

## **ARTICLE 25 EXTRACTION**

### **OF MINERALS**

**25.0 General Requirements:** Any owner, or lessee or other person, firm or corporation having an interest in mineral lands in any FP and Rural Districts may file with the Board an application for authorization to mine minerals there from, provided, however, that he shall comply with all requirements of the District in which said property is located, and with the following additional requirements:

25.0.1 Distance from Property Lines: No quarrying operation shall be carried on or any stock pile placed closer than seventy five (75) feet to any property line, unless a greater distance is specified by the Board where such is deemed necessary for the protection of adjacent property; provided that this distance requirement may be reduced to fifty (50) feet by written consent of the owner or owners of the abutting property;

25.0.2 Distance from Public Right-of-Way: In the event that the site of the mining or quarrying operations is adjacent to the right-of-way of any public street or road no part of such operation shall take place closer than fifty (50) feet to the nearest line of such right-of-way;

25.0.3 Fencing: Fencing shall be erected and maintained around the entire site or portions thereof where in the opinion of the Board of Zoning Appeals such fencing is necessary for the protection of the public safety, and shall be of a type specified by the Board of Zoning Appeals;

25.0.4 Equipment: All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the Township Trustees;

25.0.5 Processing: The crushing, washing and refining or other similar processing may be authorized by the Board of Zoning Appeals as an accessory use provided, however, that such accessory processing shall not be in conflict with the use regulations or the District in which the operation is located.

**25.1 Applicant - Financial Ability:** In accepting such plan for review, the Board of Zoning Appeals must be satisfied that the proponents are financially able to carry out the proposed mining operation in accordance with the plans and specifications submitted.

**25.2 Application - Contents, Procedure:** An application for such operation shall be set for the following information:

25.2.1 Name of the owner or owners of land from which removal is to be made.

25.2.2 Name of the applicant making request for such permit.

- 25.2.3 Name of the person or corporation conducting the actual removal operation.
  - 25.2.4 Location, description and size of the area from which removal is to be made.
  - 25.2.5 Location of processing plant used.
  - 25.2.6 Type of resources or materials to be removed.
  - 25.2.7 Proposed method of removal and whether or not blasting or other use of explosives will be required.
  - 25.2.8 Description of equipment to be used.
  - 25.2.9 Method of rehabilitation and reclamation of the mined area.
- 25.3 Public Hearing:** Upon receipt of such application, the Board of Zoning Appeals shall set the matter for a public hearing in accordance with the provisions of Article 29.
- 25.4 Rehabilitation:** To guarantee the restoration, rehabilitation and reclamation of mined-out area, every applicant granted a mining permit as herein provided, shall furnish a performance bond running to the Township, in an amount of not less than one thousand dollars (\$1,000) and not more than ten thousand dollars (\$10,000) as a guarantee that such applicant, in restoring, reclaiming and rehabilitating such land, shall within a reasonable time and to the satisfaction of the Board of Zoning Appeals meet the following minimum requirements:
- 25.4.1 Surface Rehabilitation: All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded or backfilled with no noxious, non-inflammable and noncombustible solids, to secure:
    - 25.4.1.1 That the excavated area shall not collect and permit to remain therein stagnant water; or,
    - 25.4.1.2 That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof - so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.
  - 25.4.2 Vegetation: Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as hereinabove provided.

**25.5 Additional Requirements:** In addition to the foregoing the Board of Zoning Appeals may impose such other conditions, requirements or limitations concerning the nature, extent of the use and operation of such mines, quarries, or gravel pits as the Board of Zoning Appeals may deem necessary for the protection of adjacent properties and the public interest. The said conditions and the amount of the performance bond shall be determined by the Board of Zoning Appeals prior to issuance of the permit.

**25.6 Gas and Oil Wells:** In any and all Districts of the Township a well may be drilled for the exploration for or production of natural oil or gas only after or when the following conditions have been complied with:

25.6.1 Compliance with all applicable laws of the State of Ohio.

25.6.2 A Surety Bond in the amount of ten thousand dollars (\$10,000) has been obtained and is attached to the drilling permit applications to be filed with said application conditional upon the faithful performance of each and every condition set forth in the permit and guaranteeing the repair of all damage to public property resulting from such well or the drilling of the well including damage to streets, pavements, curbs, gutters, sidewalk, water lines, sewer lines, bridges, culverts, tiles, fire plugs, street lights, street or traffic signs or signals, drainage facilities, but not necessarily limited thereto. Such bond is to be held by the Township Clerk until released or reduced and released by the Township Trustees upon satisfaction that all such damage has been repaired or ordered paid for such repairs.

25.6.3 No tanks or reservoirs erected for or intended for the storage of petroleum products shall be located neither within fifty (50) feet of any public right-of-way nor within one hundred (100) feet of a residential dwelling.

**25.7 Excavation for Fill:** Excavation for fill (borrow-pits) may be permitted in any District, however, shall be subject to the approval and specifications of the Board of Zoning Appeals.