

CHAPTER 1468
Landfill in Residential Districts

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CROSS REFERENCES

Engineer - see ADM. Ch. 254

Service Director - see ADM. 262.01

Construction vehicles and equipment on streets; permit required - see TRAF. 440.12

Dumping - see GEN. OFF. 660.035; S.U. & P.S. 1068.04

Notice to fill lots, remove putrid substances - see GEN. OFF. 660.11

Garbage and rubbish collection and disposal - see S.U. & P.S. Ch. 1060

Grading permit fees - see B. & H. 1444.15(e)

Grade levels - see B. & H. Ch. 1464

1468.01 PERMIT REQUIRED; APPLICATION.

No land located in a Residential One Family 100 District, Residential One Family Sixty District, Residential One Family Fifty District, Two Family and Apartment District or Retail Service District, as set forth in the Zoning Code, which, in whole or in part, is below the natural or established grade of the street upon which it abuts, shall be filled in with any type of material, except as hereinafter set forth, unless the owner shall first secure a permit to do so. Application for such a permit shall be made in writing to the Building Inspector on forms supplied by the Building Inspector and showing:

- (a) A sketch of the land to be filled in and of the next adjacent lands on either side of it, with dimensions for all lot lines.
 - (b) The area desired to be filled in, with dimensions thereof both as to the depth from the street and the width thereof in relation to the street.
 - (c) The Auditor's permanent parcel number for such land and such adjacent lands.
 - (d) The amount of material, in cubic yards, requested to be used as fill.
 - (e) The length of time requested for filling in the requested cubic yardage.
 - (f) Such other information as may be requested by the Building Inspector so that the Council may understand the situation.
- (Ord. 44-92A. Passed 5-19-92.)

1468.02 APPLICATION FEES.

Upon an original application, an applicant shall pay an application fee of twenty dollars (\$20.00). Subsequent application fees on the same fill shall also be twenty dollars (\$20.00). (Ord. 44-92A. Passed 5-19-92.)

1468.03 TOPOGRAPHICAL SURVEY; RECOMMENDATIONS OF VILLAGE ENGINEER; ENGINEERING FEES; PERMIT ISSUANCE AND EFFECTIVE PERIOD.

(a) Where any part of the land upon which the fill is to be deposited, or where any part of such adjacent land, is more than ten feet below the natural or established grade of the street, then the applicant shall furnish the Building Inspector with a topographical survey, prepared by a registered engineer or surveyor, of such land and such adjacent lands. Upon being satisfied that the applicant meets the requirements of this chapter, the Building Inspector shall forward the application form and the topographical survey to the Village Engineer, who shall examine the same and visit the site.

- (b) The Engineer, as an aide to the Council, may recommend to the Council that:
- (1) The owner, at his or her expense, shall secure a report from a soil conservation service agency, or soil expert, whether governmental or private, as to the effect such fill will have on the surrounding land in the area.
 - (2) The owner, at his or her expense, shall provide the Engineer with a report of boring samples taken and analyzed by a reputable testing laboratory; and/or
 - (3) Such other studies shall be made as, in his or her opinion, are required to fully inform the Council of the existing conditions at the site of the proposed fill.
(Ord. 6-80. Passed 2-19-80.)

(c) An engineering fee of one hundred dollars (\$100.00) on applications requiring the Engineer's advice pursuant to this section shall be payable by the applicant, as shall a fee of fifty dollars (\$50.00) on subsequent applications requiring such advice.

(d) The Council shall examine the application, together with the information and data furnished to it by the Building Inspector and the Engineer, and upon being satisfied that such fill will not devalue the properties in the neighborhood, that such fill will not divert storm or ground water upon any of said adjacent lands or on any other lands, if it did not previously do so, or affect the natural drainage of water, if it did not previously do so in the surrounding area thereof, then the Council may, by ordinance, authorize the Building Inspector to issue the permit to fill in, in accordance with the provisions of this chapter, and any special requirements arising from the topography of such land and such adjacent lands, such special requirements to be set out in said ordinance. Council may approve a permit to be effective for sixty days from the date of the permit's issuance by the Building Inspector, but in no event to become effective more than ninety days from the date of Council approval.
(Ord. 22-94. Passed 3-1-94.)

1468.04 COMPLIANCE WITH CHAPTER; POSTING OF PERMIT REQUIRED.

(a) A permit issued by the Building Inspector shall contain a statement that the applicant will conduct the fill in accordance with the provisions of this chapter, and if any special requirements are set forth in the ordinance passed by Council, the same shall be copied on the permit or a certified copy of the ordinance shall be attached to said permit and so noted on the permit itself.
(Ord. 6-80. Passed 2-19-80.)

(b) Said permit shall be posted on the owner's property in a conspicuous location during the effective period of the permit.

1468.05 FILL MATERIAL.

No fill material shall be deposited or suffered or permitted to remain on any land or any portion thereof other than the following material:

- (a) Natural material, but limited to natural earth and natural stone.
- (b) Artificial material if composed of concrete, asphalt, brick, tile and similar material, but no organic material of any kind shall be permitted.

(Ord. 6-80. Passed 2-19-80.)

1468.06 HOURS OF OPERATION OF TRUCKS; REMOVAL OF SPILLAGE; TRUCK SPECIFICATIONS.

(a) Trucks carrying material to a fill shall operate on Monday through Saturday only, between the hours of 8:00 a.m. and 5:00 p.m. Any spillage from such trucks shall be swept up and removed from the streets within 24 hours after notice is given by any member of the Police Department to the owner; same to be done by the person doing the trucking or the permittee.

(b) All such trucks shall be limited to two rear axles per truck, and no truck with the load shall exceed thirty tons. However, the Council, in consideration of the route to be traveled, the conditions of the streets of such route, or the time of year during which such filling is to be performed, may set a lower tonnage if, in the opinion of the Village Engineer and Council, a lower tonnage is deemed advisable.

(Ord. 6-80. Passed 2-19-80; Ord. 107-2002. Passed 12-3-02.)

1468.07 FILL AT OR ABOVE GRADE PROHIBITED.

(a) No fill material shall be deposited, maintained or suffered or permitted to remain on any land or any portion thereof if such material is level with or higher than the natural or established grade of the abutting street.

(b) The permittee, in filling such land, as he or she progresses, shall maintain a grade for such fill the same as the natural or established grade of the abutting street, or within 5% of such grade, but at no time shall the grade of such fill be above such natural or established grade. When such land has been filled in to the extent that the area of such land so filled comprises a building lot for the district in which it is located, then the permit for such fill shall become void and any subsequent filling shall be unlawful.

(Ord. 6-80. Passed 2-19-80.)

1468.08 SHAPING OF FILL REQUIRED.

A permittee shall shape the fill to the grade set forth in Section 1468.07(b) at least once every 30 days. (Ord. 6-80. Passed 2-19-80.)

1468.09 EFFECTIVE PERIOD OF PERMITS; RENEWALS.

All permits authorized to be issued under this chapter shall be effective for a period of 60 days, and upon termination of such period, such permits shall become void, and any filling after the expiration of said 60 days shall be unlawful. Where a permit has been issued and the permittee determines that the requested fill cannot be made within said 60-day period, said permittee may make a subsequent application for a new permit for an additional 60 days. More than one subsequent application may be made by the permittee if filed with the Building Inspector within the 60 days of a prior permit. Such subsequent application shall be made to the Building Inspector on the same form as the original application, but the same shall recite the date of the issuance of the original permit, and the original application, the survey, if made, the date and information in connection with the original permit shall be incorporated by reference on such subsequent application. Such subsequent application shall be forthwith presented to the Council, and the Council, being satisfied that the permittee has conducted the fill in accordance with the provisions of this chapter and the special requirements copied on the prior permit, may authorize a renewal permit by motion. Such permit so authorized shall likewise be limited to 60 days and shall be on the same terms and conditions as set forth in the original or last subsequent permit, as the case may be. Where the Council desires to add terms and requirements therein not set forth, which become necessarily apparent because of the operation of the fill, then instead of a motion authorizing such subsequent or renewal permit, the same shall be done by ordinance, so as to incorporate such new terms and requirements. (Ord. 22-94. Passed 3-1-94.)

1468.10 PERMIT REVOCATION.

All permits, whether original or subsequent, shall be revocable at the pleasure of the Council. Action revoking a permit shall be done by ordinance, and after a certified copy of such ordinance has been served upon the permittee, either by the Police Department or by certified mail, any filling in after such service shall be unlawful. In any event, each and every permit issued under the provisions of this chapter by the Council shall automatically expire six months from the date of issuance. (Ord. 6-80. Passed 2-19-80.)

1468.11 RESTORATION OR LANDSCAPING OF LAND REQUIRED.

When the filling of any land has been completed, or when a permit has expired or been revoked, then, within a reasonable period of time, but in no event longer than six months, the permittee shall either return the land to a natural wooded state or shall landscape the filled land with sod, seed, or other horticultural material.

(Ord. 49-96. Passed 7-2-96.)

1468.12 EXCEPTION FROM APPLICATION OF CHAPTER.

This chapter shall not apply to projects requiring less than five truckloads of fill dirt and used primarily for landscaping.

(Ord. 49-96. Passed 7-2-96.)

1468.13 ENFORCEMENT BY SERVICE DIRECTOR.

The Service Director shall be primarily vested with the responsibility of enforcement of and compliance with the terms of this chapter.

(Ord. 49-96. Passed 7-2-96.)

1468.14 VIOLATIONS.

No person shall violate or fail to comply with any of the provisions of this chapter, or with any requirement attached to a permit issued under this chapter, or with any provision of such a permit. (Ord. 49-96. Passed 7-2-96.)

1468.99 PENALTY.

(a) Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. (Adopting Ordinance)

(b) Notwithstanding the penalty provided in subsection (a) hereof, the Village may, without invoking such criminal procedure, may invoke and maintain any remedy provided by law or equity, including, but not limited to, remedies to enjoin or abate any violation. The institution of any criminal or civil proceedings by the Village shall in no way prohibit an owner specially damaged by the violation from seeking such remedies as the law or equity may provide.

(Ord. 49-96. Passed 7-2-96.)

