

Ordinance Amendment #9-2018
Chapter 9, Article 6, Section 9.62 Moratorium on Bulk Sampling

Additions noted by underlined; deletions noted by ~~strikethrough~~

9.62 MORATORIUM ON BULK SAMPLING

A. Purpose and Intent

The purpose of this ordinance is to temporarily impose a moratorium to allow the State of Wisconsin to write administrative code to regulate bulk sampling and allow Oneida County adequate time to study, review, and consider the impacts of 2017 Wisconsin Act 134 as it relates to bulk sampling and amend its ordinances to appropriately protect the public health, safety, and welfare after it learns the scope of regulation under the administrative code. Furthermore, by ensuring all bulk sampling is subject to the same regulation, this moratorium will result in uniformity of regulation of bulk sampling in the County and uniform protections to the public health, safety, and welfare, without precluding any land owner from any other lawful uses of their property.

B. Authority

The Oneida County Board has the specific authority under Wisconsin Statutes including but not limited to §59.02(2) and §59.68 Wis. Stats.

C. Adoption

This ordinance, adopted by a majority of the Oneida County Board of Supervisors with a quorum present and proper notice having been given, provides for the imposition of a moratorium on bulk sampling, provided that the moratorium does not apply to an applicant who has acquired legally vested rights prior to the adoption of this ordinance.

D. Definitions

1. Bulk Sampling means excavating in a potential mining site by removing less than 10,000 tons of material, including overburden and any other material removed from any portion of the excavation site, for the purpose of obtaining site-specific data to access the quality and quantity of the nonferrous metallic mineral deposits and of collecting data from and analyzing the excavated materials in order to prepare the application for a mining permit or for any other approval. Bulk sampling does not constitute prospecting within the meaning of §293.01(18) Wis. Stats.

E. Moratorium Imposed

The Oneida County Board of Supervisors hereby imposes a moratorium on bulk sampling provided that the moratorium does not apply to an applicant who has acquired legally vested rights to the issuance of a license prior to the adoption of this ordinance.

F. Duration of the Moratorium

This moratorium shall be in effect for eighteen months up to and including January 1, 2020.