

Sec. 36-707. - Land filling and alteration.

(a) *Dumping of soil, sand, clay, gravel or similar material.* No filling, dumping, removal, adjusting or balancing of land by reason of which the existing topography of the land is altered, shaped or changed shall be allowed without a permit from the zoning administrator within any zoning district of the township, except in the following permitted instances:

- (1) The amount of material utilized for filling, dumping, removal, adjusting or balancing, whether obtained on the land involved or from outside the premises, does not:
 - a. Exceed 300 cubic yards;
 - b. Exceed one acre in area;
 - c. Is not less than 500 feet from a lake or stream; or
 - d. That the material is composed only of gravel, clay, natural rock, earth, or topsoil.

Any land balancing shall take in such a manner as will not adversely affect the existing use or occupancy of abutting lands and the normal development thereof and will not impair, obstruct, divert or change any drain, creek, river or other watercourse on the land involved or any abutting lands, and will not encroach or occur upon the floor area or plain thereof.

- (2) The filling, dumping, removal, adjusting or balancing occurs pursuant to a site plan or plat which has been approved in accordance with the township ordinances.

- (3) The filling, dumping, removal, adjusting or balancing occurs pursuant to a land filling permit issued by the zoning administrator in conformity with the procedures contained herein.

(b) *Dumping of waste, junk, or similar material.* The use of land for the storage, collection or accumulation of used construction materials, or for the dumping or disposal of junk, offal, refuse, ash, garbage, rubbish, waste material, including construction materials such as asphalt, or industrial byproducts, shall not be permitted in any district, except in conformity with township regulations.

(c) *Excavation.* The excavation or continued existence of unprotected holes, pits, or wells which constitute or are reasonably likely to constitute a danger or menace to the public health, safety, and welfare is prohibited; provided, however, that this restriction shall not apply to excavations for which a permit has been acquired, provided such excavations are properly protected. Excavations which may be permitted if proper permits are acquired include excavation related to construction of a driveway, walk, a permitted wall, or building or part thereof, or movement of soil within the boundaries of a parcel for the purposes of preparing a site for building construction or another permitted use.

(d) *Application and procedure for filling permit.*

- (1) The owner of premises may apply to the zoning administrator for a filling permit, upon such forms as may be designated by the zoning administrator and payment of such fees as the township board may set by resolution, in the following manner: An application to the zoning administrator shall contain the following information:

- a. Names and address of owner of the premises and type of ownership.
- b. Legal description of the premises.
- c. Name and address of owners of adjacent premises.
- d. Written description of the nature of the proposed filling, dumping, removal, adjusting or balancing to be undertaken, including the quantity of fill or removal and the composition of same.
- e. A scale drawing of the premises designating property lines and dimensions; adjacent public roads, drains, creeks, rivers or other watercourses and the flood area or floodplain

thereof on the premises and on adjacent premises; landmarks and topographical features of the premises; and areas to be filled or subject to removal.

- f. Statement of intended land use for the premises following the completion of the filling or removal and the expected time needed to complete the filling or removal.
 - g. A copy of erosion permit from the county erosion enforcement officer shall be submitted to the zoning administrator prior to approval of the filling permit as required.
- (2) The zoning administrator will consider the filling application and determine whether the proposed filling or removal shall be granted approval. In determining the same, the zoning administrator shall consider the impact of the filling or removal on existing water drainage, detention, retention, floodplain, flood area and flow, the prevention of water pollution and sedimentation, the prevention of wind erosion, wind blown dust, the composition and compaction qualities of the fill, the provision for ground cover and any impacts on adjacent neighboring premises.
- (3) The zoning administrator shall keep a record of all filling permits. Failure to comply with the terms and conditions of the filling permit shall be subject to section 36-979

(Ord. of 7-22-2013, § 60.10)