

**TOWN BOARD OF SUPERVISORS
FAYAL TOWNSHIP
ST. LOUIS COUNTY, MINNESOTA
RESOLUTION 2003-16**

A Resolution to Amend Town of Fayal Ordinance 96-1 "Excavation Ordinance"

WHEREAS, The Town Board of Fayal Township adopted Town of Fayal Ordinance 96-1 "Excavation Ordinance" on 3 September 1996 which generally sets forth regulations by which property owners and contractors may excavate within Town of Fayal Roads, properties and rights of way for any purpose; and

WHEREAS, the Town Board has identified a need to modify, clarify, and amend several sections of said ordinance.

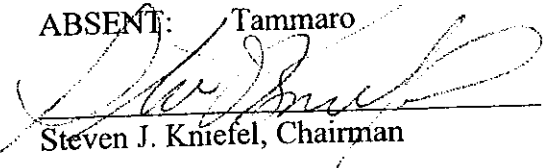
NOW THEREFORE, BE IT RESOLVED, by the Town Board of Fayal Township, that the following amendments and revisions are made to Fayal Ordinance 96-1:

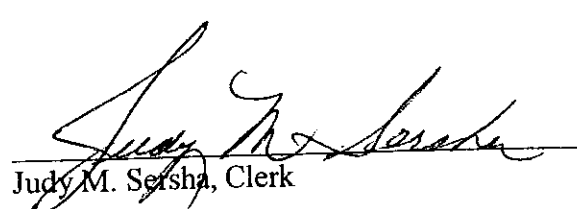
1. Section 3, sentence 3 is hereby revised to read:
"The applicant shall deposit with the Township Clerk the sum of \$ 1000.00, a cash bond, or a security bond to held by the Township to ensure compliance with the ordinance, and shall not be returned to the applicant until the Town Foreman has informed the Township Clerk that the permit holder has complied with these regulations."
2. Section 4 is hereby revised to read:
"Any excavation or connection as described in Section 1 or Section 2 above shall be made under the supervision of the Township Foreman or his designee."
3. Section 5, sentences 3 & 4 are hereby revised to read:
"The excavation site shall be refilled with suitable materials in layers of not more than 18 inches in depth, and must be tamped by use of an appropriate vibratory compactor and shaped as the Town Foreman may require so as to leave the excavated area uniform and sufficiently compacted to prevent after-settlement. All Township paving, sidewalks, and vegetated areas are to be immediately restored to at least as good condition as existed previous to the excavation and all rubbish, surplus material, and earth shall be immediately removed and properly disposed."

It is further resolved that the Town Clerk shall forthwith post and publish these ordinance revisions in accordance with law. The provisions contained therein shall take immediate effect upon publication.

Chairman Kniefel moved the adoption of this resolution, seconded by Supervisor Beldo and it was declared adopted on 17 June 2003 upon the following vote:

AYES: Kniefel, Beldo, Erjavec, Ojanpa
NAYS: None
ABSENT: Tammaro


Steven J. Kniefel, Chairman


Judy M. Sersha, Clerk

Town of Fayal Excavation Ordinance No. 96-1

AN ORDINANCE REGULATING THE EXCAVATION OF TOWNSHIP ROADS, HIGHWAYS, STREETS, SIDEWALKS, AND RIGHTS OF WAY; AND TO REGULATE THE CONNECTION TO TOWNSHIP WATER AND SEWER MAINS

THE TOWN OF FAYAL ORDAINS AS FOLLOWS:

Section 1A: From and after passage of this ordinance, no person shall cause an excavation to be made in the roads, highways, access roads, rights of way, streets, or sidewalks of the Township of Fayal for any purpose without first obtaining a permit as hereinafter provided.

Section 1B: For purposes of this ordinance, "Excavation" shall be defined as any excavation, any deposition of materials, any construction, any blocking of or tying into any existing road, highway, access road, right-of-way, street or sidewalk of the Town of Fayal.

Section 2: From and after passage of this ordinance, no person shall cause a tap in or hooking onto or any other connection to be made to any waterline, drain or sewer main located within the Township without first obtaining a permit as hereinafter provided.

Section 3: Application for a permit shall be made to the township Clerk on forms to be furnished by the Township. Each application shall state the place and purpose of the proposed excavation and/or connection, as described in Section 1 or Section 2 above, the location of the proposed excavation, the names of the persons or companies that will excavate or cause a connection to be made, and such other information as the Township shall require for the proper enforcement of this ordinance. The applicant shall deposit with the Township Clerk the sum of \$ 500.00, a cash bond, or a security bond to be held by the Township to ensure compliance with the ordinance, and shall not be returned to the applicant until the Chairman of the Town Board has informed the Township Clerk that the permit holder has complied with these regulations.

Section 4: Any excavation or connection as described in Section 1 or Section 2 above shall be made under the supervision of the Chairman of the Town Board and the Township Foreman.

Section 5: Any excavation must be performed in such a manner that will occasion the least possible inconvenience to the public, provide for proper drainage of water, and provide for the safe passage of vehicles and pedestrians. Any excavations shall be completely guarded from the public and shall have lighted warning lanterns or lights affixed to the guards. The excavation site shall be refilled with suitable materials in layers of not more than 18 inches in depth, and must be tamped and shaped as the Town Foreman may require in a thorough manner so as to leave the area excavated uniform and sufficiently compacted to prevent after-settlement. All Township paving, sidewalks, and

vegetated areas are to be restored to at least as good condition as existed previous to the excavation and all rubbish, surplus material, and earth shall be immediately removed and properly disposed.

Section 6: Any person who shall violate or fail to comply with any provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed \$500.00, and shall forfeit to the Township the money on deposit with the Township Clerk, which money shall be used to make compliance with the conditions of this Ordinance.

Section 7: This Ordinance shall take effect and be in full force immediately after its adoption and publication. This Ordinance replaces and supersedes Town of Fayal Ordinance 94-1 adopted 4 October 1994, same subject.

This Ordinance adopted at the Regular meeting of the Fayal Town Board this 3rd day of September 1996 upon motion by Supervisor Kniefel and the following vote:

AYES: Kniefel, Turner, Ojanpa, Tammaro NAYS: none ABSENT: Ziegler


Steven J. Kniefel, Chairman


Judy M. Sersha, Clerk

Adopted: 3 September 1996

Published:

Poster:

