

#1007-2012

RESOLUTION APPROVING ORDINANCE NO. 1003-2012 FIRST AMENDMENT

WHEREAS, on December 10, 2012, the Town Board of the Town of Red Cedar adopted an amendment to the ordinance establishing a six-month moratorium extending it to a ten-month ordinance on the expansion or creation of new non-metallic mining operations, including silica/frac sand mining operations, processing facilities, rail spurs, and sand loading facilities related to silica/frac sand mining operations in the Town of Red Cedar pending study of possible legislative action; and


WHEREAS, the Town Board has reviewed the Ordinance Amendment and finds it in the best interest of the town to approve and adopt the ordinance;

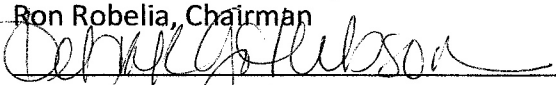
NOW, THEREFORE, BE IT RESOLVED that the Town Board approves and adopts Ordinance No. 1003-2012 First Amendment titled Ordinance Imposing a Moratorium on Non Metallic Mining in the Town of Red Cedar ; and

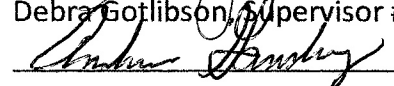
BE IT FURTHER RESOLVED that the Town Clerk is directed to file a certified copy of this resolution with the County Clerk.

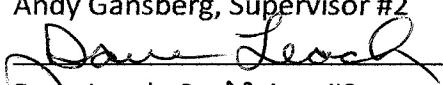
Adopted this 10th day of December, 2012.

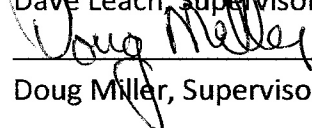
RED CEDAR TOWN BOARD:



Ron Robelia, Chairman


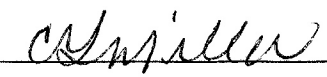
Debra Gotlibson, Supervisor #1


Andy Gansberg, Supervisor #2


Dave Leach, Supervisor #3


Doug Miller, Supervisor #4

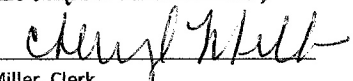
ATTEST:



Cheryl Miller, Town Clerk
(Town Seal)

Posted
Published in the Dunn Co. News on
12/19, 2012.

This is to certify that the Town Board of the
Town of Red Cedar duly enacted the fore-
going Resolution on the 10th day of
December, 2012.



Cheryl Miller, Clerk
Published 12/26/2012.
Dunn Co. News

**ORDINANCE NO. 1003-2012
(Amended 12/10/2012)**

Ordinance Imposing a Moratorium on Non Metallic Mining in the Town of Red Cedar

An ordinance to impose a moratorium on the expansion of existing or creation of new non-metallic mining operations, including silica/frac sand mining operations, processing facilities, rail spurs, and sand loading facilities related to silica/frac sand mining operations in the Town of Red Cedar pending study of possible legislative action.

THE TOWN BOARD OF THE TOWN OF RED CEDAR DOES ORDAIN AS FOLLOWS:

SECTION 1. Purpose. The purpose of this moratorium is to allow the Town of Red Cedar adequate time to study the possible impacts that non-metallic mining, including silica/frac sand mining operations, processing facilities, rail spurs, and sand loading facilities related to silica/frac sand mining may have on the health, safety, and welfare of residents of the Town of Red Cedar, including air and water quality, town infrastructure, property values, and the local economy, to allow the Town Board the opportunity to consider enacting regulatory ordinances, and to review and consider amending or adopting other police powers or licensing ordinances so as to effectively regulate non-metallic mining, including silica/frac sand mining operations and related processing facilities, rail spurs, and/or sand loading facilities.

SECTION 2. Moratorium Imposed. That pursuant to Wis. Stats. 60.10(2)(c) and 60.23, the Board of the Town of Red Cedar hereby prohibits the expansion of any existing non-metallic mining, including silica/frac sand mining operations or mining- related processing plants, rail spurs, and sand loading facilities, beyond its physical dimensions as of the date of adoption of the Ordinance and further prohibits the creation of any new non-metallic mining operations, including silica/frac sand mining operations or related processing plants, rail spurs, and sand loading facilities, in the Town of Red Cedar during the pendency of the moratorium. For purposes of this Ordinance, the term "physical dimensions" shall refer to the external footprint of the existing quarry, pit, or other excavation area within which non-metallic mining activities, including silica/frac sand extraction or processing activities, are occurring as of the date of this Ordinance.

SECTION 3. Duration of Moratorium. This Ordinance shall be effective for no longer than a period of ten (10) months following its date of adoption by the town board.

SECTION 4. Effective Date. This Ordinance shall take effect upon its passage, adoption and publication of this Ordinance in its entirety as a Class One Notice under Ch. 983, Wis. Stats., and the Town Clerk shall mail a copy hereof to the Dunn County Clerk as provided by law.

PASSED AND ADOPTED by a majority vote of the Town Board of the Town of Red Cedar, Dunn County, Wisconsin, this 11th day of June, 2012.

ENACTED: June 11, 2012
PUBLISHED: June 27, 2012

ATTEST: Cheryl Miller
Town Clerk