

RESOLUTION # 03-2009

**GENERAL CODE OF ONEIDA COUNTY, WISCONSIN
ORDINANCE AMENDMENT #**

Ordinance Amendment offered by Supervisors of the Solid Waste and Zoning Committees

WHEREAS, the Solid Waste Department had oversight of the County's Non-Metallic Mining Reclamation Program since 2001; and

WHEREAS, the Solid Waste and Planning and Zoning Committees have reviewed the County's Non-Metallic Mining Reclamation Program and determined that the Planning and Zoning Department should be responsible for the oversight of the program; and

WHEREAS, having the Planning and Zoning Department in charge of the County's Non-Metallic Mining Reclamation Program would reduce the number of required public hearings and make it easier for land owners, contractors, neighbors and concerned citizens to have input to proposed non-metallic mines.

NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.

Section 2. This ordinance shall take effect the day after passage and publication as required by law.

Section 3. If any claims, provisions or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 4. Section 22 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

22.02 INTRODUCTION.

(6) ADMINISTRATION. The provisions of this chapter shall be administered by the Oneida County ~~Solid Waste~~ Planning and Zoning Department.

22.04 PERMITTING

(2) NEW MINES. The operator of any nonmetallic mine site that engages in or plans to engage in nonmetallic mining that will begin operations after August 1, 2001, or which has not applied for an automatic reclamation permit pursuant to subsection (2) shall submit an application that meets the requirements of §NR 135.18(2), Wis. Adm. Code, and the submittals required under subsection (1) to the Oneida County ~~Solid Waste~~ Planning and Zoning Department prior to beginning operations. This application shall be accompanied by a plan review fee as specified in § 22.17.

22.16 ANNUAL OPERATOR REPORTING.

(1) CONTENTS AND DEADLINE. Annual reports shall be submitted by the operators of nonmetallic mining sites that satisfy the requirements of §135.36, Wis. Adm. Code. These reports shall be for reclamation during a calendar year, and submitted in writing within 60 days of the end of each calendar year to the Oneida County ~~Solid Waste~~ Planning and Zoning Department. Annual reports shall be submitted until reclamation at each nonmetallic mining site is certified as complete under §22.20(3).

Approved by the Solid Waste Committee this _____ day of _____, 2008.

Approved by the Planning and Zoning Committee this _____ day of _____, 2008.

Vote Required: Majority = _____ 2/3 Majority = _____ 3/4 Majority = _____

The County Board has the legal authority to adopt: Yes _____ No _____ as reviewed by the Corporation Counsel, _____, Date: _____

Offered and passage moved by:

_____ Supervisor	_____ Supervisor

Seconded by: _____

_____ Ayes
_____ Nays
_____ Absent
_____ Abstain

_____ Adopted

by the County Board of Supervisors this ____ day of _____, 2009.

_____ Defeated

Robert Brusio, Clerk

Andrew P. Smith, County Board Chair