

## Title 7 – Chapter 14

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### **Sec. 7-14-1 Regulation of Fill Permits.**

#### **(a) Fill Permit Required.**

- (1) A fill permit is required before the activity of filling of land. Permit applications shall be reviewed and approved by the Town Board of Supervisors.
- (2) A county, state or federal permit may be required, in addition to a permit under this Section, if county, state or federal laws are applicable to filling.
- (3) Applicants shall also be required to obtain a Building Permit under the Town Zoning section as a condition of the issuance of a permit under this section.
- (4) All permit applicants shall submit a drainage-site plan for the property on which fill is to be deposited.
- (5) Permits issued under this section shall be valid for a period of six (6) months from the date of issuance. Permits shall be renewed without cost provided that the permittee has at all times complied with this section and any conditions placed upon the issuance of the permit.
- (6) Conditions addressing height, fill area, slope, erosion control measures, drainage requirements, or similar concerns may be required as conditions of permit or drainage plan approval.

#### **(b) Limitations.**

- (1) Maximum fill is limited to three feet (3'), not to exceed one-foot (1') over the crown of the road. Limited areas of bank stabilization, backfilling behind rip rap, "pothole filling", or similar measures may exceed the maximum fill of three feet (3') height.
- (2) Surface water runoff after filling activity shall not adversely affect upstream, downstream, or adjacent properties.
- (3) Fill shall not be deposited within of three feet (3') from the property line unless the adjacent property is being filled in compliance with this section.
- (4) Dredging, ditching or excavating (hereinafter "ditching") are permitted, provided that ditching does not adversely affect either upstream or downstream drainage, or drainage onto adjacent properties, and further provided that excavated material is deposited in compliance with section.
- (5) Fill may be deposited to a height of four inches (4") or less on a one-time basis without a permit provided drainage is not adversely affected, except not in floodway or wetland.
- (6) Fill material may not contain manmade materials, petroleum, petroleum products, petroleum byproducts, hazardous substances, hazardous materials or toxic substances.

- (7) The final grade after completion of filling may be required documented by an engineer, surveyor or other qualified professional at the discretion of the town board. The property owner and permittee under this section shall be jointly and severally responsible for compliance with this fill permit requirement.

#### **Sec. 7-14-2 Fees.**

A Resolution may establish an application fill permit fee at the discretion of the town board.

#### **Sec. 7-14-3 Penalties.**

For any and every violation of the provisions of this Chapter, the owner, general agent, or contractor of a building on premises where such violations have been committed or shall exist, and the lessee or tenant of the premises where such violation has been committed or shall exist, and the owner, general agent, contractor, lessee or tenant of any part of the premises in which part of said violation has been committed or shall exist, and the general agent, architect, engineer, surveyor, building contractor or any other person who knows, permits, takes part or assists in any such violation, or who maintains any premises in which any such violation shall exist, shall be subject to a forfeiture as provided in Section 1-1-6.