

1st Reading 4-2-68
2nd Reading 5-8-68
3rd Reading 6-4-68
Repealed by
Ord 78-19

ORDINANCE NO. 68-17

AN ORDINANCE AMENDING ORDINANCE NO. 186 OF THE CITY OF PORTAGE ENTITLED " AN ORDINANCE ESTABLISHING REGULATIONS FOR THE EXCAVATION OF SAND, SOIL, AND EARTH AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF"

Be it and it hereby is ordained by the Common Council of the City of Portage as follows:

1. That section 8 of ordinance no. 186 be and it hereby is repealed in its entirety.
2. That section 6 of said ordinance no. 186 shall be re-numbered to read "section 7".
3. That section 7 of said ordinance no. 186 shall be re-numbered "section 8".
4. That a new section 6 shall be inserted to said ordinance no. 186 to read as follows:

If the application for permit requests permission to excavate or remove material below the existing water table, the following special provisions shall apply in addition to other requirements set forth herein for applicants:

(A) Upon completion of the operation for which a permit is granted, or when the permit therefor has expired by passage of time or otherwise, the applicant shall, within a reasonable time to be fixed by the board, cause said land to be restored to the existing grade or to the prescribed grade, whichever the case may be except as modified herein. The excavation created by the removal shall be filled with industrial waste, dirt or such other material as shall be prescribed by the board.

(B) All excavations below the existing water table created by the removal of sand or earth shall be restored and refilled except in those cases where the excavation site can be used for recreational or other public purposes and arrangements have been made prior to the issuance of the permit, satisfactory to the board, for the dedication of the land to the City of Portage.

5. That a new section shall be added to said ordinance no. 186 to be numbered "section 9" and to read as follows:

THE STATE OF RHODE ISLAND
OFFICE OF THE ATTORNEY GENERAL
PROVIDENCE, RHODE ISLAND

- 1. That the provisions of the common law of the State of Rhode Island, in so far as they are inconsistent with the provisions of the following sections, be and they hereby are repealed, null and void, and of no effect in the State of Rhode Island:
- 2. That section 6 of the ordinance no. 180 shall be amended to read "section 6".
- 3. That section 7 of the ordinance no. 180 shall be amended to read "section 7".
- 4. That section 8 shall be amended to read "section 8".
- 5. That section 9 shall be amended to read "section 9".

If the applicant for a license requests permission to exercise or have exercised below the existing laws, the following special provisions shall apply in addition to other requirements set forth herein for applicants:

- (A) Upon completion of the application for which a permit is granted, or when the permit expires, the applicant shall be responsible for the removal of the existing grade or to the proposed grade, whichever is the case, and the removal shall be completed within the time specified in the order of the board. The excavation shall be filled with material that is approved by the board. The excavation shall be backfilled with the same material as the existing grade.
- (B) All excavations below the existing water table shall be backfilled with the same material as the existing grade, and the backfill shall be compacted in layers. The backfill shall be compacted to the same density as the existing grade. The backfill shall be compacted to the same density as the existing grade.

That a new section shall be added to said ordinance as follows:

Ordinance No. 68-17 CON'T

Passed and adopted by the Common Council of the City of Portage, this 4th day of June, 1968.


PRESIDING OFFICER

ATTEST:


CLERK-TREASURER

Presentation: 5th day of June, 1968, at
9:30 A. M.

Approved by the Mayor of the City of Portage, this 5th
day of June, 1968.


ARTHUR OLSON
MAYOR, CITY OF PORTAGE

ATTEST:


CLERK-TREASURER

passed and adopted by the Common Council of the City of

Portage, this 5th day of June, 1988.

[Signature]
CITY CLERK

WITNESSETH:

[Signature]
CITY TREASURER

presentation: this 5th day of June, 1988.

2:30 A.M.

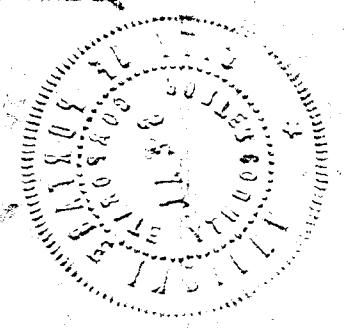
approved by the Mayor of the City of Portage, this 5th

day of June, 1988.

[Signature]
MAYOR, CITY OF PORTAGE

WITNESSETH:

[Signature]
CITY TREASURER



Proof of Publication Notice

ORDINANCE NO. 45-47
AN ORDINANCE AMENDING OR
ORDINANCE NO. 186 OF THE CITY
OF PORTAGE ESTABLISHING AN OR-
DINANCE ESTABLISHING REGU-
LATIONS FOR THE EXCAVA-
TION OF SAND, SOIL, AND EARTH
AND PROVIDING PENALTIES
FOR THE VIOLATION THERE-
OF.

Be it and it hereby is ordained by the Common Council of the City of Portage as follows:

1. That section 2 of ordinance no. 186 be and it hereby is repealed in its entirety.
2. That section 3 of said ordinance no. 186 shall be renumbered to read "section 7".
3. That section 7 of said ordinance no. 186 shall be renumbered "section 8".
4. That a new section 2 shall be inserted to said ordinance no. 186 as follows:

If the application for permit requires permission to excavate or remove material below and existing water table, the following special provisions shall apply in addition to other requirements set forth herein for applicants:

(A) Upon completion of the operation for which a permit is granted, and when the permit therefore has expired by passage of time or otherwise, the applicant shall, within a reasonable time to be fixed by the board, cause said land to be restored to the existing grade or to the prescribed grade whichever the case may be except as modified herein. The excavation created by the removal shall be filled with material waste, dirt or such other material as shall be prescribed by the board.

(B) All excavations below the existing water table created by the removal of sand or earth shall be restored and refilled except in those cases where the excavation site can be used for recreational or other public purposes and arrangements have been made prior to the issuance of the permit, satisfactory to the board, for the dedication of the land to the City of Portage.

That a new section shall be added to said ordinance no. 186 to be numbered "section 9" and to read as follows:

Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not to exceed Three Hundred Dollars (\$300.00). Each such violation is committed and permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Approved and adopted by the Common Council of the City of Portage, Wisconsin, this 13th day of June, 1968.

JOHN R. OLSON
MAYOR
 13th day of June, 1968
 13th day of the month of June of the year 1968

June 13, 1968
JOHN R. OLSON
MAYOR, CITY OF PORTAGE
VIRGINIA L. THOMAS
 Clerk/Treasurer
 (June 13, 1968)

Porter County, ss:

being duly sworn, says that _____ of the Vidette-Messenger, a daily newspaper printed and published at Valparaiso, Indiana, and of general circulation in Valparaiso and County of Porter, State of Indiana, and that the notice hereunto attached was published and

duly circulated in said paper for 2 weeks (or days) in succession, to wit:

The 1st on the 13 day of June 1968

The 2nd on the 20 day of June 1968

The 3rd on the _____ day of _____ 19____

The 4th on the _____ day of _____ 19____

The 5th on the _____ day of _____ 19____

Virginia L. Thomas
 Pres. or Treas.

Subscribed and sworn to before me, this

20 day of June 1968

M. Irene Gillespie
 Notary Public

Printer's Fee, \$ 24.00

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