

CHAPTER 50

NONMETALLIC MINE EXPLORATION LICENSES

SECTION 1. FINDING, PURPOSE AND AUTHORITY

1. Findings. The development of drillholes for the purposes of nonmetallic mining exploration can provide pathways for contaminants to groundwater and pose other health and safety issues if not properly abandoned.
2. Purpose. The purpose of this Chapter is to provide minimum standards for the abandonment of nonmetallic mining exploration borings.
3. Authority. This Chapter is adopted by the powers granted to the Town of Auburn by the Town's adoption of Village powers under Wis. Stat. §§ 60.10 and 61.34, its authority under § 66.0415, and other authority under the statutes. Any amendment, repeal or recreation of the statutes relating to this Chapter made after the effective date of this Chapter is incorporated into this Chapter by reference on the effective date of the amendment, repeal or recreation.

SECTION 2. APPLICABILITY AND SCOPE

This Chapter shall apply to all nonmetallic mining exploration activities within the Town of Auburn involving the drilling of one or more borings to a depth of ten (10) feet or more.

SECTION 3. DEFINITIONS

The following definitions are applicable to the terms used in this chapter:

- (1) "Abandonment" means filling or sealing a drillhole in accordance with the procedures specified in this Chapter.
- (2) "Drillhole" means a circular hole deeper than it is wide, constructed in earth material for the purpose of obtaining geologic or groundwater related data. Drillholes are also referred to as boreholes.
- (3) "Exploration" means the onsite geologic examination from the surface of an area by core, rotary, percussion or other drilling, where the diameter of the hole does not exceed 18 inches, for the purpose of assessing the nature of nonmetallic minerals or establishing the nature of a known nonmetallic mineral deposit and associated activities such as clearing and preparing sites or constructing roads for drilling.
- (4) "Nonmetallic minerals" means a product, commodity or material consisting principally of naturally occurring, organic, inorganic, nonmetallic, non-renewable

material. Nonmetallic minerals include but are not limited to stone, rock, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat and talc.

- (5) "Operator" means any person who is exploring for nonmetallic minerals by drilling boreholes within the Town whether individually, jointly or through subsidiaries, agents, employees contractors or subcontractors.
- (6) "Termination" means filling of drillholes and reclamation and revegetation of drilling sites.

SECTION 4. APPLICATION FOR AN EXPLORATION LICENSE

1. No person may engage in nonmetallic mineral exploration without securing an exploration license from the Town of Auburn Town Board.
2. The application shall include the following:
 - (a) The name, address, phone number(s), and e-mail address of the operator of the nonmetallic mining exploration operation.
 - (b) The name, address, phone number(s), and e-mail address of all owners or lessors of the land on which the exploration operation will occur.
 - (c) Written proof that the owner has consented to the exploration activity and inspections by the Town as set forth in this Chapter.
 - (d) A certified survey map(s) and parcel identification number(s) of the property on which the nonmetallic mining exploration operation will be located.
 - (e) Dates of the planned commencement and cessation of the operation.
 - (f) Description of the number of drillholes anticipated to be placed.
 - (g) A fee established by the Town to cover the Town's administrative costs.

SECTION 5. LICENSE TERM AND SCOPE

1. Except for the first year of operation under this Chapter, an operator's license shall be granted for a period of one (1) year commencing on July 1 and ending on June 30 of the following calendar year. For the first year of operation under this Chapter, the operator's license will extend from the date of issuance until the first June 30th after twelve (12) months of operations have been completed.
2. An operator wishing to renew an exploration license shall file an annual renewal application with the Town prior to the expiration of the exploration license.

3. A license granted under this Ordinance only applies to the parcels identified in the application.

SECTION 6. LICENSE REQUIREMENTS

1. Notice Procedure.
 - (a) The operator shall notify the Town of the operator's intent to drill on a parcel at least ten (10) days in advance of the commencement of drilling. The notice of intent to drill shall state the number of expected drillholes to be drilled, the location of the drillholes and the legal description of the affected parcel.
 - (b) A notice of intent to drill shall remain in effect for one year commencing on the date of receipt of the notice by the Town. One (1) year after the receipt of the notice, the operator shall resubmit a notice of intent to drill on that parcel if the operator wishes to continue exploration on the parcel.
 - (c) The operator shall give the Town at least twenty-four (24) hours advance notice of the operator's intent to fill a drillhole. The twenty-four (24)-hour requirement may be reduced by the Town.
2. Inspections.
 - (a) Any duly authorized officer, employee or representative of the Town may enter and inspect any property, premises or place on or at which any exploration is being performed at any reasonable time for the purpose of ascertaining the state of compliance with this chapter.
 - (b) No operator may refuse entry or access to any authorized representative of the Town who requests entry for purposes of inspection and who presents appropriate credentials.
 - (c) No person may obstruct, hamper or interfere with any such inspection.
3. Drillhole Abandonment. All drillholes shall be abandoned in accordance with the methods and materials set forth in Wis. Admin. Code § NR 812.26(7) within three (3) working days after its use has been discontinued.

SECTION 7. REPORTS

Within ten (10) days after completion of permanent abandonment of a drillhole the operator shall file exploration abandonment reports with the Town certifying that the drillhole was abandoned in accordance with this Chapter. All abandonment reports shall be signed by an

authorized representative of the operator attesting to the accuracy of the information contained therein.

SECTION 8. PENALTY

1. Any person or entity who is adjudicated for a violation shall pay a forfeiture of not less than \$100 per violation nor more than \$5,000 per violation and/or be subject to injunctive relief each day a violation exists is a separate violation.
2. Any person or entity adjudicated for violation of this Chapter shall pay court costs and reasonable attorney's fees. The remedies provided herein shall not be exclusive of other remedies.

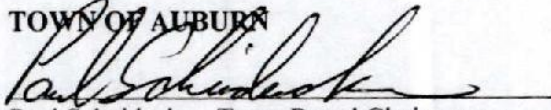
TOWN OF AUBURN
Ordinance #15-02
Ordinance Adopting Chapter 50
Nonmetallic Mine Exploration Licenses

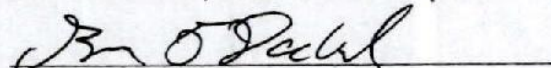
The Town Board of the Town of Auburn, at a duly noticed meeting and following adequate review and consideration, does hereby ordain as follows:

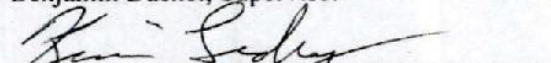
Town Ordinance Chapter 50 Nonmetallic Mine Exploration License is hereby created and incorporated into the Town Code. The text of Chapter 50 is attached as Exhibit A to this Ordinance.

ADOPTED by a vote of 3 for and 0 against at a duly constituted meeting of the Town Board on this 6 day of August, 2015.

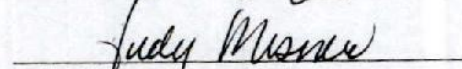
TOWN OF AUBURN


Paul Scheidecker, Town Board Chairperson


Benjamin Dachel, Supervisor


Kevin Ludwigson, Supervisor

Attested to as of August 6th, 2015.


Judy Misner, Town Clerk