

CHAPTER 154: GRADE ALTERATIONS, EXCAVATION AND FILLING

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§ 154.01 PERMIT REQUIRED.

No excavation shall be made and no soil shall be removed nor shall any filling or regrading be performed under the provisions of this chapter, unless a permit therefor shall have been first obtained as provided herewith, and no excavation shall be made, no soil shall be removed, no filling shall be done and no regrading shall be performed except in conformity with the provisions of this chapter.

(‘77 Code, § 15.07) (Am. Ord. 81-6, passed 5-18-81) Penalty, see § 10.99

§ 154.02 PERMISSION REQUIRED FOR EXCAVATION AND FILLING; EXCEPTIONS.

No person shall remove or excavate soil or fill existing properties without first having received permission from the Board of Trustees, except in connection with.

(A) The construction or alteration of a building on such premises and excavation or normal grading incidental thereto;

(B) The relocation of soil on his property by the homeowner in residence on property up to five acres, for the purpose of improved landscaping or gardening, provided such relocation of soil does not affect any drainageways on or drainage to or from the subject property; or

(C) Filling of land performed in conjunction with the construction, repair or replacement of a septic field approved by the Village under Chapter 51 of the Village Code.

(‘77 Code, § 15.01) (Am. Ord. 81-6, passed 5-18-81) Penalty, see § 10.99

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§ 154.03 APPLICATION FOR PERMIT.

The Board of Trustees shall not consider any application for the removal of soil from the premises for sale or otherwise unless and until the owner of the premises shall first file with the Village Clerk an application requesting such permission, together with a map of the premises showing the contour lines and grades resulting from such intended removal of soil in relation to the topography of the premises, and the proposed contour lines and proposed grades shall be subject to the inspection and approval of the Board of Trustees. No such permission for soil removal shall be issued until such map has been filed, and until the proposed contour lines and grades have been approved by the Board of Trustees.

(‘77 Code, § 15.01) (Am. Ord. 81-6, passed 5-18-81)

§ 154.04 CONDITIONS FOR APPROVAL; HEARING.

(A) The Board of Trustees, in considering and reviewing the application and in arriving at its decision shall consult the Village Engineer as necessary and shall be guided and take into consideration the public health, safety and general welfare, and particular consideration shall be given to the following factors:

- (1) Soil erosion by water and wind.
- (2) Drainage.
- (3) Soil fertility.
- (4) Lateral support slopes and grades of abutting streets and lands.
- (5) Land values and uses.
- (6) Existing and proposed storm water runoff characteristics.
- (7) Potential effects on adjacent lands and improvements.
- (8) Potential effects on the aquifer recharge capacity and water tables.
- (9) Sedimentation.
- (10) Such other factors as may bear upon or relate to the coordinated, adjusted and harmonious physical development of the Village.

(B) In the event permission is not granted, the applicant, upon written request for a hearing made to the Board of Trustees, shall be given an opportunity to be heard within 30 days thereafter.

(C) After examining the application, and the plan provided for in § 154.03, or after the hearing, in the event a hearing is requested by the applicant, the Board of Trustees shall grant the

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requested permit if it can be determined that the proposed soil removal, excavation, filling or regrading will not create conditions inimical to the public health, welfare and safety, and will not result in the creation of any sharp declivities, pits or depressions, soil erosion or fertility problems, depressed land values, nor create any drainage, sewerage or storm water diversion problems or other conditions of danger. Such permit shall be effective for a period of time to be determined by the Board of Trustees.

(‘77 Code, § 15.03) (Am. Ord. 81-6, passed 5-18-81)

§ 154.05 CONTOUR AND GRADE REQUIREMENTS.

If a permit to remove the soil, excavate, fill or regrade shall be granted, the owner or person in charge shall so conduct the operations that there shall be no sharp declivities, pits or depressions, or change in the flow of storm water off the site and in such a manner that the area shall be properly leveled off, cleared of debris, and graded to conform with the contour lines, and grades as approved by the Board of Trustees or, if so designated by the Board of Trustees, the Village Engineer.

(‘77 Code, § 15.04) (Am. Ord. 81-6, passed 5-18-81)

§ 154.06 TOP SOIL RETENTION.

The owner of the premises or the person in charge of the removal of soil, excavation, filling or regrading, when a permit has been duly granted, shall not take away the top layer of arable soil for a depth of ten inches, but such top layer of arable soil to a depth of ten inches shall be set aside for retention on the premises, and shall be respread over the premises when the rest of the soil has been removed, excavated, filled or regraded pursuant to levels and contour lines approved by the Village Engineer.

(‘77 Code, § 15.05) (Am. Ord. 81-6, passed 5-18-81) Penalty, see § 10.99

§ 154.07 BOND REQUIREMENT.

Before any permit for soil removal, excavation, filling, grading or regrading shall be granted or issued, the owner or applicant shall file with the Board of Trustees, a bond, in form and with acceptable surety, if required, in such amount, but not less than \$5,000, as shall be deemed sufficient to insure the faithful performance of the work to be undertaken and to insure the repair of damages, if any to Village streets and roadways resulting from such work.

(‘77 Code, § 15.06) (Am. Ord. 81-6, passed 5-18-81; Am. Ord. 87-7, passed 8-17-87)

§ 154.08 FEES AND COSTS.

All fees and costs incurred by the Village and related to an application for a permit for soil removal, excavation, filling or regrading and the Village Engineer’s engineering plan review, periodic inspections, final inspections and approval for release of bond shall be paid by the owner or applicant. At its discretion, the Board of Trustees may instruct the Village Engineer to estimate such fees and costs and require the owner or applicant to deposit a like amount with the Village Clerk.

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The amount shall be returned to the owner or applicant upon proof of payment of such fees and costs or, in the event that the owner or applicant fails to make such payment, such fees and costs shall be paid out of the amount deposited. ('77 Code, § 15.08) (Am. Ord. 81-6, passed 5-18-81)