

CITY OF JORDAN, MINNESOTA
ORDINANCE NO. 2024-03

AN ORDINANCE AMENDING SUBSECTION 150.060, 150.061, AND 150.063 OF
JORDAN CITY CODE

NOW BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY
OF JORDAN AS FOLLOWS:

Section 1. **Background.**

In the Fall of 2023 the City Council directed City Staff to consider an ordinance amendment regarding clarifications in grading, excavation, and mining activities within the City limits.

Section 2. **Findings.**

- A. The City Council finds there are appropriate amendments to be made to the Grading and Excavation Code to provide clarifications of mining activities.
- B. Subsections 150.060, 150.061, and 160.063 of the City Code, is hereby amended as proposed in Exhibit A.

Section 3. **Effective Date.**

This Ordinance shall become effective from and after its passage and publication.

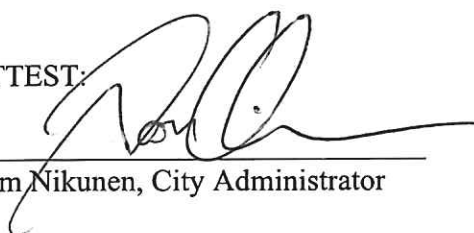
ORDAINED by the City Council of the City of Jordan, Scott County, Minnesota this 26th day of February 2024.



Mike Franklin, Mayor

Moved by: Council member Goebel
Seconded by: Council member Whips

ATTEST:



Tom Nikunen, City Administrator

Published in the Jordan Independent on the ____ day of ____, 2024.

EXHIBT A

The following Grading and Excavation subsections are amended as follows:

§ 150.060 PERMITS REQUIRED.

(A) *Generally.* It is unlawful for any person to do any grading, excavation or fills without first having obtained a permit from the city either under this section or under § 150.102 for building permits and in compliance with or along with a Storm Water Management Permit governed by the city's zoning ordinance. A separate permit shall be required for each site, and may cover grading, excavations and fills. Changes or deviation from previously approved plans require that an amended permit be applied for and approved before the work is performed.

(B) *Exceptions.* The following activities are excepted from the requirement to first obtain a permit, but shall be required to otherwise comply with these regulations:

(1) Grading in an isolated, self-contained area if there is no danger apparent to private or public property;

(2) An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt the requirement for a permit for fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than 5 feet after the completion of the structure;

(3) Cemetery graves;

(4) Refuse disposal sites controlled by other regulations;

(5) Excavations for wells, tunnels, existing public alley and roadways, or utilities;

(6) Mining, quarrying, excavating, processing, crushing, screening, stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law or provisions of the City Code. This shall not exempt these types of activities from the special use permit requirements set forth in other provisions of the City Code;

(7) Exploratory excavations under the direction of soil engineers or engineering geologists;

(8) An excavation which is less than 2 feet in depth or does not create a cut slope greater than 5 feet in height and steeper than 2 units horizontal to 1 unit vertical; and

(9) A fill which is less than 2 feet in depth and placed on natural terrain with a slope flatter than 3 horizontal to 1 vertical or less than 3 feet in depth, not intended to support structures. The fill shall not exceed 50 cubic yards on any 1 lot and shall not obstruct a drainage course or infringe upon a ponding area or wet land.

(C) *Prohibitions.* The activities of processing, crushing, and screening are prohibited within residential and commercial zoning districts without prior authorization of the City Council under an approved grading plan. Such grading plan must identify any mining quarrying, processing, crushing, screening, stockpiling, loading, and hauling of material.

§ 150.061 DEFINITIONS.

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

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

BEDROCK. In-place solid rock.

BENCH. A relatively level step excavated into earth material on which fill is to be placed.

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.

CRUSHING. The practice of reducing large rocks into smaller rocks or gravel.

DESIGNER. A person registered as an architect, engineer, land surveyor, or landscape architect responsible for the preparation of the grading plans and specifications.

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.

(1) **EXISTING GRADE.** The grade prior to grading.

(2) **FINISH GRADE.** The final grade or the site which conforms to the approved plan.

(3) **ROUGH GRADE.** The stage at which the grade approximately conforms to the approved plan.

GRADING. Any excavating or filling or combination thereof.

KEY. A designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

PROCESSING. Any activity which may include the crushing, washing, blending of aggregates to create a product, screening, or treatment of sand, gravels, rocks, or similar mineral products into consumable products, such as construction grade sand, concrete, concrete products, asphalt, and other similar products.

SCREENING. The practice of stockpiling and use of specialized equipment to separate the excavated material into multiple products by particle size.

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 bed rock.

TERRACE. A relatively level slope constructed in the face of a graded slope surface for drainage and maintenance purposes.

§ 150.063 FEES.

The City Council shall establish fees for grading and excavation permits in accordance with the fee schedule and for plan review when a plan or other data are required to be submitted. The applicant shall submit a cash deposit for construction observation, inspection, and City review in accordance with the fee schedule. If the deposit is exhausted below \$2,000.00 the applicant shall submit additional funds to replenish the cash deposit. The City may cease all work and review associated with the permit until the cash deposit is replenished. Any balance remaining in the cash deposit after the permit work is completed and approved shall be returned to the applicant.