

CHAPTER 1339
Topsoil Stripping and Removal

1339.01 Permit Required.	1339.04 Bond or insurance required
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CROSS REFERENCES

Obstructing natural watercourses - see S.U. & P.S. 919.01
Subdivision topsoil and trees - see DEV 1111.03(c)
Drainage and grade establishment - see BLDG. Ch. 1337
Removal of soil - see DEV 1141.06

1339.01 PERMIT REQUIRED.

The removal or stripping of the top or surface soil from any real property or portion thereof in the City is hereby prohibited, unless done pursuant to a building permit for such property issued by the Building Commissioner, or pursuant to a permit to remove or strip such soils which has been first issued by the Safety-Service Director as herein provided. (Ord. 1993. Passed 10-22-51).

1339.02 CONDITIONS OF ISSUANCE.

The Director of Public Safety-Service shall only issue a permit for the removal or stripping of soil after careful consideration of the method of removal or stripping to be used and a determination that such soil stripping or removal and proposed method of doing so will not interfere with the lawful use or enjoyment of surrounding property and will not depreciate the values of such surrounding property. The permit shall set forth therein the method of removal or stripping, the approximate quantity of soil to be removed or affected, the time in which it must be done and such further terms and conditions as the Director deems are necessary to preserve public peace, property, health and safety., (Ord. 1993. Passed 10-22-51).

1339.03 PERMIT REVOCATION.

Any violation of the terms set forth by the Director of Public Safety-Service under which the permit is granted shall be deemed sufficient grounds upon which the Director is authorized to revoke such permit. (Ord. 1993. Passed 10-22-51).

1339.04 BOND OR INSURANCE REQUIRED.

Before such soil removal or stripping permit (other than a building permit) is granted, the applicant shall deposit with the Director of Public Safety-Service a bond or public liability insurance policy which will indemnify the public and surrounding property owners against any damage which may be caused by or in removing or stripping such top or surface soil. The form and the amount thereof

shall be first approved and determined by the Director before acceptance.
(Ord. 1993. Passed 10-22-51).

1339.05 EXCEPTIONS; WAIVER OF BOND OR INSURANCE.

Incidental removal or stripping of top or surface soil from any lot or parcel of land or portion thereof in the City by the owner or lessee thereof, not exceeding a total of three cubic yards, is hereby expressly excepted from the provisions of this Chapter. Should the total removal or stripping at any future time reach such maximum of three cubic yards, the provisions of this chapter will apply to all future removals and stripping. If the quantity thereafter to be removed or stripped is less than three cubic yards, the Director of Public Safety Service may waive the bond and public liability insurance provision and issue a permit, provided he first determines that such additional soil removal will not violate the intent and spirit of this chapter and that such proposed additional soil removal will not be detrimental to public peace, health, property and safety.

1339.99 PENALTY.

Whoever violates any provisions of this Chapter shall be guilty of a minor misdemeanor for the first offense. Whoever violates any provision of this Chapter shall be guilty of a fourth degree misdemeanor for the second offense or subsequent offenses. (Ord. 7-82. Passed 2-8-82).