

**TOWN OF NEW HAVEN
DUNN COUNTY**

ORDINANCE NO: 2011-01

An ordinance to impose a moratorium on the expansion of existing or creation of new non-metallic mining, including silica/frac sand mining operations and processing plants related to silica/frac sand mining operations in the Town of New Haven pending study of possible legislative action.

THE TOWN BOARD OF NEW HAVEN DOES ORDAIN AS FOLLOWS:

SECTION 1. *Purpose.* The purpose of this moratorium is to allow the Town of New Haven adequate time to study the possible impacts that non-metallic mining, including silica/frac sand mining operations and processing plants related to silica/frac sand mining may have on the health, safety, and welfare of residents of New Haven, including air and water quality, town infrastructure, property values, and the local economy, to allow residents and the Town Board the opportunity to consider enacting zoning or other regulatory ordinances, to determine the advisability of amending its Comprehensive Plan and to review and consider amending or adopting other police powers, licensing ordinances or zoning ordinances so as to effectively regulate non-metallic mining, including silica/frac sand mining operations and related processing plants.

SECTION 2. *Moratorium Imposed.* That pursuant to Wis. Stats. §§ 60.10(2)(c) and 60.23, the Board of the Town of New Haven hereby prohibits the expansion of any existing non-metallic mining, including silica/frac sand mining operations or related processing plants beyond its physical dimensions as of the date of adoption of the Ordinance, and further prohibits the creation of any new non-metallic mining operations, including silica/frac sand mining operations or related processing plants in the Town of New Haven during the pendency of the moratorium. For purposes of this Ordinance, the term "physical dimensions" shall refer to the external footprint of the existing quarry, pit, or other excavation area within which non-metallic mining, including silica/frac sand extraction or processing activities are occurring as of the date of this Ordinance.

SECTION 3. *Duration of Moratorium.* This Ordinance shall be effective for no longer than a period of six (6) months following its date of adoption by the town board.

SECTION 4. *Effective Date.* That this Ordinance shall take effect upon its adoption and publication of this Ordinance in its entirety as a Class One Notice under Ch. 985, Wis. Stats., and the Town Clerk shall mail a copy hereof to the Dunn County Clerk.

ENACTED: December 7, 2011

TOWN OF NEW HAVEN

By: /s/
Roger Hanson, Chairman

By: /s/
Donald Siniff, Supervisor

By: _____
Marv Prestrud, Supervisor***

ATTEST:

By: /s/
Diane Duerst, Clerk

*** Mr. Prestrud recused himself from voting on this matter.