

**TOWN OF TAYCHEEDAH
FOND DU LAC COUNTY, WISCONSIN**

RESOLUTION AMENDING THE CODE OF ORDINANCES

The Town Board of the Town of Taycheedah does hereby ordain as follows:

Section 1. The Town's Code of Ordinances, Title 13, Zoning Ordinance, be amended in accordance with the following revisions:

- 13-1-73(d)** **Nonmetallic Mineral Extraction.** In the Exclusive Agriculture District only, nonmetallic mineral extraction operations, including washing, crushing, quarrying, borrow pits, or other processing or removal or nonmetallic mineral resources, the erection of buildings and the installation of necessary machinery used in the said extraction and processing, and the preparation of hot blacktop mix or ready-mix concrete, and the operation of lime kilns; provided that:
- 13-1-73(d)(1) An application for a permit shall be submitted by the owner and shall include an adequate description of the operation; a plan of the site showing proposed and existing roads and drives, the sources, quantity and disposition of water to be used, if any; estimated dates for the completion of the extraction and commencement and completion dates for the reclamation; a reclamation plan, and such other information as may be necessary to determine the nature of the operation and the effect on the surrounding area.
- 13-1-73(d)(2) All reclamation plans, approved locally prior to August 1, 2001, contain adequate provisions that all final slopes around the area be flatter than a three to one (3:1) horizontal slope in a sand and gravel or borrow pit operation, or in a safe angle of repose in a quarrying operation; excavations below the grade of the nearest abutting public street or highway shall be set back from said street or highway a distance not less than that required for buildings and structures under this Section; all final slopes shall be covered with topsoil and seeded to prevent future erosion; the plan shall require that after completion of the anticipated operation, the area shall be cleared of all debris and be left in a clean condition, subject to the approval of the Board of Appeals or its agent. The reclamation plan shall indicate the proposed use or uses of the site; however, the proposed re-use of the site for a clean materials disposal site shall have the concurrence of the Board of Appeals. Reclamation plans developed for nonmetallic mineral extraction operations after August 1, 2001, must be submitted to the Fond du Lac County Code Enforcement Department for their review, approval and administration. The Town of Taycheedah retains the right to submit a recommendation to the Fond du Lac Code Enforcement Department prior to their review and approval of reclamation plans.
- 13-1-73(d)(3) Application for a permit for nonmetallic mineral extraction operations proposed to be located within six hundred (600) feet of a residence district, a residential subdivision or a city or village limits line, or within three hundred (300) feet of any building occupied for residence purposes; or for a hot blacktop mix or a ready-mix concrete plant, shall not be granted except on approval of the Board of Appeals given after the public hearing has been held.
- 13-1-73(d)(4) The permit shall be for a period of time as stated in the application or as modified by the Board of Appeals (and where Town Board approval is required, approved by the Town Board). Modification of the application or reclamation plan may be permitted through appeal, or additional conditions may be required. The Board of Appeals has jurisdiction over reclamation plans only if it was approved by the Board of Appeals prior to August 1, 2001. The Board of Appeals shall consider the effect of the proposed operation and the proposed reclamation plan modification upon existing and future conditions, including streets, neighboring land development, land use drainage, water supply, water pollution, air pollution, soil erosion, natural beauty and land value of the locality. The application and/or reclamation plan modification may be approved, approved conditionally, or rejected.

- 13-1-73(d)(5) No permit shall be granted for a period of time exceeding four (4) years, unless approved by the Board of Appeals. A renewal may be granted upon application provided that the applicant has fully complied with the terms of this Section and the permit issued hereunder. The Board of Appeals shall require a public hearing prior to such renewal.
- 13-1-73(d)(6) A filing fee as determined by the town Board shall be required for each initial application, and a filing fee as established by resolution of the Town Board for each renewal application.
- 13-1-73(d)(7) All existing nonmetallic mineral extraction operations lawfully operated and existing shall be considered non-conforming uses and may be continued provided that they have been worked prior to the date of the adoption of this provision of this Section.
- 13-1-73(d)(8) In the A-1 or the A-T District, nonmetallic mineral extraction, including clay and gravel extraction, may be continued, with Board of Appeals approval, as a conditional use. The conditional use would be subject to an approved reclamation plan. The nonmetallic mineral extraction site, as established prior to August 1, 2001, shall remain subjected to the locally-approved reclamation plan, which was submitted by the mine operator or person proposing to perform the nonmetallic mineral extraction to the Town of Taycheedah Board of Appeals that provided for the restoration of the nonmetallic mineral extraction site to agricultural use. All mineral extraction operations proposed after August 1, 2001, shall conform to a reclamation plan approved and administered by the Fond du Lac County Code Enforcement Department.

The nonmetallic mineral extraction area shall be restored to agricultural production within two (2) years after the completion of the operation.

Section 2. The Town Clerk is authorized and directed to revise the text of the Code of Ordinances in accordance with the changes adopted in Section 1, above.

Section 3. The amendment authorized by this resolution shall take effect upon adoption and publication in the Town's official newspaper.

Section 4. The remaining provisions of the Town's Code of Ordinances shall remain in full force and effect, except as amended by this resolution.

Adopted this 11th day of February, 2003.

TOWN OF TAYCHEEDAH

Jerome Guelig, Town Chairman

Attest:

Brenda A. Schneider, Clerk

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Section 1. The Town's Code of Ordinances, Title 13, Zoning Ordinance, be amended in accordance with the following revisions:

13-1-73(d) **Nonmetallic Mineral Extraction.** Clarify within the entire subchapter that mineral extraction refers to nonmetallic mineral extraction.

13-1-73(d)(4) Clarify that the Board of Appeals has jurisdiction over reclamation plans only if it was approved by the Board of Appeals prior to August 1, 2001.

Section 2. The Town Clerk is authorized and directed to revise the text of the Code of Ordinances in accordance with the changes adopted in Section 1, above.

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