

ORDINANCE NO. 91

STILLWATER TOWNSHIP
WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE RELATING TO MINING AND REPEALING
ORDINANCE NO. 33 CONCERNING EXCAVATION

The Town Board of Stillwater Township ordains as follows:

Section 1. Chapter 6 of the Washington County Model Code is hereby adopted with the following amendment:

1. That Section 202.01 is amended by adding the following:
 - (7) Soil Borings - A drill or auger hole used for logging, sampling, or testing in geologic investigations or for construction purposes.
 - (8) Core Sample - A cylindrical-shaped rock sample collected by any of several diamond-bit or carbide-bit drilling methods for underground investigations.
2. That Section 602(4) is amended by adding the following:
 - (4) Five foot contour intervals are required for abutting property to fifty feet from mine owner's property.
3. That Section 602 is amended by adding the following:
 - (12) Typical cross sections showing the extent of overburden, extend of sand and gravel, and the water table.
 - (13) A minimum of two soil borings every five acres completed by a registered soil testing company must be submitted at the time of application.
4. That Section 603.01 is amended by deleting it in its entirety and substituting the following as Section 603.01:

Section 603.01. Maximum Excavation Depths.

- (1) Excavation which may penetrate near or into usable water bearing strata shall not produce the transmissivity or area through which water may flow unless approved equivalent transmissivity or area has been provided elsewhere, nor subject such groundwater basin or sub-basin to pollution or contamination.

- (2) Mining operation shall not be permitted in which a lake, pond, or other permanent water body is proposed as a final land form.
 - (3) No excavation operation shall be conducted as to permanently alter the water table. Evidence of meeting this criteria must be based on Watershed, Township Engineer, or Minnesota Department of Natural Resources data.
5. That Section 701.01 is amended by deleting it in its entirety and substituting the following as Section 701.01:

Section 701.01. Fencing.

Prior to the commencement of mining operations, a fence shall be constructed enclosing the area currently being excavated. Said fence shall be located not less than ten feet from the top edge of any exterior cut slope. As an alternative to constructing a fence around the area currently being excavated, a fence may be constructed around the perimeter of the entire property. Details of fence construction are to included: 6.5 feet of fencing (woven wire fabric), plus not less than three strands of evenly spaced barbed wire above the fencing. Gates, 6.5 feet, shall be installed at all points of vehicular or pedestrian ingress and egress and shall be kept locked when not in regular use.

6. That Section 701.03 is amended by deleting it in its entirety and substituting the following as Section 701.03:

Section 701.03. Setbacks.

No mining shall take place within 250 feet of any adjoining property line or any public or private road right-of-way.

7. That Section 701.04 is amended by deleting it in its entirety and substituting the following as Section 701.04:

Section 701.04. Inspections.

A representative of Stillwater Township shall inspect any property with a mining permit every ninety (90) days. Said inspections can be waived by the Town Board if there is no mining activity. An inspection fee to cover the cost of periodic inspections and administering the provisions of the annual permit must be paid to Stillwater Township. The inspection fee shall be based on the actual and estimated costs which are incurred by the Township such as charges made by an engineering firm, geologist, legal services, or any other consultant of the Town of Stillwater, and any indirect, internal, actual and computed costs incurred by the Township such as mileage or computed charges for time spent by the community officials or their staff. The Township will estimate these charges at the time the annual permit is issued and the applicant shall make a cash deposit with the Township equal to

their estimate when the annual permit is issued. If at the expiration date of the annual permit there are any funds still available, they will be refunded or applied to the next years inspection. If the cost exceeds the estimate, the applicant shall pay the additional cost. Failure to pay the inspection fee will be cause for revocation of the mining permit. The annual permit fee will be set by resolution of the Town Board.

8. That Section 701.09 is amended by deleting it in its entirety and substituting the following as Section 701.09:

Section 701.09. Hours of Operation.

Hours of operation shall be from 7:00 a.m. to 5:00 p.m. Monday through Friday. There shall be no mining operations or trucking on Saturdays, Sundays, or Holidays, without a special permit from the Town Board.

9. That Section 701 is amended by adding the following:

Section 701.17. Screening.

Extracting and processing operations shall be screened in such a manner that they are not readily visible from a public street. An opaque screen shall be installed and maintained as necessary in order to minimize such visibility. At his option, the operator may install such screening either along the street or along the perimeter of the visible portion of the area being operated.

The required screen shall have a total height of not less than six feet. Where there is a difference in elevation on the opposite side of the screen, the height shall be measured from the highest elevation. A screen shall consist of one or a combination of the following types:

- (1) Walls: A wall shall consist of concrete, stone, brick, tile, or similar type of solid masonry material a minimum of four inches thick.
- (2) Berms: A berm shall be constructed of earthen materials, and it shall be landscaped.
- (3) Fences, Solid: A solid fence shall be constructed of wood and shall form an opaque screen.
- (4) Fences, Open: An open weave or mesh-type fence, when not used in combination with a berm, shall be combined with plant materials to form an opaque screen.
- (5) Planting: Plant materials, when used as a screen, shall consist of dense evergreen plants. They shall be of a kind or used in such a manner so as to provide a continuous opaque screen within 24 months after commencement of operations in the area to be screened. Plant materials shall not be limited to a maximum height.

Said design shall be prepared by a licensed landscape contractor or an architect.

- (6) The Directors of Public Works shall require that either (1), (2), or (3) above shall be installed if, after 24 months after commencement of operations in the area to be screened, plant materials have not formed an opaque screen, or if an opaque screen is not maintained.
 - (7) Intersections: Required screening shall be set back at least twenty (20) feet from the point of intersection of:
 - (a) A vehicular accessway or driveway and a street;
 - (b) A vehicular accessway or driveway and a sidewalk;
 - (c) Two or more vehicular accessways, driveways, or streets;
 - (8) Installation: Required screening shall be installed prior to commencement of operations.
10. That Section 701 is amended by adding the following 701.18:

Section 701.18. Access Roads.

The mine operator must construct a 24 foot wide blacktopped road to Township standards, 300 feet in length, plus dustless non-oiled road from blacktop to not less than 100 feet of loading area.

11. That Section 701 is amended by adding the following 701.19:

Section 701.19. Excavation Limitation.

Excavation shall be limited to no more than five (5) contiguous acres open at any time so as to ensure that the operator will resurface and restore vegetation in completed areas of the site and will not strip new areas far in advance of actual mining, and so as to not destroy the aesthetics of the area being mined. Applicant must have Township approval before continuation of each five acres.

12. That Section 701 is amended by adding the following 701.20:

Section 701.20. Erosion Control/Natural Resource Protection.

There will be "no discharge that will result in higher concentrations of silt than existed in off-site water prior to mining operations. Erosion must be controlled on site by constructing 'properly designed retarding basins, settling ponds, and other water treatment facilities, ditches, diking, and revegetation of slopes.' The particular method of control is left up to the operator." No mining shall be done within 500 feet of wetlands or ordinary high water mark of water bodies.

Section 2. Stillwater Township Ordinance No. 33
regulating excavation is hereby repealed.

Section 3. This ordinance shall be in full force and
effect from and after its passage and publication according to
law.

Dated: 7.28.88.

STILLWATER TOWNSHIP

BY: Bruce Cledeman
Chairperson

ATTEST: Pat Bantli
Pat Bantli, Clerk

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