

ORDINANCE NO. 21

AN ORDINANCE ESTABLISHING MINING REGULATIONS TO PROVIDE FOR ORDERLY, ECONOMIC AND SAFE REMOVAL OF SAND, GRAVEL, ROCK, SOIL AND OTHER NATURAL DEPOSITS AND TO PROMOTE THE PUBLIC HEALTH, SAFETY, MORALS AND GENERAL WELFARE IN THE TOWNSHIP OF GREY CLOUD, WASHINGTON COUNTY, MINNESOTA.

THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF GREY CLOUD, WASHINGTON COUNTY, MINNESOTA, ORDAINS:

SECTION 1. ADOPTION OF MODEL MINING REGULATION CODE.

IT IS HEREBY ADOPTED FOR THE PURPOSE OF REGULATING THE REMOVAL OF SAND, GRAVEL, ROCK, SOIL AND NATURAL DEPOSITS, THE MODEL MINING REGULATION CODE FOR COMMUNITIES IN WASHINGTON COUNTY AS ADOPTED ON APRIL 25, 1972, BY THE WASHINGTON COUNTY PLANNING ADVISORY COMMISSION, OF WHICH NOT LESS THAN THREE COPIES ARE ON FILE IN THE OFFICE OF THE TOWN CLERK. THAT SAID MODEL MINING REGULATION CODE IS HEREBY ADOPTED IN ITS ENTIRETY EXCEPT HEREIN MODIFIED.

SECTION 2. DEFINITIONS.

- A. 202.01. (1) COMMUNITY. WHENEVER THE WORD "COMMUNITY" IS USED IT SHALL MEAN THE TOWNSHIP OF GREY CLOUD, WASHINGTON COUNTY, MINNESOTA.
- A. 202.01 (3) GOVERNING BODY. WHENEVER THE WORDS "GOVERNING BODY" ARE USED THEY SHALL MEAN THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF GREY CLOUD, WASHINGTON COUNTY, MINNESOTA.

SECTION 3. EXISTING CODES.

THE PROVISIONS OF THE MODEL MINING REGULATION CODE ARE IN ADDITION TO AND NOT IN REPLACEMENT OF THE PROVISIONS REGULATING MINING CONTAINED IN GREY CLOUD TOWNSHIP ORDINANCE NO. 10.

ALL PROVISIONS OF GREY CLOUD ORDINANCE NO. 10 SHALL REMAIN IN FULL FORCE AND EFFECT, EXCEPT THAT SECTION VII A-2 DESCRIBING THE C-1 COMMERCIAL EXCAVATION DISTRICT IS AMENDED IN PARAGRAPH TWO, SENTENCE TWO TO READ, "ALSO THE EAST HALF OF THE NORTHEAST QUARTER (E 1/2 OF NE 1/4) AND GOVERNMENT LOTS ONE AND TWO (1 & 2) OF SECTION TWENTY-SIX (26), TOWNSHIP TWENTY-SEVEN (27) NORTH, RANGE TWENTY-TWO (22) WEST, WASHINGTON COUNTY;" AND THAT SECTION VII A-2 IS FURTHER AMENDED BY ADDING PARAGRAPH 5 AFTER THE WORDS "NORTHWEST QUARTER OF SOUTHEAST QUARTER (NW 1/4 OF SE 1/4)" INSERTING THE WORDS "NORTHEAST QUARTER OF SOUTHEAST QUARTER (NE 1/4 OF SE 1/4)," BEFORE THE WORDS "SECTION THIRTY-SIX (36), TOWNSHIP TWENTY-SEVEN (27) NORTH, RANGE TWENTY-TWO (22) WEST, LOTS ONE (1), TWO (2) AND THREE (3)."

THE FIRST AMENDMENT CORRECTS ORDINANCE NO. 10 WHICH ERRONEOUSLY DESCRIBED SECTION TWENTY SEVEN: THE SECOND AMENDMENT RESTORES A QUARTER QUARTER SECTION SHOWN ON THE MAP ACCOMPANYING ORDINANCE NO. 1 TO BE ZONED INDUSTRIAL, BUT WHICH WAS OMITTED FROM ORDINANCE NO. 10.

SECTION 4. MODIFICATIONS.

THE PROVISIONS OF THE MODEL MINING REGULATION CODE ARE MODIFIED AS FOLLOWS:

- A. 701.03. SET-BACKS. REFRAIN FROM MINING BELOW GRADE CLOSER THAN 50 FEET TO THE BOUNDARY OF ANY ZONE WHERE SUCH OPERATIONS ARE NOT PERMITTED, OR CLOSER THAN 50 FEET TO THE BOUNDARY OF AN ADJOINING PROPERTY LINE, UNLESS THE WRITTEN CONSENT OF THE OWNER IN FEE OF SUCH PROPERTY IS FIRST SECURED IN WRITING AND FILED WITH THE COMMUNITY CLERK. REFRAIN FROM EXCAVATING BELOW ROAD GRADE CLOSER THAN 50 FEET TO THE RIGHT-OF-WAY LINE OF ANY EXISTING OR PLATTED STREET, ROAD, OR HIGHWAY, EXCEPT THAT EXCAVATING MAY BE CONDUCTED WITHIN SUCH LIMITS IN ORDER TO REDUCE THE ELEVATION THEREOF IN CONFORMITY TO THE EXISTING OR PROPOSED STREET GRADES.
- B. 701.09. HOURS OF OPERATION. EXCAVATION AND PROCESSING MAY BE CONDUCTED ONLY FROM THE HOURS OF 7:00 A.M. TO 7:00 P.M. UNLESS OTHERWISE AUTHORIZED BY THE BOARD OF SUPERVISORS IN THE ANNUAL MINING PERMIT. ALL TRANSPORTATION OF EXCAVATED MATERIAL SHALL BE BY WATER EXCEPT WITH SPECIFIC AUTHORIZATION OF THE BOARD OF SUPERVISORS. IN THE CASE OF PUBLIC EMERGENCIES SUCH AS FLOODS OR WHENEVER ANY REASONABLE OR NECESSARY REPAIRS TO EQUIPMENT ARE REQUIRED THE GOVERNING BODY MAY ALLOW AN EXCEPTION TO THIS REQUIREMENT.

SECTION 5. EFFECTIVE DATE.

THIS ORDINANCE SHALL BE AND IS HEREBY DECLARED TO BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE AND PUBLICATION ACCORDING TO LAW.

PASSED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF GREY CLOUD, WASHINGTON COUNTY, MINNESOTA, THIS 10TH DAY OF DECEMBER, 1973.

S/THOMAS N BELL, CHAIRMAN

ATTEST: S/RUTH LACINA, CLERK