

TOWN OF AUBURN
Ordinance #12-06
Ordinance Repealing Moratorium
on the Expansion of Existing and Creation of New Nonmetallic Mining Operations
within the Town of Auburn pending the Study of Possible Legislative Action

RECITALS

WHEREAS, on March 28, 2012, the Town of Auburn ("Town") in Chippewa County, Wisconsin, pursuant to Ordinance #12-01, imposed a moratorium ("Moratorium") on the expansion of existing and creation of new nonmetallic mining operations within the Town pending the study of possible legislative action;

WHEREAS, the purpose of the Moratorium is to allow the Town adequate time to study the possible impacts that nonmetallic mining operations and processing plants related to nonmetallic mining may have on the health, safety, and welfare of the residents of the Town, including air quality and water quality concerns; potential impact to the infrastructure of the town, property values, and the local economy; to allow the Town and town residents the opportunity to consider enacting relevant regulatory ordinances; to determine the advisability of amending the Town Comprehensive Plan; and to review and consider amending or adopting other police powers, licensing ordinances or other ordinances so as to effectively regulate nonmetallic mining operations and related processing plants;

WHEREAS, the Town has adopted Ordinance #12-04 which regulates the use of explosives in non-metallic mining operations, in the erection or placement of structures greater than 15 feet high above the ground surface and in demolition of structures that require a level 3 license or higher. This ordinance is intended to limit the adverse effects of blasting on persons or property outside any controlled blasting site area and is adopted to protect the health, safety and welfare of Town residents;

WHEREAS, the Town has adopted Ordinance #12-03 which provides minimum standards for large nonmetallic mining operations including processing facilities in the Town, and requires licenses for nonmetallic mining operators and facility operators in order to protect public health and safety, to minimize or prevent adverse off-site impacts from on-site and off-site operations, and to promote the general health, safety and welfare of the people within the Town;

WHEREAS, the Town has adopted Ordinance #12-02 which establishes weight limitations for the roads and streets, or portions thereof, of the Town.

ORDINANCE

NOW, THEREFORE, in consideration of the above recitals, which are incorporated herein by reference, the Town of Auburn ordains as follows:

SECTION 1: TITLE AND PURPOSE

The title of this Ordinance #12-06 is "Ordinance Repealing Moratorium on the Expansion of Existing and Creation of New Nonmetallic Mining Operations within the Town of Auburn pending the Study of Possible Legislative Action." The purpose is to acknowledge that the Town has completed its initial actions and study regarding nonmetallic mining, as permitted by the Moratorium imposed by Ordinance #12-01, and following public hearing and consideration of input from residents, consultants and others, has adopted those ordinances described in the recitals above. Therefore, the Town wishes to repeal the Moratorium.

SECTION 2: AUTHORITY

The town board has the specific authority granted under the village powers of the town board pursuant to Sec. 60.10(2)(c), 60.22 of Wis. Statutes and pursuant to Sec. 60.23, 60.61, and 60.62 of Wis. Statutes.

SECTION 3: MORATORIUM REPEALED

Ordinance #12-01 entitled "Moratorium on the Expansion of Existing and Creation of New Nonmetallic Mining Operations within the Town of Auburn, Chippewa County, pending the Study of Possible Legislative Action" is hereby repealed and of no further legal force or effect.

SECTION 4: SEVERABILITY CLAUSE

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 5: EFFECTIVE DATE

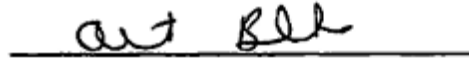
The ordinance is effective the day after publication. The town clerk shall properly publish this ordinance as required under Sec. 60.80(2) of Wis. Statutes as a Class I Notice in a newspaper.

ADOPTED by a vote of 3 for and 0 against at a duly constituted meeting of the Town Board on this 16th day of July, 2012.

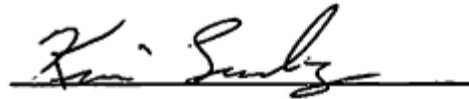
TOWN OF AUBURN



Paul Scheidecker, Town Board Chairperson



Albert Blaha, Supervisor



Kevin Ludwigson, Supervisor

Attested to as of July 16, 2012.



Judy Misner, Town Clerk

**NOTICE OF ADOPTION OF ORDINANCE TO REPEAL MORATORIUM
TOWN OF AUBURN**

On December 9, 2015 the Town of Auburn Board approved ordinance # 12-06 which is titled " Ordinance Repealing Moratorium on the Expansion of Existing and Creation of New Nonmetallic Mining Operations within the Town of Auburn Pending the Study of Possible Legislative Action". The purpose of this ordinance is to acknowledge that the Town has completed its initial actions and study regarding nonmetallic mining, as permitted by the Moratorium imposed by Ordinance # 12-01, and following a public hearing and consideration of input from residents, consultants and others and has adopted those ordinances deemed necessary by the Town. Therefore the Town wishes to repeal the Moratorium.


To view the Ordinance in its entirety, you may call (715) 568-1033 to set up an appointment at the office of the Clerk at 1811 State Highway 64, Bloomer, WI or check on-line at the Town of Auburn website at www.townofauburn.net.

Posted this 27th day of January, 2016


Judy Misner/Clerk

ADOPTED by a vote of 3 for and 0 against at a duly constituted meeting of the Town Board on this 9th day of December, 2015.

TOWN OF AUBURN

A handwritten signature in cursive script, appearing to read "Paul Scheidecker", written over a horizontal line.

Paul Scheidecker, Town Chairman


A handwritten signature in cursive script, appearing to read "Kevin Ludwigson", written over a horizontal line.

Kevin Ludwigson, Supervisor

A handwritten signature in cursive script, appearing to read "Ben Dachel", written over a horizontal line.

Ben Dachel, Supervisor

Attested to as of December 9, 2015

A handwritten signature in cursive script, appearing to read "Judy Misner", written over a horizontal line.

Judy Misner, Town Clerk