

THE TOWN OF HOWARD
CHAPTER 22
NONMETALLIC MINE EXPLORATION LICENSES

Section 22.01. Finding, Purpose and Authority

(1) Findings. The development of drillholes for the purposes of nonmetallic mining exploration can provide pathways for contaminants to groundwater and pose other health and safety issues if not properly abandoned.

(2) Purpose. The purpose of this Chapter is to provide minimum standards for the abandonment of nonmetallic mining exploration borings.

(3) Authority. This Chapter is adopted by the powers granted to the Town of Howard by the Town's adoption of Village powers under Wis. Stat. §§ 60.10 and 61.34, its authority under §66.0415, and other authority under the statutes. Any amendment, repeal or recreation of the statutes relating to this Chapter made after the effective date of this Chapter is incorporated into this Chapter by reference on the effective date of the amendment, repeal or recreation.

Section 22.02 Applicability and Scope

This Chapter shall apply to all nonmetallic mining exploration activities within the Town of Howard involving the drilling of one or more borings to a depth of 10 feet or more.

Section 22.03 Definitions.

The following definitions are applicable to the terms used in this chapter:

(1) "Abandonment" means filling or sealing a drillhole in accordance with the procedures specified in this Chapter.

(2) "Drillhole" means a circular hole deeper than it is wide, constructed in earth material for the purpose of obtaining geologic or groundwater related data. Drillholes are also referred to as boreholes.

(3) "Exploration" means the onsite geologic examination from the surface of an area by core, rotary, percussion or other drilling, where the diameter of the hole does not exceed 18 inches, for the purpose of assessing the nature of nonmetallic minerals or establishing the nature of a known nonmetallic mineral deposit and associated activities such as clearing and preparing sites or constructing roads for drilling.

(4) "Nonmetallic minerals" means a product, commodity or material consisting principally of naturally occurring, organic, inorganic, nonmetallic, non-renewable material. Nonmetallic

minerals include but are not limited to stone, rock, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat and talc.

(5) "Operator" means any person who is exploring for non metallic minerals by drilling boreholes within the Town whether individually, jointly or through subsidiaries, agents, employees contractors or subcontractors.

(6) "Termination" means filling of drillholes and reclamation and revegetation of drilling sites.

22.04 Application for an exploration license.

(1) No person may engage in nonmetallic mineral exploration without securing an exploration license from the Town of Howard Town Board.

(2) The application shall include the following:

(a) The name, address, phone number(s), and e-mail address of the operator of the nonmetallic mining exploration operation.

(b) The name, address, phone number(s), and e-mail address of all owners or lessors of the land on which the exploration operation will occur.

(c) Written proof that the owner has consented to the exploration activity and inspections by the Town as set forth in this Chapter.

(d) A certified survey map(s) and parcel identification number(s) of the property on which the nonmetallic mining exploration operation will be located.

(e) Dates of the planned commencement and cessation of the operation.

(f) Description of the number of drillholes anticipated to be placed.

(g) A fee established by the Town to cover the Town's administrative costs.

Section 22.05 License Term and Scope

(1) Except for the first year of operation under this Chapter, an operator's license shall be granted for a period of one year commencing on July 1 and ending on June 30 of the following calendar year. For the first year of operation under this Chapter, the operator's license will extend from the date of issuance until the first June 30th after 12 months of operations have been completed.

(2) An operator wishing to renew an exploration license shall file an annual renewal application with the Town prior to the expiration of the exploration license.

(3) A license granted under this Ordinance only applies to the parcels identified in the application.

Section 22.06 License Requirements

(1) Notice procedure

(a) The operator shall notify the Town of the operator's intent to drill on a parcel at least 10 days in advance of the commencement of drilling. The notice of intent to drill shall state the number of expected drillholes to be drilled, the location of the drillholes and the legal description of the affected parcel.

(b) A notice of intent to drill shall remain in effect for one year commencing on the date of receipt of the notice by the Town. One year after the receipt of the notice, the operator shall resubmit a notice of intent to drill on that parcel if the operator wishes to continue exploration on the parcel.

(c) The operator shall give the Town at least 24 hours advance notice of the operator's intent to fill a drillhole. The 24-hour requirement may be reduced by the Town.

(2) Inspections.

(a) Any duly authorized officer, employee or representative of the Town may enter and inspect any property, premises or place on or at which any exploration is being performed at any reasonable time for the purpose of ascertaining the state of compliance with this chapter.

(b) No operator may refuse entry or access to any authorized representative of the Town who requests entry for purposes of inspection and who presents appropriate credentials.

(c) No person may obstruct, hamper or interfere with any such inspection.

(3) Drillhole Abandonment

All drillholes shall be abandoned in accordance with the methods and materials set forth in Wis. Admin Code § NR 812.26(7) within 3 working days after its use has been discontinued.

Section 22.07 Reports

Within 10 days after completion of permanent abandonment of a drillhole the operator shall file exploration abandonment reports with the Town certifying that the drillhole was abandoned in accordance with this Chapter. All abandonment reports shall be signed by an authorized representative of the operator attesting to the accuracy of the information contained therein.

Section 22.08 Enforcement

The Town may enforce this Ordinance in accordance with the procedures for nonmetallic mining operator's licenses in Chapter 17.

Adopted this 7th day of October 2014 by a vote of _____ yes _____ no

Attested this 7th day of October 2014

Vernon J. Schindler, Town Chair

Susan Haake, Clerk

Tom Zwiefelhofer, Supervisor

Dennis Dvoracek, Supervisor

Public Hearing held this 7th day of October 2014

Posted this _____ of October 2014

Published this _____ of October 2014