

**AN ORDINANCE AMENDING THE ASHLAND COUNTY
NON-METALLIC MINING RECLAMATION ORDINANCE**

WHEREAS, at it June 14, 2001 meeting, the Ashland County Board of Supervisors enacted the Ashland County Non-metallic Mining Reclamation Ordinance which is incorporated herein by reference, and

WHEREAS, such ordinance was subsequently published in The Daily Press newspaper as a Class I notice under Chapter 985 Wisconsin Statutes and the County Clerk distributed a copy of such ordinance to the clerk of each town in Ashland County to file in their respective offices, and

WHEREAS, at a recent meeting of the Chairs of the Zoning and Land Committee, the Land Conservation Committee and the Highway Committee it was determined that the administration of such ordinance should be shared. When an application for a permit under this ordinance is received by Ashland County, the County Zoning Administrator will promptly make an initial determination of any issues from the perspective of zoning administration and will proceed to administer any zoning issues while the County Highway Commissioner will be responsible for any administration which does not involve zoning issues, and

WHEREAS, to accomplish this, it is necessary for the aforesaid ordinance to be amended,

NOW, THEREFORE,

The County Board of Supervisors of the County of Ashland does ordain as follows:

The Ashland County Non-metallic Mining Reclamation Ordinance is hereby amended in the following respects:

1. In Part I-GENERAL, Section 10 under subsection 11 which defines "Non-metallic mining" or "mining" is added the following new subsection:

(c) Loading, hauling and/or removal of non-metallic mineral from a non-metallic mining site.

2. In Part II-STANDARDS, Section 11, in Section 8(b)1 the words "Zoning Administration" are deleted and the words "Highway Commissioner" are substituted.

3. In Part III-PERMITTING, Section 12.30 the words “Zoning Administration” are deleted and the words “Highway Commissioner” are substituted.

4. In Part III-PERMITTING, Section 18.20(1):

(a). The words “Zoning Administration” are deleted and the words “Highway Commissioner” are substituted, and

(b). The words “Zoning Committee” are deleted and the words “Highway Committee” are substituted.

5. In Part III-PERMITTING, Section 23.20 the words “Zoning Administration” are deleted and the words “Highway Commissioner” are substituted.

6. In Part III-PERMITTING, to Section 24.10 is added the following new subsection:

(4) Failed to pay annual fees as required in s. 27.

7. In Part III-PERMITTING, Section 25.30 the words “Zoning Administration” are deleted and the words “Highway Commissioner” are substituted.

8. In Part III-PERMITTING, Section 26.10 the words “of two hundred (\$200.00) dollars.” are deleted and the words “in the amount set forth for the same in the Ashland County non-metallic mining fee schedule.” are substituted.

9. In Part III-PERMITTING, Section 26.20, the words “of four hundred (\$400.00) dollars.” are deleted and the words “in the amount set forth for the same in the Ashland County non-metallic mining fee schedule.” are substituted.

10. In Part III-PERMITTING, Section 27.30, the words “thirty five dollars (\$35.00) per unreclaimed acre per year with a minimum of one hundred dollars (\$100.00).” are deleted and the words “in the amount set forth for the same in the Ashland County non-metallic mining fee schedule.” are substituted.

11. In Part III-PERMITTING, the second paragraph of Section 27.30 is deleted and the following new paragraph is substituted:

Note: The fees are made a part of the Ashland County fee schedule. A copy of the Ashland County non-metallic mining fee schedule is available at the office of the Ashland County Zoning Administration and the Ashland County Highway Commissioner.

12. In Part III-PERMITTING, Section 27.40, the words “of fifty dollars (\$50.00).” are deleted and the words “in the amount set forth for the same in the Ashland County non-metallic mining fee schedule.” are substituted.

13. In Part III-PERMITTING, a new Section 27.50 entitled "Placard" is added which provides as follows:

Ashland County shall issue a permit placard annually for each non-metallic mine in Ashland County which is in good standing. Upon receipt of such placard, the permit holder shall promptly post and thereafter maintain such placard in plain view at the entrance of the active non-metallic mine for which such placard was issued.

14. In Part III-PERMITTING, a new Section 27.60 entitled "Penalty For Late Fees" is added which provides as follows:

Beginning with annual fees collected in 2005, an additional penalty of 20% shall be assessed upon any fee submitted after the December 31st deadline. No permit shall be issued until the penalty and annual fee are paid in full. The Highway Commissioner is authorized and empowered to collect this penalty.

15. In Part III-PERMITTING, a new Section 27.05 entitled "Fee Schedule" is added which provided as follows:

The Ashland County non-metallic mining fee schedule as now stated and as hereafter amended is incorporated into this ordinance by reference.

16. Except as specifically set forth herein, the Ashland County Non-Metallic Mining Reclamation Ordinance remains in full force and effect as originally stated.

17. The Clerk shall immediately publish this "Ordinance Amending the Ashland County Non-Metallic Mining Reclamation Ordinance" as a Class I Notice under Chapter 985 Wisconsin Statutes and shall procure and distribute copies of this ordinance to the town clerks who shall file the same in their respective offices.

Dated at the City of Ashland, Wisconsin this 24th day of March, 2005.

Ashland County Board of Supervisors

By: Peg Kurilla
Peg Kurilla, Chairperson

attest: Patricia Somppi
Patricia Somppi, County Clerk

Ordinance # 003-2005-55

Dated at the City of Ashland, Wisconsin, this 24th day of March, 2005.

Signed:

Reginaella

Nileen Crateau

Bob Wood

Walt Johnson

J. F. Schmitt

George Miska

Clarence L. Campbell

Carl Korte

Walt Johnson