

## **ARTICLE XVI. EARTH EXCAVATIONS**

The following regulations shall apply to all future excavations of sand, gravel, stone, loam, dirt, and other earth products within the Town of Morrison. It shall regulate all existing gravel pits, sand pits, and stone quarries within the Town of Morrison.

### **A. GENERAL**

1. All excavations of sand, gravel, clay, silt, loam, rock, stone, muck, dirt, soil, and other earthen materials, including but not limited to sand pits, gravel pits, and rock quarries shall come under the jurisdiction of this ordinance.
2. All existing sites of excavation shall comply with this ordinance prior to any additional expansions or alternations of the existing site beyond the boundaries of the parcels of record on which excavation is taking place as of the date of the adoption of this ordinance.

### **B. EXEMPTIONS**

The following uses shall be exempt from the provisions of this ordinance.

1. Excavation and removal of less than five hundred (500) cubic yards over a period of one (1) year from any single parcel of land recorded in the Brown County Register of Deeds Office.
2. Necessary foundation and trench excavation only in connection with work on the premises for which a building permit has been issued.
3. Normal agricultural activities.
4. Landscaping or site preparation for building use.

### **C. PERMIT**

1. Application for a permit to excavate or remove earth material shall be made to the Morrison Town Plan Commission by the property owner or his assigned agent. Forms shall be provided by the Town of Morrison. The Town Plan Commission shall reach a decision within fifteen (15) days from the filing of the completed applications form.
2. The application shall contain the required information as specified in Subsection D, Section XVII of this ordinance, prior to the issuance of an excavation permit.

3. Following submittal and approval of the excavation plan, the Town Zoning Administrator shall issue the permit. The permit shall be valid for one (1) year upon issuance.

4. Upon expiration of the permit, the Town Plan Commission shall inspect the site before issuing the permit. If the regulations have been complied with, the permit shall be reissued.

#### D. SITE PLANS

The following information shall be required on a site plan prior to issuing an excavation permit.

1. A map showing the location of the premises and the adjoining properties within five hundred (500) feet. The map shall be drawn at a scale not smaller than one (1) inch equals two hundred (200) feet.

2. Contour intervals of the proposed site at intervals of twenty (20) feet when available.

3. Existing and proposed drainage patterns of the site.

4. Proposed regrading and revegetation of the site after completion of the excavating operation.

5. Proposed truck and machinery access to the site.

6. Types and location of temporary or permanent building to be erected on the site.

7. Approximate amount of earth material to be excavated or removed at the site.

8. Approximate number of trucks and other types of machinery to be used at the site.

9. Designated hours of operation.

#### E. TRUCKS AND MACHINERY

1. No fixed machinery shall be erected or maintained within two hundred (200) feet of any property or street line.

2. Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding property.

#### F. MATERIAL HANDLING

1. No excavation shall take place within fifty (50) feet of any property line or street line if below the established grade of the street.

2. No screening, sifting, washing, crushing, or other forms of processing shall be conducted upon the premises unless it is located more than five hundred (500) feet from a residential dwelling.

## G. EXCAVATION SITES

1. Earth excavations are not allowed in either the AG-FP or AG2-FP zoning districts.
1. Earth excavations shall be allowed as a Conditional Use in Residential Zoning Districts
3. The premises shall be excavated and graded in conformity with the plan as approved. Any deviation from the plan shall be cause for the Town Board to revoke the permit upon the recommendations of the Town Plan Commission.
4. When excavating and removal operations are no longer used, as determined by the Town Plan Commission, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of 3-1 (horizontal-vertical) unless waived by the Plan Commission. A layer of arable topsoil capable of supporting perennial grasses shall be spread over the excavated area except exposed rock surfaces to a minimum depth of four inches. The area shall be seeded with a perennial grass capable of survival in this climate and maintained until a uniform growth is established.
5. If the excavation site shall fall within a county floodplain, shoreland, or conservancy zone district, the regulations as set forth in the Shoreland-Floodplain Protection Ordinance for Brown County shall apply.
6. Town Plan Commission members shall be allowed on the premises during scheduled operating hours for inspection purposes.
7. Any violation of this section shall be subject to the regulations of the Penalty Clause in Article XVIII Violations and Penalties.
8. A performance bond of \$1,000 per acre shall be required of the excavator.