

**ORDINANCE No. 2014-03
NONMETALLIC MINE OPERATORS LICENSE
TOWN OF KINNICKINNIC
ST. CROIX COUNTY, WISCONSIN**

SECTION 1. FINDING, PURPOSE AND AUTHORITY

- (1) **Findings.** Aspects of nonmetallic mining operations create a risk of significant adverse effects on the health, safety and welfare of the public, Town landowners and residents, especially landowners and residents in close proximity to nonmetallic mining operations.
- (2) **Purpose.** Nonmetallic mining operations and their potential off-site adverse effects on the safety and wellbeing of Town residents and landowners are governed to some extent by County, State, and Federal laws and regulations. Therefore, the purpose of this Ordinance is to supplement, not mimic or reiterate, all such other regulations.
- (3) **Authority.** This Ordinance is adopted pursuant under the Wisconsin Statutes, including §§ 60.10, 60.22, 61.34, 66.0415.

SECTION 2. APPLICABILITY.

- (1) This Ordinance shall apply to all nonmetallic mining operations in the Town except those described below, in sub. (2).
- (2) This Ordinance does not apply to the following nonmetallic mining operations:
 - (a) Excavation or grading solely for domestic or farm use at a person's residence or farm.
 - (b) Excavation or grading for the construction, reconstruction, maintenance or repair of a public highway, railroad, or other transportation facility where the area in which the excavation or grading conducted is located entirely within the boundaries of the highway right of way or is owned by the railroad or other transportation facility.
 - (c) Grading to prepare a reconstruction site or to restore land after a flood or natural disaster.

- (d) Excavation for building construction purposes located and conducted entirely on the building site.
- (e) Nonmetallic mining at any site where less than one acre will be affected during the life of the mine.
- (f) Removal from the earth of products or commodities for non-mining purposes that contain minor or incidental amounts of nonmetallic minerals. Examples include production of commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.
- (g) Nonmetallic sand or gravel mines in operation on and prior to the effective date of this Ordinance shall not be required to register or to apply for a license under this Ordinance. However, upon any substantial change in mining operations, including, but not limited to, the type of material mined, the intensity of mining operations evidenced by hours of operations, tonnage removed, more frequent blasting, enlarging the size of the mine site, adding new manufacturing or processing operations, and/or any change that would require a change in the reclamation plan, the mine will be considered a new operation and will be subject to the requirement of this Ordinance.
- (h) An exemption from the requirements of this Ordinance does not prevent the Town from requiring the operator of the exempt nonmetallic mining operation to enter into a highway use agreement under Wis. Stat. 349.16 or other authority available to the Town.

SECTION 3. DEFINITIONS.

When used in this Ordinance, the following terms and phrases have the following definitions:

- (1) "Nonmetallic minerals" means a product, commodity or material consisting principally of naturally occurring organic or inorganic nonmetallic material including but not limited to mineral aggregates or nonmetallic minerals including stone, sand, silica sand, gravel, asbestos, beryl, diamond, clay, feldspar, peat, talc and topsoil.

(2) "Nonmetallic mining" means all of the following:

- (a) Operations or activities at a nonmetallic mining site for extraction from the earth of mineral aggregates or nonmetallic minerals for off-site use or sale. These practices may occur as above or below ground operations. This includes the use of mining equipment or techniques to remove nonmetallic minerals from in-ground deposit, including drilling, blasting, excavation, grading and dredging.
- (b) Manufacturing or processing operations carried out at the nonmetallic mine site or elsewhere that involves the use of machinery or equipment and where the operations include the washing, crushing, screening, or blending of mineral aggregates or nonmetallic minerals obtained by extraction from a mining site or brought to the operation from off-site.
- (c) Manufacturing processes aimed at producing nonmetallic mineral products for sale or use by the operator including but not limited to blasting, grading, crushing, screening, scalping and dewatering.
- (d) Stockpiling of nonmetallic mineral products for processing, transfer to alternate means of transportation, sale or use off-site; also stockpiling of nonmetallic waste material.
- (e) Transport of extracted nonmetallic minerals, finished products or waste material to or from a nonmetallic mining, manufacturing or processing site.
- (f) Disposal of nonmetallic waste material.
- (g) Reclamation of the extraction site.

(3) "Nonmetallic mining site", "mine" or "mine site" means the land from which mineral aggregates or nonmetallic minerals for sale or use, and also includes the land on which is or will be located any related structures, equipment, storage facilities, stockpiles, transportation loading, washing or screening facilities. A nonmetallic mining site includes all land contiguous to a nonmetallic mining site that is under common ownership or control of an owner or operator.

(4) "Adjoining landowner" means a person or entity who is an owner of land located within one-half (1/2) mile of a nonmetallic mining site proposed and/or licensed under this Ordinance and not a part of the area for which an operator's license is

being sought, regardless of whether there is a residence or structure on the land and regardless of whether the land is contiguous to the nonmetallic mining site.

- (5) "Adjoining property or parcel" means a property within ½ mile of a nonmetallic mining site proposed and/or licensed under this Ordinance and not part of the area for which an operator's license is being sought, regardless of whether there is a residence or structure on the land and regardless of whether the land is contiguous to the nonmetallic mining site.
- (6) "Landowner" means one who holds title to land in fee simple or as purchaser on a land contract.
- (7) "Operator" means all persons or entities who engage in nonmetallic mining in the Town under a Town license or an applicant for a Town license to engage in nonmetallic mining, whether individually, jointly or through subsidiaries, agents, employees, contractors, or subcontractors.
- (8) "Operator's license" or "license" means the license issued by the Town authorizing nonmetallic mining operators to conduct nonmetallic mining activities in the Town and required to conduct such activities in the Town.
- (9) "Town" means the Town of Kinnickinnic and/or the Town Board of the Town of Kinnickinnic.

SECTION 4. OPERATOR'S LICENSE.

- (1) License Requirement. Nonmetallic mining activities are allowed in the Town only as permitted in this Ordinance.
- (2) License Term.
 - (a) An initial operator's license extends from the date of issuance until the June 30 following the first twelve (12) months of nonmetallic mining. After the successful conclusion of the initial operator's license term, a renewal operator's license may be granted for up to a three (3) year period. The license shall expire at the end of the term specified in the license.
 - (b) Active nonmetallic mining as defined in this Ordinance and authorized under the license must be commenced in the Town within twelve (12) months of issuing the license or the license automatically expires. Date of issuance shall be date on the license.

- (3) License Amendment. An operator seeking to expand or otherwise change its licensed operation during the license term shall apply to the Town for approval of an amendment to the operator's license during the license term, following the same process as for an initial license application.
- (4) License Transfer. An operator's license affecting an operator in good standing is transferrable during the license term only after the new operator demonstrates to the Town Board that it meets all applicable Town license requirements including that the new operator and the nonmetallic mine for which license is sought to be transferred will continue to meet all Town, County, State and Federal laws and regulations.
- (5) Registration License. Nonmetallic mining operations that meet all of the following criteria may apply for a registration license under Section 7(5) in lieu of an operator's license:
 - (a) Less than 5 acres of total affected acreage will be occupied by the nonmetallic mining operation during the life of the mine or the processing facility.
 - (b) The nonmetallic mining operation will not involve blasting.
 - (c) The nonmetallic mining operation will not involve processing of materials brought in from off-site or washing of materials mined on-site.
 - (d) The nonmetallic mining operation will not involve mining to a depth below the point one hundred (100) feet above the groundwater table.
 - (e) No flocculants, settling agents or chemical additives or treatments for nonmetallic mining minerals will be used or involved in on-site nonmetallic mining operations or stored on-site.
 - (f) No existing woodlands or slopes greater than 3:1 will be occupied or adversely affected by the nonmetallic mining operation.

SECTION 5. PROCEDURES FOR APPLYING FOR A NONMETALLIC MINING OPERATOR'S LICENSE.

- (1) Application. Applications for nonmetallic mining operator's licenses shall be filed in the office of the Town Clerk.

(2) Application Submittal. Applications shall be signed by all persons or entities seeking licensure as operator and by all owners of the nonmetallic mining site. The application shall be accompanied by the application fee as is from time to time established by resolution of the Town Board. Application fees paid by the applicant are non-refundable.

(a) Application Review. The Town Clerk shall preliminarily review the application for completeness and forward the application to the Town Board to determine whether additional information or expertise is necessary or will be of assistance to the Town Board when it reviews the application. The Town may retain an engineer and/or other qualified person(s) to assist the Town in application review. The costs associated with the Town retention of an engineer or other experts shall be paid by the applicant and the Town Board shall obtain from the applicant a deposit deemed reasonably necessary to pay such costs and fees. At any time during the application process, or at completion thereof, to the extent the deposit paid by the applicant is deemed insufficient to cover the costs and fees of such retained experts, the Town may assess the costs to the applicant as a condition for continuing with review of the application or issuance of a license. Any costs and fees paid by the applicant are non-refundable.

(3) Public Hearing and Decision.

(a) Hearing Notice. Town Clerk shall place the nonmetallic mining operator's license application on an agenda for public hearing and possible action as reasonably soon as possible after receipt of a completed application and all necessary accompanying application fees and deposits. If a special Town Board meeting is convened for this purpose, the applicant shall pay the cost of such special meeting. The Town Clerk shall give public notice of the application and public hearing at least fifteen (15) days before the hearing. Hearing notices shall be mailed to each adjoining landowner by the Town Clerk.

(b) Town Board Decision. Public comment on the application may be filed before and at the public hearing. The applicant may provide additional information. When additional information is provided, written public comment may be submitted for a reasonable time after the applicant provides the additional information. After the public hearing, the Town Board may take immediate action or set a later date for a meeting at which the Town Board shall make a final decision on the nonmetallic mining operator's license application. If a

later special meeting is convened for such purpose, the applicant shall pay the cost of the special meeting. The Town Board shall consider the application information, the retained expert reports, as well as information and public comments received at and after the hearing. The Town Board grant a nonmetallic mining operator's license if it determines that the applicant has demonstrated that it will operate the nonmetallic mining operation that is the subject of the application before it in compliance with the minimum standards in, and serve the purposes of, this Ordinance.

SECTION 6. LICENSE APPLICATION CONTENTS.

All applications for nonmetallic mining operator's license shall provide the information set forth below and certified as true and correct by the applicant and the owners of the nonmetallic mining site.

(1) Ownership Information.

- (a)** The name, address, phone number(s), and email address of all proposed operator(s) of the nonmetallic mining operation for which an application is being made.
- (b)** The name, address, phone number(s), and email address of all owners, lessors, lessees, mortgagees, mineral rights owners and holders of any interest in land in any part of the entire nonmetallic mining site on which the applicant will exercise the license for which application is being made.

(2) Site Information and Maps. A copy of the site map, or proposed site map, and a copy of the reclamation plan submitted to the County. Any amendments made to the reclamation plan submitted to the County shall be furnished the Town simultaneous with submission to the County.

(3) Public Road Use. Identification of all public road access points to the entire site, the preferred and all proposed alternate trucking routes, traffic impact analysis on all town and county roads under consideration as preferred and alternate truck routes from origin to destination and all available route road agreements, planned frequency of site-related traffic and schedule of travel over all routes used or to be used for transporting extracted nonmetallic minerals, waste materials or processed products to or from the nonmetallic site.

(4) Information Demonstrating Compliance with Minimum Standards. License applicants are responsible for providing all information necessary to establish to the satisfaction of the Town Board that their nonmetallic mining operation for

which application is being made will continuously meet or exceed the minimum operation standards in Section 7 of this Ordinance.

- (5) Application Requirements Exception. A license applicant can request that the Town Board allow an exception from any of the application requirements of this Ordinance when it can demonstrate that the information being required; a) is not available; b) can be provided by alternate means or is not necessary for deciding on a license application for a particular nonmetallic mining operation; and c) and that the public health, safety and welfare will not be adversely affected by granting such an exception.

SECTION 7. MINIMUM STANDARDS OF OPERATION

The Town Board shall grant or renew a nonmetallic mining operator's license after it determines that the applicant has demonstrated that it will, and has (in the case of a license renewal), operate(d) the nonmetallic mining operation in compliance with all of the following minimum standards, to the extent applicable as determined by the Town Board, for its nonmetallic mining operation during the term of the license for which application is being made:

(1) General Standards.

- (a) The borders of the entire nonmetallic mining site are visibly marked, and the site is secured by fencing or other appropriate measures.
- (b) The operator and the proposed nonmetallic mining operation will meet or exceed all requirements of this Ordinance and has met or exceeded all requirements during any prior license term.
- (c) Surveys and blasting logs shall be provided to the Town and any Adjoining Landowner within forty-eight (48) hours of written request. All blasting and bumping shall be conducted strictly in compliance with Wis. Admin. Code Ch. SPS 307 and be preceded by twenty-four (24) hour notice to Adjoining Landowners and any other Town resident who files written request for notification with the operator. Blasting shall occur only between 10:00 a.m. and 3:00 p.m., except that blasting may occur after 3:00 p.m. when required for safety reasons beyond reasonable control of the operator. The ground vibration requirements of SPS 307 shall apply to protect all Adjoining Landowners when that area is greater than the area defined by the blasting level chart in SPS 307.44(Figure 7.44).

- (d) All other Federal, State, County and local requirements, licenses and approvals required for the nonmetallic mining operation have been or will be obtained prior to commencement of operation, and shall be filed thereafter with the Town Clerk on a continuous basis as renewed or modified.
- (e) The applicant and operator shall comply with all applicable County of St. Croix, State of Wisconsin and Federal regulations, requirements, laws and statutes, including but not limited to: Chapter 14 of the St. Croix County Code of Ordinances, Land Use and Development, Nonmetallic Mining; storm water regulations, including those found at Chapter 283, Wis. Stats., and Chapters NR 106, 150, and 216, Wis. Adm. Code; wastewater regulations, including Chapter 281, Wis. Stats., and Chapters NR 102, 103, 104, 105 and 151 Wis. Adm. Code; water regulations, including Chapter 30, Wis. Stats., and Chapters NR 340, 341 and 345, Wis. Adm. Code; air regulations, including Chapter 285, Wis. Stats., and Chapters NR 406, 407, 415, 431, 439, 440 and 445, Wis. Admin. Code; solid/hazardous waste regulations, including Chapters 287, 289, 291 and 295, Wis. Stats., and Chapters NR 135, 500, 502 and 600-679, Wis. Adm. Code; spills/remediation regulations, including Chapter 292, Wis. Stats., and Chapters NR 700-754, Wis. Adm. Code; and regulations found in Chapter 280, Wis. Stats., and Chapters NR 205, 269, 809 and 812, Wis. Adm. Code.

(2) Standards Mitigating Off-Site Impacts.

- (a) The operator shall screen the nonmetallic mining site from public view and to abate noise and dust to the maximum extent practicable through the use of berms, additional buffer space, vegetation planting and other measures acceptable to the Town Board. Berms shall be vegetated.
- (b) Hours of truck travel and mining equipment operation shall be restricted to 7:00 a.m. to 5:00 p.m. Monday through Friday to minimize off-site impacts on area residents. The operator may submit a plan for extended hours as an exception from the standards mitigating off-site impacts if it can demonstrate why additional hours are necessary for the nonmetallic mining operation and how the additional hours are or can be consistent with the public health safety and welfare, and with minimizing off-site impacts on area residents.
- (c) Trucks arriving at and leaving nonmetallic mining site shall not interfere with the safety of children being taken to or returned from school, or with safety of

residents and commuters when traffic volume related to these preexisting uses of area roads are the greatest. The use of compression release brakes (Jake Brakes) is allowed only in emergency situations. All trucks hauling nonmetallic minerals and/or nonmetallic mining waste material to and from a nonmetallic mine site shall have the loaded material completely covered by a mechanical tarp or covering device specific to the hauling truck and maintained in good condition.

- (d) The operator shall limit any night lighting on the nonmetallic mining site to that which is minimally necessary for security and shall shield from illumination off-site areas by using full cut-off shrouds. Portable lighting shall be used only where necessary to illuminate temporary work areas. Access and internal road lighting shall be designed to minimize light from operations and traffic from illuminating neighboring properties. Every effort consistent with legal requirements for aerial safety shall be made to minimize illumination of the night sky.
 - (e) The applicant shall execute a road agreement with the Town with respect to any proposed use of the Town roads in connection with the nonmetallic mining operation, including an agreement limiting the use of such roads during those periods of the Spring of the year when, as a result of ground frost dissipation such roads are, in the opinion of the Town, more susceptible to damage; and, providing for compensation to the Town by any damage caused to Town roads by the nonmetallic mining operation (as agreed between the applicant and the Town according to mutually agreeable standards).
- (3) Town Roads When trucks used in the nonmetallic mining operation will haul nonmetallic minerals (excluding gravel) or mine tailings over Town roads as a designated haul route, the operator shall first enter into a separate road use agreement pursuant to Wis. Stats. § 349.16, the purpose of which shall be to fund a complete traffic impact analysis of the Town road at issue and the highway upgrades, maintenance and repair of the road during the license term for the convenience and safety of the traveling public and to prevent financial burdens from being imposed on Town taxpayers due to road use in association with nonmetallic mining operation. The road use agreement shall be in place before a license is issued or renewed under this Ordinance.
- (4) Exceptions from and Additions to Minimum Standards of Operation. An operator can request an exception from the minimum standards of operation in this

section if it can demonstrate to the satisfaction of the Town Board that the intent of this Ordinance will be achieved through the use of alternate measures and that the public health, safety and welfare will not be adequately protected without the imposition of additional measures. The Town shall consider information and conclusions provided by the public, the operator, and by the Town's retained experts in making this determination.

(5) Registration License.

- (a) For nonmetallic mining operations that meet the criteria for a registration license set out in Section 4 subparagraph (7), the Town Board shall grant a registration license after the operator submits the following information to the Town Board:**
 - (i) Certification from the operator and confirmed by the Town's retained expert, that the operation meets the applicable requirements in Section 7 of this Ordinance.**
 - (ii) Ownership information required by Section 6.(1) of this Ordinance.**
 - (iii) A copy of any reclamation plans and license on file with the County and any licenses issued by other Federal, State or local agencies for the nonmetallic mining operation on that site.**
- (b) The Town may require additional operation-specific information after application review.**
- (c) Registration licenses shall be subject to renewal every five (5) years.**

SECTION 8. LICENSE RENEWAL.

- (a) The operator shall make written application to the Town Clerk for a renewal of its operator's license no later than six (6) months before the date on which the license will expire. The application shall be accompanied by the payment of both the license renewal fee and the base administrative fee deposits in amounts set forth in the Town's Fee and Forfeiture Schedule.**
- (b) The Town Board shall review the renewal application to determine if additional information from the operator is necessary to properly evaluate the application. The Town's retained experts and all fees related to processing the renewal application shall be paid from the administrative fee deposit,**

which shall be replenished in like amount by the license renewal applicant upon written notice from the Clerk.

- (c) The Town Board shall grant an application for renewal of an operator's license when it finds that:
 - (i) there have been no material or recurring violations of the ordinances or the license which have not been promptly and fully remedied by the operator;
 - (ii) the operator has not received multiple or recurring citations or corrective orders for violations of its operator's license under this Ordinance;
 - (iii) all applicable fees and deposits have been paid and maintained and all financial responsibility requirements have been and are being met; and
 - (iv) the nonmetallic mining operation will continue to meet or exceed the minimum standards of this Ordinance.
- (d) If the Town Board denies an application for license renewal, the Town Board shall notify the operator of the denial and the stated grounds for denial, in writing. The operator shall have fifteen (15) days from receipt of notification to request a public hearing, provide additional information and request that the Town Board reconsider its denial.

SECTION 9. ACCESS, OBSERVATION, ENFORCEMENT, PROCEDURES AND PENALTIES.

- (1) **Access, Observation.** In addition to site access and observation by the Town's retained experts and the designated Town representative related to license renewal, the Town Board, its retained expert, or any Town representative may have access to a licensed operator's nonmetallic mining site at any time to protect the health and safety of the public, to observe operations and/or to evaluate compliance with the minimum operation standards and related requirements of this Ordinance, with advance notice to the operator and upon showing proper identification. The Town official or designated representative may have access to the mining site without advance notice in circumstances in which the Town has reasonable cause to believe that there is some condition, violation, or problem at the site that constitutes a threat of imminent harm to the public health, safety, or welfare.

(2) **Violations.** The following are violations of this Ordinance:

- (a) Engaging in nonmetallic mining in the Town without an operator's license.
- (b) Noncompliance with the minimum operation standards and related requirements of this Ordinance during a license term.
- (c) Providing incorrect or false information or statements on documentation submitted during the Town licensing process during Town inspection of the nonmetallic mining site or operation.
- (d) Failure to take prompt and appropriate remedial or other action in response to a notice of water or air testing results in excess of allowable standards, notice of violation, citation, request for additional administrative fee deposit or financial assurance or other directive from the Town.
- (e) Failure to comply with all Federal, State, County or local laws and regulations that govern or affect the operator's nonmetallic mining operation.

(3) **Remedies.** The Town Board or Town Chair may take any appropriate action or proceeding against any operator or landowner of any portion of a nonmetallic mining site when the operator is deemed by the Town Board to be in violation of this Ordinance, including, but not limited to, any of the following actions:

- (a) Issue a stop work order.
- (b) Issue a notice of violation and order that specifies the action to be taken to remedy the situation, within any deadline set up to do so in the notice or order. If the operator fails to complete the action specified in the notice of violation within the deadline stated in the notice, the Town may complete the required action and recover the cost of doing so from the operator.
- (c) Issue a citation(s).
- (d) Refer the matter to legal counsel for consideration and commencement of legal action including the assessment of penalties under sub.(5) and injunctive relief.
- (e) After notice and a hearing, suspend or revoke any operator's license for any violation of this Ordinance.

(4) Penalties.

- (a) Any operator, landowner, person or entity adjudicated to have violated this Ordinance shall pay a forfeiture of not less than \$1,000.00 per violation nor more than \$5,000.00 per violation and/or be subject to injunctive relief. Each day a violation exists is a separate violation.**
 - (b) Any operator, landowner, person or entity adjudicated to have violated this Ordinance shall pay court costs, the Town's actual attorney's fees and the actual costs of the Town's retained experts.**
- (5) The failure by the Town to take action on any past violation(s) shall not constitute a waiver of the Town's right to take action on any present or future violation(s).**

SECTION 10. SEVERABILITY, INTERPRETATION, AND ABROGATION.

(1) Severability.

- (a) Should any section, clause, provision or portion of this Ordinance be adjudicated unconstitutional or invalid, unlawful, or unenforceable by final order of a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.**
 - (b) If any application of this Ordinance to a particular parcel of land is adjudged unconstitutional or invalid by a final order of a court of competent jurisdiction such judgment is not applicable to any parcel of land not specifically included in said judgment.**
- (2) The provisions of this Ordinance shall be liberally construed in favor of the Town and shall not be construed to be a limitation or repeal of any other power now possessed or granted to the Town.**
- (3) This Ordinance is not intended to repeal, annul or interfere with any easements, covenants, deed restrictions or agreements created prior to its effective date.**

SECTION 11. USE OF MINING OPERATOR'S AGREEMENT.

The Town Board may require the applicant to enter into a written recordable Nonmetallic Mining Operator's Agreement specifying the requirements and conditions of the Operator's License if a license is approved. Any provisions of this Ordinance may be modified in such written Mining Agreement between the Town and an operator if the

Town Board first determines that the Agreement will protect public health, safety and welfare at least as well as the protections provided by this Ordinance. The Town Board shall consider information and opinions from the Town's retained experts in making this Agreement. Costs of negotiating, preparing, reviewing, and enforcing this Mining Operator's Agreement shall be paid by the Operator, including, but not limited to all professional fees the Town incurs related to the Mining Operator's Agreement. The Town Board may require the applicant to submit a cash deposit in an amount estimated to pay the costs associated with negotiating, preparing, reviewing, and enforcing the Mining Operator's Agreement. If the deposit is not sufficient to cover the costs, the applicant shall pay additional amounts to cover the costs before the Town executes the Agreement. Any amounts exceeding the actual costs shall be returned to the applicant.

SECTION 12. EFFECTIVE DATE.

Following passage by the Town Board, this Ordinance shall take effect the day after the date of publication or posting as provided by Wis. Stat. §60.80.

ADOPTED this 29 day of April, 2014, by a vote of 4 yes and 1 no.

Gerald W Olson

, Town Chair

Published this 13 day of May, 2014.

Attest: Lola Higgins

Lola Higgins, Town Clerk

Posted this 13 day of May, 2014 in the following three locations:

Front Door

End Driveway

Old Town Hall site

Attest: Lola Higgins

Lola Higgins, Town Clerk

APPLICATION FOR NON-METALLIC MINING REGISTRATION LICENSE
Town of Kinnickinnic Ordinance 2014 – 03
(Less than 5 acres and more than 1 acre)

I. OWNERSHIP INFORMATION

Name: _____

Address: _____

Phone: (home) _____ (office) _____ (cell) _____

Email: _____

**II. LESSORS, LESSEES, MORTGAGEES, OWNERS AND OTHER HOLDERS
WITH AN INTEREST IN THE LAND:**

Name: _____

Address: _____

Phone: (home) _____ (office) _____ (cell) _____

Email: _____

III. OPERATOR INFORMATION (if different than ownership information)

Name: _____

Address: _____

Phone: (home) _____ (office) _____ (cell) _____

Email: _____

IV. DESCRIPTION OF PROPOSED SITE TO WHICH THE LICENSE SHALL APPLY

- A. Attach a copy of the proposed site-map.
- B. Attach a copy of the Reclamation Plan submitted to St. Croix County, together with any amendments previously submitted or planned to be submitted.

- C. Attach a full legal description of proposed site. Where the site is not easily described using fractional quarter/quarter sections, or fractions thereof, the description must be a metes and bounds description.

V. CERTIFICATION

The Operator certifies that the purposed operation meets the applicable requirement for Minimum Standards of Operations set forth in Sec. 7 of Ordinance 2014-03.

Date: _____

OWNER(S)

OWNER(S)

OPERATOR(S)

OPERATOR(S)

(Note: all owners of the site and all operators, or their duly authorized representatives if a corporation, partnership, LLP or LLC, must sign and date this application and each attachment.)

TOWN CLERK NOTES

Date Application received: _____

Date Application preliminary reviewed by Clerk: _____

Application Fee Received by Clerk: _____ (amount \$2,500.00)
Deposit: \$2,500.00

Town retained expert review/confirmation that the operation meets the applicable requirements in Sec. 7 of Ordinance 2014-03 at: _____

Notes regarding any additional fees paid for special meeting or legal/engineering costs:

Public Hearing date: _____

NON-METALLIC MINING REGISTRATION LICENSE

This is to certify that a nonmetallic mine operator's license has been issued to _____, Operator, for the site described in this application, consisting of _____ acres. This license is for a term of five (5) years and must be renewed if the operation is to continue beyond that.

Date: _____

Town Clerk

APPLICATION FOR NON-METALLIC MINING OPERATORS LICENSE
Town of Kinnickinnic Ordinance 2014 – 03
(Parcel 5 acres or larger)

I. OWNERSHIP INFORMATION

Name: _____

Address: _____

Phone: (home) _____ (office) _____ (cell) _____

Email: _____

**II. LESSORS, LESSEES, MORTGAGEES, OWNERS AND OTHER HOLDERS
WITH AN INTEREST IN THE LAND:**

Name: _____

Address: _____

Phone: (home) _____ (office) _____ (cell) _____

Email: _____

III. OPERATOR INFORMATION (if different than ownership information)

Name: _____

Address: _____

Phone: (home) _____ (office) _____ (cell) _____

Email: _____

IV. DESCRIPTION OF PROPOSED SITE TO WHICH THE LICENSE SHALL APPLY

- A. Attach a copy of the proposed site-map.
- B. Attach a copy of the Reclamation Plan submitted to St. Croix County, together with any amendments previously submitted or planned to be submitted.

- C. Attach a full legal description of proposed site. Where the site is not easily described using fractional quarter/quarter sections, or fractions thereof, the description must be a metes and bounds description.

V. PUBLIC ROAD USE

- A. On the site-map, or a separate map, identify all public road access points to the site.
- B. On an attachment identify the preferred and all proposed alternate trucking routes, traffic impact analysis on each such route, and planned frequency of site – related traffic and the schedule of traffic over all preferred or proposed alternate routes to be used for transporting extracted nonmetallic minerals, waste minerals, or processed products to or from the nonmetallic site. See Ordinance 2014 – 03, Sec. 6(3).

VI. MINIMUM STANDARD COMPLIANCE

On an attachment provide the information requested at Ordinance 2014 – 03, SEC. 6(4) to establish to the satisfaction of the Town Board that the proposed and nonmetallic mining operation will continuously meet or exceed the minimum operations standards of Sec. 7 of the Ordinance.

Date: _____

OWNER(S)

OWNER(S)

OPERATOR(S)

OPERATOR(S)

(Note: all owners of the site and all operators, or their duly authorized representatives if a corporation, partnership, LLP or LLC, must sign and date this application and each attachment.)

TOWN CLERK NOTES

Date Application received: _____

Date Application preliminary reviewed by Clerk: _____

Application Fee Received by Clerk: _____ (amount \$10,000.00)

Deposit:\$15,000.00

Notes regarding any additional fees paid for special meeting or legal/engineering costs:

Public Hearing date: _____

NON-METALLIC MINING OPERATOR'S LICENSE

This is to certify that a nonmetallic mine operator's license has been issued to _____, Operator, for the site described in this application, consisting of _____ acres. This license is for a term of one year and shall expire on _____.

Date: _____

Town Clerk