

2013-001 Nonmetallic Mining Ordinance

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SECTION I – 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 adopted pursuant to the Town's village and police powers under Wis. Stat. §§ 60.10(2)(c) & 61.34.

SECTION II – 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 III – 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 IV – 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 operations, processes or activities related to that extraction.
2. *Nonmetallic mining* and *mining* mean all of the following:
 - a. Operations or activities at a nonmetallic mining site for the extraction from the earth of mineral aggregates or 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.

3. The Clerk shall then place the application on the agenda for the next Town Plan Commission meeting.
4. 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.
5. At the public hearing held by the Town Board, the Town Board shall consider the recommendation of the Plan Commission 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.
6. 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.
7. 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, 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.

SECTION VII – EFFECTIVE DATE

This ordinance shall take effect upon passage and publication.

SECTION VIII – EXCEPTIONS FROM ORDINANCE

A nonmetallic mining permit is not required from the Town of Primrose 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 Dane County, the expansion shall be subject to the permitting requirements of this ordinance.

Town of Primrose Non-Metallic Mining Application
This is a portion of Appendix A
8468 County Highway A
Verona, WI 53593

Filing Fee \$500

Date of Application: _____

Company Name:

Contact Person:

Address:

Phone: _____ Fax: _____

Cell: _____

Email: _____

- Yes - Proof of Insurance a copy is attached to this application
(A copy must be attached for your application to be considered)

Legal Description of land for proposed mine development _____

Tax parcel number(s): _____

Name and address of surface land owner: _____

Name and address of mineral owner: _____

D) Specify total area (in acres) to be affected by this project. Include areas for future expansion, stockpiling, processing, haul roads, settling basins, buildings, parking facilities. Show all phases for the removal of material. Give a complete description of the entire site. Use a separate sheet if necessary. Any area of extraction must be at least 50 feet from any line fence or property boundary. _____

6) Mining operations:

A) Describe the method that will be used to dispose of brush and other vegetative debris. Describe the process completely: _____

B) Describe the methods that will be used to retain topsoil and all other overburden. Describe how the topsoil, subsoil, and other materials will be stored until the reclamation process takes place. _____

C) Describe the processing methods that will be used at the site. (processing methods may include stockpiling & storage, blending, grading, crushing, screening & cleaning, scalping, dewatering, and dust control). If there are none, please explain why they are not necessary. _____

H) Will fuel tanks, solvents, explosives, or other chemicals be stored on site? Yes _____
No _____

If yes - describe these materials and how they will be secured, stored, and method of containment. Indicate locations of storage facilities on mine map(s). _____

I) Will any of structures need to be established on site. Yes _____ No _____. This includes any storage shed, portable toilet, employee facility, etc. If yes - specify the number, type, and location: _____

J) Identify the number of employees expected to work at the site and the facilities that will be provided:

K) Hours / days of operation (including maintenance): _____

L) Length of time the mine is to remain operational? From 20 _____ to 20 _____

7) Trucking operations:

A) How many loads per day: _____. Hours trucks will operate: _____

B) Weight per load: _____

C) Type of truck: _____

D) Which township and county roads will be used to transport material? Please provide a complete description of all roads to be used to transport and to return to the site.

Performance bonds may be necessary for the repair and/or restoration of any township road affected in an adverse way. What specific contributions will be taken to insure that the township roads will be maintained to a safe and secure condition? _____

8) Environmental:

F) Describe measures that will be taken to screen the operation from view of surrounding land uses or an explanation of why such measures are not needed. If they are not needed, please include photos of the area (aerial or ground level) Please show the areas affected on a plat. _____

9) Reclamation: (this section is preliminary - the actual Dane County Reclamation plan for the proposed mining site will need to be submitted to the township before the Plan Commission can officially review the application)

A) Describe progressive reclamation activities that will occur over the life of the operation. Be complete in the description. If necessary show the reclamation in the various phases. (Attach at the back if necessary). _____

B) Is an excavated / impounded body of water to be left as part of the reclamation?
Yes _____ No _____ .
If yes - 1) Will it be secured to prevent unauthorized access by the public? Yes ___ No ___.
If yes - 2) Will it be stocked with fish? Yes ___ No ____ . If yes - what species? _____

C) Describe the methods that will be used at the cessation of seasonal operations to stabilize slopes from erosion. This includes both wind and water erosion. Be complete in your description. _____

I) Describe or attach a copy of a seeding plan that includes methods of seed bed preparation, seed mixtures, seeding rates, mulching, and other techniques needed to accomplish site stabilization. _____

J) Describe long term maintenance needed to support reclamation.(as per the amended ordinance): _____

K) Provide an estimate of the reclamation cost of each phase of the project or the entire site if phasing is not planned. _____

To the best of my knowledge, I certify that the information provided on this application and accompanying documents is true and accurate. In addition to the applying company all owners of property and mineral rights must sign the application.

Property Owner Signature _____

Print signing owners name: _____

Date Signed: _____

Property Owner Signature _____

Print signing owners name: _____

Date Signed: _____

TOWN OF PRIMROSE NON-METALLIC MINING PERMIT

This is a portion of Appendix A
8468 COUNTY HWY A
VERONA, WI 53593

THE TOWNSHIP OF PRIMROSE, LOCATED IN DANE COUNTY, WISCONSIN,
HEREBY GRANTS A NON-METALLIC MINING PERMIT TO:

RESIDING AT THE FOLLOWING ADDRESS:

THIS IS A CONDITIONAL USE PERMIT. IT IS GRANTED WITH ALL OF THE
CONDITIONS LISTED BELOW.

THIS PERMIT IS NOT TRANSFERABLE TO ANY OTHER PERSON OR
COMPANY. IT IS TRANSFERABLE ONLY TO HEIRS OR SPOUSES PROVIDED
THE STIPULATIONS AS OUTLINED IN THE APPLICATION AND PERMITS ARE
FOLLOWED.

THE LAND ASSOCIATED WITH THIS PARTICULAR PERMIT IS LOCATED IN
THE _____ OF THE _____, SECTION _____,

TOWNSHIP _____, RANGE _____ • IF OTHER SECTIONS OR PLOTS EXIST-
PLEASE LIST PARCEL NUMBER _____

- Permits for operation need to be **renewed annually for at least the first 5 years**.
At that point the duration might be extended for multiple years if the provisions of
the permit have been followed.
- Permits will allow activity and reclamation in specific areas as outlined in the
operational plan. The operational plan was submitted in detail with the
application.
- Activities are to be in compliance with Wisconsin DNR (WDNR) (WPDES)
permit
- A setback of 500 feet from any well and 500 feet from any structure (house, barn,
garage, etc.)
- Hours of operation are limited to:

- Lapse of permit--Conditional Use Permits issued shall lapse and will be considered void 6 months after approval by the Plan Commission and/or Town Board unless the use is fully established and improvement of the property as described in the permit is implemented.
- Performance bonds and road maintenance procedures as agreed to by the Town Board, Landowner and/or Company shall be adhered to. Failure will result in revocation of this permit. This shall be in writing and signed by all parties prior to the issuance of this permit. Performance bonds and proof of liability are required prior to the issuance of a permit.
- Any person or persons jointly or severely aggrieved by the decision of the Plan Commission or Town Board or any taxpayer, or any officer, department, board or bureau of the Township, may commence an action in the Circuit Court for Writ of Certiorari.
- Any haul roads shall be maintained so that dust is kept to a minimum by an approved method. There are chemicals available to do this. A suitable surface may also meet the conditions of the permit.
- Any legal fees arising from non-compliance to this permit shall be paid for by the landowner, company, and/or haulers of the material.
- Other Conditions: (May include, but are not limited to: Tarping of loads, trucking routes and times of use, operation and processing methods used, other permits required for operation, etc.)
- Other conditions: _____
- Other conditions: _____

WE AGREE TO THE ABOVE CONDITIONS AND TERMS OF THIS PERMIT:

LANDOWNER(S)

PRINTED NAME: _____

SIGNATURE: _____

PRINTED NAME: _____

SIGNATURE: _____

ADDRESS: _____