1 2 3	RESOLUTION #43-2014-GENERAL CODE OF ONEIDA COUNTY, WISCONSIN ORDINANCE AMENDMENT #1-2014
5 4 5	Ordinance Amendment offered by the Planning and Development Committee
5 6 7	Resolved by the Board of Supervisors on Oneida County, Wisconsin
8	WHEREAS, the Planning & Development Committee, having considered
9	Ordinance Amendment #1-2014, (copy attached) which was filed January 29, 2014
10	(copy attached) to amend The Oneida County Non-metallic Mining Reclamation
11	Ordinance, of the General Code of Oneida County, and having given notice thereof as
12	provided by law and having held a public hearing thereon February 19, 2014, and having
13	been informed of the facts pertinent to the changes which are as follows:
14	
15	WHEREAS, the Oneida County Planning and Zoning Department administers
16	Chapter 22, Non-metallic Mining Reclamation; and
17 18	WHEREAS, the Wisconsin Department of Natural Resources (WNDR) has
18 19	oversight authority on the Administration of a Non-metallic mining reclamation Ordinance; and
20	WHEREAS, the WDNR conducted an audit of Oneida County's Non-metallic
21	Mining Reclamation Ordinance and program; and
22	WHEREAS, the WDNR requested changes to Chapter 22, Non-metallic Mining
23	Reclamation; and
24	WHEREAS, the Planning and Development Committee held a public hearing and
25	no one appeared in favor of or opposition to the proposed change. The Planning and
26	Development Committee recommends passage; and
27	
28	NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS
29 30	DOES ORDAIN AS FOLLOWS: Section 1. Any existing ordinances, codes, resolutions, or portions thereof in
31	conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.
32	Section 2. This ordinance shall take effect the day after passage and publication
33	as required by law.
34	Section 3. If any claims, provisions or portions of this ordinance are adjudged
35	unconstitutional or invalid by a court of competent jurisdiction, the
36	remainder of this ordinance shall not be affected thereby.
37	Section 4. Chapter 22 of the General Code of Oneida County, Wisconsin, is
38	amended as follows [additions noted by underline, deletions noted by strikethrough]:
39 40	Castiens 20.01 20.05 remain unchanged
40 41	Sections 22.01 – 22.05 remain unchanged.
41 42	Section 22.06 (1) FINANCIAL ASSURANCE REQUIREMENTS. (Am. #51-2002;
43	Am. #23-2006). All operators of nonmetallic mining sites in Oneida County shall prepare
44	and submit a proof of financial assurance of successful reclamation that meets the
45	requirements of §135.40, Wis. Adm. Code. Bonding or escrow account requirements for
46	reclamation financial assurances shall be \$1,000.00 per acre for sites with sufficient
47	topsoil on site and \$4,000.00 per acre for sites with no topsoil on site. For sites with less
48	than sufficient topsoil reserves available, a pro rated level of financial assurance, as
49	determined by the County, shall be required. equal as closely as possible the cost to
50	Oneida County of hiring a contractor to complete either final reclamation or progressive
51	reclamation according to the approved reclamation plan. The amount of financial

52 assurances shall be reviewed periodically by Oneida County to assure it equals 53 outstanding reclamation costs. 54 55 Sections 22.07 – 22.09 remain unchanged. 56 57 Section 22.10 (2) PROCEDURES. The operator of a nonmetallic mining site requesting 58 an alternate requirement in subsection (1) shall demonstrate all the criteria in §NR 59 135.26(1), Wis. Adm. Code. This shall be submitted in writing to the Oneida County 60 Planning and Zoning Administrator. Only the Oneida County Planning and Zoning 61 Development Committee shall have authority to grant approvals of such requests by 62 majority vote using the criteria set forth in §NR 135.26(1), Wis. Adm. Code. The 63 decision of the Committee will be appealable to the Board of Adjustment. Such appeal 64 must be made within 30 days of receipt of the Committee's decision. 65 66 Section 22.11 – 22.13 remain unchanged. 67 68 Section 22.14 (2) AT THE OPERATOR'S OPTION. If operator of any nonmetallic mine 69 that holds a reclamation permit issued under this chapter desires to modify such permit 70 or reclamation plan approved under this chapter, it may request such modification by 71 submitting a written application for such modification to the Oneida County Solid Waste 72 Planning and Zoning Department. The application for permit or plan modification shall 73 be acted on using the standards and procedures of this chapter. 74 75 Section 22.15 (2) PROCEDURES (AM. #54.2007). If Oneida County finds grounds for suspending or revoking a nonmetallic mining reclamation permit set forth in §22.16(5) 76 77 DNR 135.25 it may issue a special order suspending or revoking such permit as set forth 78 in §22.22(3). 79 (3) CONSEQUENCES. The consequences of an a reclamation permit 80 suspension or revocation order under subsection (2) shall be as set forth in 81 §NR 135.25(2) and (3), Wis. Adm. Code. 82 83 Section 22.16 remains unchanged. 84 85 Section 22.17 PLAN REVIEW FEES. 86 (1) AMOUNT AND APPLICABILITY. 87 1st paragraph remains unchanged. 88 89 2nd paragraph changes as follows: 90 91 Any operator starting a nonmetallic mine after August 1, 2001, will be required to have 92 an approved nonmetallic mine reclamation plan, to include proof of financial assurance, 93 in place prior to beginning operation. Fees will be assessed as follows: 94 1-5 acres: \$600 95 6-15 acres: \$750 96 Greater than 15 acres: \$900 97 Fees will be periodically designated by the County Board to equal as closely as possible 98 the County's cost for review of reclamation plans. 99 100 Section 22.18 (5) Annual nonmetallic mine permit fees are will be periodically designated 101 by the County Board to equal as closely as possible the County's cost to administer 102 Chapter 22, Non-Metallic Mining Reclamation.

103	Inactive mines \$30				
104	1-5 acres: \$100				
105	6-15 acres: \$250				
106	Greater than 15 acres: \$500				
107					
108	Sections 22.19 – 22.22 remain uncha	anged.			
109					
110	THEREFORE BE IT FURTHER RESOLVED,				
111					
112	The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment				
113	1-2014 by the Oneida County Board of Supervisors, cause a certified copy thereof to be				
114	transmitted by mail to the Department of Natural Resources and each Oneida County				
115	Town Clerk.			-	
116					
117	Approved by the Planning and Devel	lopment Committee this	16th day of April,	2014.	
118		•			
119	Consent Agenda Item:YES	NO			
120	5				
121	Vote Required: Majority =	2/3 Majority =	¾ Majority =		
122			, , , _		
123	The County Board has the legal auth	ority to adopt: Yes	No	as	
124	reviewed by the Corporation Counse				
125		,		,	
126					
127					
128	Offered and passage moved by:				
129		Supervisor		_	
130					
131		Supervisor		_	
132					
133		Supervisor			
134					
135		Supervisor		_	
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137		Supervisor		_	
138					
139					
140					
141	Ayes				
142					
143	Nays				
144					
145	Absent				
146					
147	Abstain				
148					
149					
149	Enacted				
150 151	Enacted				
	by the County Roard of Supervisore	this day of	2014		
152 153	by the County Board of Supervisors	unsuay 01	, 2014.		
133					

154	Defeated	
155		
156		
157		
158	Mary Bartelt, Clerk	Ted Cushing, County Board Chair
159		