

# TOWN OF MONROE

## NONMETALLIC MINING ORDINANCE

### SECTION 1.01 PREAMBLE

The purpose of this subchapter is to promote the health, safety, prosperity, aesthetics and general welfare of the people and communities within the Town and set forth the rules and procedures for this municipality regarding nonmetallic mines within the Town. This ordinance is adapted pursuant to the village and police powers under Wis. Stat. 60.10(2)(c) & 61.34.

### SECTION 1.02 INTENT

The general intent of this subchapter is to regulate the location, construction, installation, alteration, design, operation and use of all nonmetallic mines so as to protect the health of residents and transients; secure safety from disease and pestilence; further the appropriate use and conservation of land and water resources; preserve and promote the administration and enforcement of this subchapter and provide penalties for its violations.

### SECTION 1.03 INTERPRETATION

In their interpretation and application, the provisions of this subchapter shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

### SECTION 1.04 DEFINITIONS

- (1) Metallic Mining or Mining means operations or activities for the commercial extraction from the earth of merchantable metallic minerals or the exploration or prospecting for such minerals and includes operation, processes or activities related to that extraction.
- (2) Nonmetallic mining and mining mean all of the following:
  - a. Operations of activities at a nonmetallic mining site for the extraction from the earth of mineral aggregates of nonmetallic minerals for sale or use by the operator. Nonmetallic mining includes use of mining equipment or techniques to remove materials from the in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities such as excavation, grading and dredging. Nonmetallic mining does not include removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic minerals, such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.
  - b. Processes carried out at a nonmetallic mining site that is related to the preparation or processing of the mineral aggregates or nonmetallic minerals obtained from the nonmetallic mining site. These processes include, but are not limited to, stockpiling of materials, blending mineral aggregates or nonmetallic minerals with other mineral aggregates or nonmetallic minerals, blasting, grading, crushing, screening, scalping and dewatering.

### SECTION 1.05 NONMETALLIC MINING

- (1) Nonmetallic mining in the Town shall be allowed only as approved for in this ordinance.
- (2) The applicant shall apply for a Town permit for a nonmetallic mine prior to starting work on any mining structure or facility and prior to operating any nonmetallic mine in the Town. The application shall be submitted on a form provided to the applicant by the Town Clerk, a copy of which is attached hereto as Appendix A.
- (3) The Town Board shall be the sole determining body of whether to issue the permit, after review and recommendation by the Town Plan Commission, and after a public hearing has been held by the Town Board, with notice given by US Mail to all adjoining landowners to the proposed



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nonmetallic mine. The Town Board shall grant the permit, either with or without conditions, if it is determined that the development and operation of the nonmetallic mine is in the best interests of the citizens of the Town, and will be consistent with the protection of public health, safety and general welfare.

- (4) The Town permit shall be void if the permittee violates any conditions of the permit or any conditions of any required Federal, State, or County permits.

### SECTION 1.06 PROCEDURES

- (1) The applicant shall complete a Town of Monroe Nonmetallic Mining Permit Application (Appendix A and pay the required application fee, providing 25 copies to the Town Clerk. (Including all items req in application and mentioned in Application Guide.)
- (2) After receiving the application and the application fee, the Town Clerk shall mail a copy of the application to all adjoining landowners to the proposed nonmetallic mining site with the date and time of the next Town Plan Commission Meeting.
- (3) The Clerk shall then place the application on the agenda for the next Town Plan Commission meeting.
- (4) The Town Board/Planning Commission may request the applicant to submit additional information if the Town Board/Planning Commission determines that application is incomplete. The Town Board may also retain the services of an engineering firm or other qualified person with appropriate expertise ("retained expert") to review the application and report to the Town Board whether additional information is required for review of the application and to determine whether the application meets the standards of this Chapter.
- (5) Additional fees. If the Town Board/Planning Commission determines that additional expertise is required, the Town Board shall authorize retaining the services of an engineering firm or other qualified person with appropriate expertise to advise the Town and shall give written notice to the applicant of the additional administrative fee to be charged beyond the base administrative fee to cover the cost of the services of any such retained expert. The additional fee shall be paid before additional review is undertaken.
- (6) Once the applicant has submitted any additional information and has paid the additional administrative fee in the amount charged, the retained expert shall report to the Town Board on whether the application meets the requirements of this Chapter, along with further recommendations.
- (7) The Plan Commission shall review and consider the application and make a recommendation to the Town Board. After a decision has been rendered by the Plan Commission, the application shall be placed on the agenda of the Town Board for a public hearing and decision.
- (8) At the public hearing held by the Town Board, the Town Board shall consider the recommendation of the Plan Commission, the recommendations of the retained expert if applicable and take public comment on the proposed mine. Before making a decision on the application, the Town Board shall determine whether the application is complete, and whether the applicant has applied for or received any required Federal, State, and County permits for the proposed mine.
- (9) The Town Board shall grant the permit, either with or without conditions, if it is determined that the development and operation of the nonmetallic mine is in the best interests of the citizens of the Town, and will be consistent with the protection of public health, safety and general welfare.
- (10) The Town Board may conditionally approve the permit and may attach conditions to protect public health and safety and promote the general welfare of the town. Such conditions may include, but are not limited to, restrictive provisions and proof of financial security for reclamation, restrictive provisions and proof of financial security for town road maintenance and repair,



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restrictions on hours of operation, restrictions on truck routes on town roads, restrictions on truck and traffic volume into and out of the mine site, restrictions to protect groundwater quantity and quality, restrictions to safeguard public and private drinking and agricultural wells, restrictions to control air emissions and dust from the mine and its operations, and any other restrictions deemed necessary or appropriate by the Town Board to protect public health and safety and promote the general welfare of the town and its citizens.

## SECTIONS 1.07 EFFECTIVE DATE

This ordinance shall take effect upon passage and publication.

## SECTION 1.08 EXCEPTIONS FROM ORDINANCE

A nonmetallic mining permit is not required from the Town of Monroe for nonmetallic mines in existence prior to the effective date of this ordinance or for the activities listed in Wis. Admin Code NR 135.02(3). However, if a pre-existing nonmetallic mine is expanded after the effective date of this ordinance in a manner that requires a nonmetallic mining reclamation permit from Adams County, the expansion shall be subject to the permitting requirements of this ordinance. Also a nonmetallic mining permit is not required from the Town of Monroe for nonmetallic mining sites where less than 10 acres of total affected acreage occurs over the life of the mine.

## SECTION 1.09 ENFORCEMENT AND PENALTIES

Any violation of this ordinance shall be punishable by a forfeiture of not less than \$100.00 nor more than \$2000.00 per day for every day in violation of this ordinance, plus the costs of prosecution for each and every violation. The Town's Attorney shall expeditiously prosecute all such violators. Each day of violation shall constitute a separate offense. The Town Board or its designee may inspect the mine site at any time for purposes of monitoring or enforcement of this ordinance.

Adopted this 22nd day of January, 2013.

Signatures for the Town Board

Chairman Bruce C. Hayes

Supervisor Robert A. Kissinger

Supervisor Robert H. Hower

Attest:  
Town Clerk Darlene Ferguson