

Ordinance No. 56

An Ordinance to Promote the Public Safety of the Residents of the City of Badger, Minnesota by Regulating the Excavation of Gravel Pits and Similar Excavations and Requiring the Backfilling of Gravel Pits or Similar Excavations to Conform to Standards Promulgated by the City Council or Requiring, in lieu thereof, Perimeter Fencing.

Section 1. Excavation for the purposes of obtaining gravel, sand or similar earth materials from pits or other excavation sites within the confines of the City of Badger are hereby declared to constitute a potential danger to the inhabitants of the City of Badger by creating an attractive nuisance to which children are particularly susceptible.

Section 2. From the effective date of this Ordinance, no individual, corporation, firm or other entity, private or public, shall remove any gravel, sand or other similar earth materials from pit sites or similar excavations within the confines of the City of Badger without first obtaining a permit, upon application, to the City Council of the City of Badger, Minnesota.

Section 3. The City Council of the City of Badger, Minnesota shall issue a permit for the removal of gravel, sand or other similar earth materials only upon it being demonstrated to the Council's satisfaction that the applicant will either fill the excavation back to the original grade (or to such other grade as the Council deems to be consistent with the public safety) or, in the alternative, provide a chain link perimeter fence of sufficient height and durability to prevent a hazard or dangerous condition resulting to the inhabitants of the City of Badger, Minnesota. Such chain link fence, and the design and specifications thereof, must be approved by the City Council.

Section 4. Any applicant for a permit required pursuant to the terms of this Ordinance shall include in the permit application information sufficient to satisfy the City Council that, during the time period in which the gravel pit or other excavation site will be in active use, precautions be taken to avoid dangerous conditions and insure the safety and wellbeing of the inhabitants of the City of Badger.

Section 5. The City Council reserves the right to require all applicants for permits hereunder to provide a surety bond assuring full compliance by any applicant/permittee pursuant to the terms of this Ordinance.

Section 6. A permit herein granted shall be subject to revocation by the City Council at any time the Council determines that a good faith effort is not being made by a permittee to assure reasonably safe conditions with respect to the subject matter of this permit, to wit: gravel pits or other excavations. The City Council shall be the agency responsible to determine that certain point in time whereat any particular gravel pit or similar excavation shall have become inactive to the extent that the City Council deems it to be prudent and expedient to require the backfilling or fencing contemplated by the provisions of this Ordinance.

Section 7. If any provision of this Ordinance shall be adjudged null and void for any reason whatsoever, the validity of the remaining portion of this Ordinance shall not be affected and shall remain in full force and effect.

Section 8. This Ordinance shall take effect and be in force from and after its passage and publication according to law.

Adopted by the City Council of the City of Badger, Minnesota, this 11th day of July, 1984.

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Loren Ballard, Mayor

Leslie Lockhart, Publisher

Attest:

Joan M. Larson, Clerk