



CITY OF DEVILS LAKE  
PO BOX 1048  
DEVILS LAKE, ND 58301

APPLICATION FOR EXCAVATING PERMIT

Name of Applicant \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Legal description of excavation site \_\_\_\_\_

\_\_\_\_\_ containing \_\_\_\_\_ AC

Hauling to \_\_\_\_\_

Remarks \_\_\_\_\_

Excavation plans submitted and on file for inspection at the office of the City Engineer.

\$50.00 application fee paid on \_\_\_\_\_ (date)

Excavation permit valid for 1 year from date of approval.

The applicant and undersigned agree to conform to all applicable laws of this jurisdiction.

Signature of contractor \_\_\_\_\_

Address \_\_\_\_\_

Signature of land owner \_\_\_\_\_

Address \_\_\_\_\_

**Office use only**

Action taken by governing body: \_\_\_\_ Approved \_\_\_\_ Denied on \_\_\_\_\_ Date

Remarks \_\_\_\_\_

Signature \_\_\_\_\_, City Engineer

## **CITY OF DEVILS LAKE EXCAVATION REQUIREMENTS**

The intent of the permit is to ensure approved excavation and reclamation of areas disturbed by activities whose intent is removal of earthen materials (borrow, sand, gravel, rock, etc) within the City's zoning jurisdiction. Residential or commercial building construction, utility installation/maintenance, or landscaping that does not substantially change the elevation of the ground surface does not require a permit. Rock crushers, sand and gravel pits, earth excavation, waste disposal pits, or any other such excavation shall be allowed provided they meet the following requirements.

1. When the application is filed, the applicant shall provide a plan showing the land proposed for excavation. This plan shall show the existing and proposed contours of the land on a minimum 2 foot contour interval. The plan shall show any proposed improvements on the property and a distance of 300 feet in all directions from the proposed work.
2. All grading plans must include comments from the US Fish and Wildlife Service, the Natural Resource Conservation Service, and the Corps of Engineers stating they have reviewed the proposed grading plan and acknowledge the work to be completed. Any special conditions their agency requires must be provided with the application.
3. Concurrent with the above, the applicant shall also provide a plan showing the contemplated changed condition of the land due to the excavation. This plan must include the contemplated re-use of the land, what curing of the land is planned, and the proposed final contours on at least 2 foot contour levels.
4. No excavation or processing of excavated materials shall be permitted nearer than 30 feet to existing rights of way or the boundary of adjacent property nor nearer than 125 feet to any existing residence, unless written agreement is obtained from the owner or owners of such adjacent property consenting to a lesser distance and the City of Devils Lake approves such lesser distance. The City may set a greater distance than above mentioned, when in their opinion it is justified.
5. No land above 1460 MSL (1929 datum) will be excavated below an elevation of 1460 MSL in areas outside the protection of the embankment.
6. No excavation will be permitted that may negatively impact the City's flood protection. Excavation in these areas will be reviewed by the City and Corps of Engineers to ensure the area's flood protection is not compromised by the proposed work.
7. The City of Devils Lake shall control the degree of slopes of banks for all excavations, the depth of excavation, and the distance from any public structures. When excavations are near or adjacent to waterways or utilities, the applicant shall secure written agreement from the company

or officials responsible for the waterway or utility indicating their determination as to setbacks or special requirements.

8. Sand and gravel shall be excavated in such a manner so as to leave an average of 2 feet of undisturbed sand or gravel as evenly as possible over the entire excavation tract, to provide a water bearing strata for any existing ground water. If the City determines more water bearing strata is required, additional limits of excavation may be used.
9. Prior to any excavation taking place, the City shall inspect the borrow site to determine topsoil depths across the proposed excavation area. All topsoil shall be stripped from the site and stockpiled on site. Upon completion of the excavation activities, all topsoil stripped shall be spread as evenly as possible across the disturbed area so as to produce a new surface for the purpose of growing crops, trees, shrubs, etc. Operations shall be conducted in such a manner that excavated areas will not collect or permit stagnant water to remain.
10. If any portion of the proposed excavation site is under CRP contract, it shall be the responsibility of the applicant to obtain a release from FSA. Care must be taken to avoid erodeable or HEL soils.
11. All paths and haul roads used for the excavation operation shall be kept in a reasonably dust-free condition. The hours of operations, unless otherwise specified by the City, shall be from 6:00 am to 10:00 pm, unless an emergency arises or special permission is granted by the City.
12. Rock crushers, concrete and asphalt mixing plants may be permitted providing the City finds that the following facts prevail:
  - The use meets zoning requirements.
  - The use is accessory to the sand and gravel operation.
  - The City may set out additional conditions under which these operations may be permitted and the said conditions may vary by location due to abutting land uses.
13. The operator of any excavation shall post a bond in the form prescribed by the City in a sum equal to the number of acres covered by the permit multiplied by \$5,000.00, to insure full compliance with all of the terms and conditions of the permit and the rules and regulations of the City pertaining to extraction and processing. The minimum amount of such bond shall be \$20,000.00. The City shall have the power and authority to provide for an alternative method of indemnifying the City and ensuring proper reclamation of the land in lieu of the posting of the bond herein mentioned. Said bond shall be provided to the City prior to beginning any excavation activities associated with the permit and will be released upon full reclamation of area as outlined in the permit and reclamation plan.

14. The operator shall furnish evidence that he is insured against liability for any negligent act or omission arising from the operation or maintenance of the excavation activities and all activities connected with or incident thereto:

Public Liability, Bodily Injury, and Property Damage: injury of one more persons and/or property damage: \$1,000,000 per accident.

Automobile and Truck Public Liability, Bodily Injury, and Property Damage: injury of one or more persons and/or property damage: \$1,000,000 per accident.

15. Prior to the granting of a permit concerning the property, approval shall be granted by the Board of City Commissioners after review by the City Engineer's office.
16. Upon the granting of a permit by the City, the fee schedule established in the Resolution of Fees and Rates shall apply to each individual ownership of land which is included in the operation. This permit is issued for zoning purposes only within the two mile extraterritorial area of the City.
17. All permits shall be in full force for a period of 1 year from the date of approval unless a shorter time is set by the City. Upon written request, permits may be renewed by the City Commission for the same period of time or less, without further public notice. Renewal eligibility is contingent upon contractor complying with all the terms and conditions of the original permit. Renewal fees shall be the same as the permit fee outlined in the current Resolution of Fees and Rates.
18. The City shall have the power to cancel permits upon proof of violation of any of these requirements. Upon cancellation, area shall be reclaimed within 30 days.
19. Borrow areas that are not active shall be reclaimed according to the approved excavation plan within 30 days from the last excavation from site.
20. Contractor/property owner shall notify the City Engineer's office as soon as possible when it is determined that excavation requirements change during the course of work. A new excavation plan, consistent with the borrow to be excavated, shall be submitted for review and approval.
21. Upon the granting of a permit by the City, the following fee shall apply:

More than 1 acre to and including 2 acres	\$300.00	\$500.00
More than 2 acres to and including 3 acres	\$400.00	\$600.00
More than 3 acres to and including 4 acres	\$500.00	\$700.00
More than 4 acres to and including 5 acres	\$600.00	\$800.00
More than 5 acres to and including 10 acres	\$1,000.00	\$1,200.00
In addition, land in excess of 10 acres (per acre)	\$25.00	\$30.00