

## **Chapter 310. Mining Operations.**

310.1 Introduction to Chapter. Mining operations which include excavation, processing, and stockpiling of earth materials is a basic and essential activity making an important contribution to the economic and general welfare of Ford Township. The excavation, stockpiling and processing of material may create undesirable land and water conditions which can be detrimental to the health, safety, welfare, and property rights of the citizens of Ford Township. It establishes reasonable and uniform limitations, safeguards and controls in Ford Township for the future production of earth materials, minerals and ores.

310.2 Conditional Use Permit Required. It is unlawful for any person, firm, or corporation to extract or process minerals, gravel, sand, rock, recycled concrete, recycled asphalt product aka RAP, etc in the Township without obtaining a Conditional use permit for mining operations as required in this Ordinance.

310.3 Exceptions. The following shall not be considered Mining Operations pursuant to this Chapter:

- a) The extraction of sand, gravel, rock, soil or other material from the land in the amount of less than Five hundred (500) cubic yards or less and the removing thereof from the site without processing;
- b) Excavation for ornamental and/or agricultural ponds approved by the local unit of government;
- c) Construction/maintenance of a Public Road for a public agency within a Public Road Right-of-Way;
- d) Temporary excavations adjacent to a Public Right-of-Way involving Mining Operations associated with Public Road construction for a public entity, commonly known as temporary borrow pits, used exclusively for public infrastructure construction projects if:
  - 1) Said public infrastructure construction project is under the administration of a public entity; and
  - 2) The contract governing said public infrastructure construction project requires erosion control, sediment containment and site restoration provisions at least as strict as those in the Minnesota Pollution Control Agency's National Pollutant Discharge Elimination System General Storm Water Permit. These temporary borrow pits must be

closed and restored within Twenty Four (24) months of the first date of work on the public infrastructure construction project. Only the excavation and removal of earth materials will be allowed.

#### 310.4 Non-assignment.

- a) The Conditional Use Permit for Mining operations is non transferable to a new mining operation owner. If the mining operation or land on which it is located is sold to a new owner a new Conditional Use Permit must be applied for and approved before mining operations resume.
- b) Mining operations shall not allow any other person, firm, partnership, association, or corporation to conduct mining operation(s) at the site, other than hauling to or from the pit, without:
  - 1) Obtaining the prior written consent of the Planning Commission, and
  - 2) Receiving written acknowledgement of said other person, firm, partnership, association, or corporation that he/she/they/it agree(s) to be bound by the requirements of the mining operation(s) permit in effect, and has obtained a surety bond guaranteeing the other entity's performance as a Mining operations.

Subcontractors to the Mining operations shall be allowed to perform mining operations under the direct supervision of the Mining operations. The subcontractor must follow all applicable rules, standards, laws, regulations or permit conditions pertaining to mining operations. The Mining operations shall be responsible for any violations of this Ordinance caused or committed by any subcontractor.

#### 310.5 Performance Standards

- a) Dust and Dirt. Mining operations shall use all practical means to reduce the amount of fugitive dust generated by mining operation(s). In any event, the amount of dust or other particulate matter generated by the mining operation(s) shall not exceed air pollution control standards established by the Minnesota Pollution Control Agency, including those set forth in Minnesota Rules, Chapters 7005, 7011, 7017 and 7023.

All access roads from mining operation(s) to public highways, roads, or streets, or to adjoining property shall be maintained to minimize dust conditions.

- b) Noise. Maximum noise level at the site shall comply with the limits or standards established by the Minnesota Pollution Control Agency, including those set forth in Minnesota Rules, Chapter 7030.
- c) Hours. No mining operation(s) shall be conducted during restricted hours specified between the hours of 8pm to 7am Monday through Saturday, There is to be no mining on Sundays. The allowed hours are to be 7am to 8pm and not allowed on Sundays.
- d) Ford Township Mining Policy Ford Township has a mining policy on file at the Ford Town Hall and lays out general conditions that must be followed by existing and future mining operations.

310.6 Revocation. Upon learning of a circumstance whereby the actual Use of a Lot and/or Parcel is not in conformance with the conditions set forth in Chapter 310 Mining Operation Conditional Use Permit affecting a lot and/or Parcel. the Zoning Administrator shall refer said to said Chapter 310, along with any and all information relating thereto, including, but not limited to, any information purporting to show that the Use of the Lot and/or Parcel affected by said Mining Operation Permit is not being carried out in accordance therewith, to the Town Board for review. The Town Board after reviewing the information may revoke the Mining Operation Conditional Use Permit.

