like material within the city; and

(15) Any other condition deemed appropriate to the application by the Council.  
(Prior Code, § 560.08) (Am. Ord. O-6-03, passed- -)

#### **§ 94.99 PENALTY.**

(A) *Violation a nuisance.* Any land alteration, excavation, or uncontrolled filling of land conducted in violation of this chapter shall be 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 this 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, § 560.09) (Am. Ord. O-6-03, passed)