

Note: Procedures that a county or municipality may wish to consider for review of alternate requirements include a municipal zoning Board of Appeals appointed under s. 62.23(7)(e), Stats. for cities, a village equivalent body constituted under s. 61.35, Stats., a county Board of Adjustment appointed pursuant to s. 59.694, Stats, or a town Board of Adjustment appointed pursuant to s. 60.65, Stats.. The county or municipality should, however, check with its legal counsel to make sure the body so designated has the necessary legal authority to make this review. Examples also exist in ss. 7.3 and 7.4 of the DNR's 1991 Model Floodplain Zoning Ordinance and ss. 6.6 and 6.665 of the DNR's 1994 Model Floodplain and Shoreland-Wetland Zoning Ordinance for Cities or Villages. Other bodies and procedures may, however, be selected by the regulatory authority, so long as they can carry out the functions specified in s. NR 135.26, Wis. Adm. Code and have authority for this review under Wisconsin law.

Note: The prohibition on plan review fees for existing and local transportation-related mines is required under ss. NR 135.23(1)(g)), Wis. Adm. Code.

Note: Plan review fees collected under this section are required under s. 295.12(3)(e)1.a. to equal as closely as possible the cost of examination and approval of such plans. Section 295.15, Stats. requires the regulatory authority to use its fees only for the administration of its reclamation ordinance. Section NR 135.39(4)(b)1., Wis. Adm. Code requires that fees collected by the regulatory authority be used only for reasonable expenses associated with administration of its reclamation program.

Note: Under section NR 135.42(1), Wisconsin Administrative Code, persons entering nonmetallic mine sites under this right of inspection shall obtain training and provide their own safety equipment as needed to comply with applicable federal, state and local laws or regulations.

**ADAMS COUNTY
NONMETALLIC MINING RECLAMATION ORDINANCE**

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PART I - GENERAL

- SECTION 1 **1.00 Title.** Nonmetallic Mining Reclamation Ordinance for the County of Adams; hereafter referred to as Ordinance.
- SECTION 2 **2.00 Purpose.** The purpose of this Ordinance is to establish a local program to ensure the effective reclamation of nonmetallic mining sites on which nonmetallic mining takes place in Adams County after the effective date of this Ordinance, in compliance with Chapter NR 135, Wisconsin Administrative Code and Subchapter I of Chapter 295, Wisconsin Statutes.
- SECTION 3 **3.00 Statutory Authority.** This Ordinance is adopted under authority of: Section 295.13(1), Wisconsin Statutes, Wisconsin Statutes Section 295.14 (1) Section NR 135.32, Wisconsin Administrative Code and Section 59.51, Wisconsin Statutes.
- SECTION 4 **4.00 Restrictions Adopted Under Other Authority.** The intent of this Ordinance is to adopt and implement standards for nonmetallic mining reclamation required by Sec 295.12(1)(a), Wis Stats. and contained in NR 135. This Ordinance is not intended to repeal, abrogate, annul, impair or interfere with any existing rules, regulation, ordinances or permits not concerning nonmetallic mining reclamation previously adopted pursuant to other Wisconsin law.
- SECTION 5 **5.00 Interpretation.** In their interpretation and application, the provisions of this Ordinance shall be liberally construed in favor of Adams County, shall be held to be the applicable requirements for nonmetallic mining reclamation and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes outside the reclamation requirements for nonmetallic mining sites required by subchapter I of Chapter 295, Wisconsin Statutes and Chapter NR 135, Wisconsin Administrative Code. Where any terms or requirements of this Ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this Ordinance is required by Wisconsin Statutes, or by a standard in NR 135, and where the provision is unclear, the provision shall be interpreted to be consistent with the Wisconsin Statutes and the provisions of NR 135.
- SECTION 6 **6.00 Severability.** Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.
- SECTION 7 **7.00 Applicability.**
- 7.10 Overall Applicability.** The requirements of this Ordinance apply to all operators of nonmetallic mining sites within the Adams County and as provided in NR 135.02(1) and (2) except where exempted in **sec. 7.20** below and except for nonmetallic mining sites located in a city, village or town within Adams County that has adopted an ordinance pursuant to Sec 295.14, Wis Stats, and NR 135.32(2).
- 7.20 Exemptions.** This Ordinance does not apply to the following activities:
- (1) Nonmetallic mining at a site or that portion of a site that is subject to permit and reclamation requirements of the Wisconsin Department of Natural Resources under Secs. 30.19, 30.195 or 30.20, Wis Stats. and complies with Chapter NR 340, Wisconsin Administrative Code.
 - (2) Excavations subject to the permit and reclamation requirements of Secs. 30.30 or 30.31, Stats.
 - (3) Excavations or grading by a person solely for domestic or farm use at that person's residence or farm.

- (4) Excavations or grading conducted for the construction, reconstruction, maintenance or repair of a highway, railroad, airport facility, or any other transportation facility where the excavation or grading is entirely within the property boundaries of the transportation facility.
- (5) Grading conducted for preparing a construction site or restoring land following a flood or natural disaster.
- (6) Excavations for building construction purposes conducted on the building site.
- (7) Nonmetallic mining at nonmetallic mining sites that affect less than one acre of total area over the life of the mine.
- (8) Any mining operation, the reclamation of which is required in a permit obtained under Chapter 293, Wis Stats.
- (9) Any activities required to prepare, operate or close a solid waste disposal facility under Chapter 289, Wis Stats., or a hazardous waste disposal facility under Chapter 291, Wis Stats., that are conducted on the property where the facility is located, but an applicable nonmetallic mining reclamation ordinance and the standards established in this Ordinance apply to activities related to solid waste or hazardous waste disposal that are conducted at a nonmetallic mining site that is not on the property where the solid waste or hazardous waste disposal facility is located, such as activities to obtain nonmetallic minerals to be used for lining, capping, covering or constructing berms, dikes or roads.
- (10) Nonmetallic mining operations subject to Wisconsin Department of Transportation reclamation regulations:
 - (a) Nonmetallic mining conducted to obtain stone, soil, sand or gravel for construction, reconstruction, maintenance or repair of a highway, railroad, airport, or any other transportation facility or part thereof, if the nonmetallic mining is subject to the requirements of the Wisconsin Department of Transportation concerning the restoration of the nonmetallic mining site.
 - (b) A nonmetallic mining operation with limited purpose and duration where the Wisconsin Department of Transportation actively imposes reclamation requirements and the operator reclaims the nonmetallic mining site in accordance with those requirements. The duration of the exemption shall be specific to the length of the Wisconsin Department of Transportation contract for construction of a specific transportation project.
 - (c) If a nonmetallic mining site covered under **pars. (a) and (b)** above is used to concurrently supply materials for projects unrelated to the Wisconsin Department of Transportation project, the exemption in this subsection still applies, provided that the site is fully reclaimed under Wisconsin Department of Transportation contract and supervision.
- (11) Dredging for navigational purposes, to construct or maintain farm drainage ditches and for the remediation of environmental contamination and the disposal of spoils from these activities.
- (12) Removal of material from the bed of Lake Michigan or Lake Superior by a public utility pursuant to a permit under Ch. 30.21, Wis Stats.
- (13) Excavations where the primary purpose is pond construction and the sale of the excavated material is secondary may be allowed provided any excavated material that is not sold and/or immediately removed from the site must be properly spread on site or stockpiled for the sole use of the landowner and protected against erosion. Any such excavation must be a one-time event and may not exceed one acre of surface disturbance; this includes non-contiguous pond excavations on the

same property whether concurrent or subsequent. In aggregate, all excavation disturbance may not exceed one acre.

7.30 Ordinance Amendments

- (1) The Adams County P&Z shall review this Ordinance annually and recommend amendments if necessary, to the Adams County Planning and Zoning Committee (P&ZC).
- (2) All operators and all unreclaimed areas of all nonmetallic mining sites and operations, which are active subsequent to August 1, 2001, shall be subject to any and all amendments to this Ordinance.

SECTION 8

8.00 Administration. The provisions of this Ordinance shall be administered by the Adams County Planning and Zoning Department (P&Z). The Adams County Planning and Zoning Committee (P&ZC) shall have the authority to issue permits and adjust fees set forth in this Ordinance from time to time. A majority vote of the P&ZC shall be required to make such fee adjustments. No public hearing is required to make said fee adjustments.

SECTION 9

9.00 Effective Date. The provisions of this Ordinance shall take effect upon passage and publication of the Adams County Board of Supervisors.

SECTION 10

10.00 Definitions. All definitions for the purposes of this Ordinance are those contained in NR 135.03 and Sec 295 Wis Stats.

PART II - STANDARDS

SECTION 11

11.00 Standards. All nonmetallic mining sites subject to this Ordinance shall be reclaimed in conformance with the standards contained in Subchapter II of Chapter NR 135.

PART III - PERMITTING

SECTION 12

12.00 Nonmetallic Mining Reclamation Permit Application Required. No person may engage in nonmetallic mining or in nonmetallic mining reclamation without possessing a nonmetallic mining reclamation permit issued pursuant to the applicable reclamation ordinance unless the activity is specifically exempted in **secs. 7.10, 7.20 or 10(16)(b)** below.

12.10 Required Submittal. The operator of all nonmetallic mining sites shall apply for a reclamation permit from Adams County. All reclamation permit applications under this section shall be accompanied by the information required by NR 135.18(1).

12.20 Reclamation Permit Application Contents. The operator of any nonmetallic mine site shall submit an application that meets the requirements of NR 135.18(2) and the submittals required under **sec. 12.10** above to Adams County Planning and Zoning Department P.O. Box 187, Friendship, WI 53934 prior to beginning operations.

SECTION 13

13.00 Reclamation Plan.

13.10 Reclamation Plan Requirements. All operators of nonmetallic mining sites subject to this Ordinance shall prepare and submit a reclamation plan that meets the requirements of NR 135.19.

13.20 Existing Plans and Approvals. To avoid duplication of effort, the reclamation plan required by **sec. 13.10** above may, by reference, incorporate existing plans or materials that meet the requirements of this Ordinance.

13.30 Approval of Reclamation Plan. Adams County P&Z shall approve, conditionally approve or deny the reclamation plan submitted under this section in writing in accordance with **sec. 16.20** below for mines that apply for a reclamation permit in conformance with **sec. 12.20** above. Conditional approvals of reclamation plans shall be made according to **sec. 16.50** below and denials of reclamation plans shall be made pursuant to **sec. 17** below. The operator shall keep a copy of the reclamation plan approved under this subsection at the mine site or, if not practicable, at the operator's nearest place of business.

SECTION 14

14.00 Financial Assurance.

14.10 Financial Assurance Requirements. All operators of nonmetallic mining sites in Adams County shall prepare and submit a proof of financial assurance of successful reclamation that meets the requirements of NR 135.40.

14.20 Private Nonmetallic Mines. The operator of any nonmetallic mining site that applies for a reclamation permit in conformance with **sec. 12.20** above shall submit the proof of financial assurance required by **sec. 14.10** above as specified in the reclamation permit issued to it under this Ordinance.

14.30 Public Nonmetallic Mining. The financial assurance requirements of this section do not apply to nonmetallic mining conducted by the State of Wisconsin, a state agency, board, commission or department, or a municipality.

SECTION 15

15.00 Public Notice and Right of Hearing.

15.10 Reclamation Plan Hearing Adams County shall provide public notice and the opportunity for a public informational hearing as set forth in NR 135.20(1) and (2) for any nonmetallic mining site for which a complete reclamation permit application that satisfies **sec. 12** above is received.

15.20 Local Transportation-Related Mines. No public notice or informational hearing is required for a nonmetallic mining reclamation permit issued to a local transportation-related mine pursuant to **sec. 16.30** below.

SECTION 16

16.00 Issuance of a Nonmetallic Mining Reclamation Permit.

16.10 Permit Required. Every operator of a nonmetallic mining site in Adams County who engages in or plans to engage in nonmetallic mining shall obtain a reclamation permit from the Adams County P&Z issued under this section, except for nonmetallic mining sites that are exempt from this Ordinance under **sec. 7.20** above. No person may engage in nonmetallic mining or nonmetallic mining reclamation after September 1, 2001 without a reclamation permit issued pursuant to this Ordinance.

16.20 Permit Issuance. Applications for reclamation permits for nonmetallic mining sites that satisfy **sec. 12** above shall be issued a reclamation permit or otherwise acted on as provided in NR 135.21(2). The permit shall require compliance with a reclamation plan submitted by the applicant that conforms to **sec. 13.10** above and provision by the applicant of financial assurance that conforms with **sec. 14** above payable to Adams County P&Z prior to beginning mining.

16.30 Automatic Permit for Local Transportation-Related Mines. Adams County P&Z shall issue an automatic permit under this subsection for any borrow site operated to provide material for a locally-administered transportation project that meets the criteria in NR 135.23(1)(a). This automatic permit shall be issued according to the provisions of NR 135.23(1)(b) through (j). A reclamation permit is not required under this subsection for nonmetallic mine sites that are operated to provide materials for construction, maintenance and repair of transportation facilities that are subject to the Wisconsin Department of Transportation concerning restoration of the nonmetallic mining site, as provided by Sec.

295.16(1)(c), Wis Stats. Plan review fees may not be assessed for local transportation-related mines permitted under this subsection, and the county or municipality may not assess them an annual fee under Sec 27 below that is greater than allowed by s. NR 135.23(1)(g).

16.40 Expedited Review. Any operator of a nonmetallic mining site may obtain an expedited review of a reclamation permit application by paying the expedited review fee specified in **sec. 26.20** below. The expedited review shall be carried out according to the provisions of NR 135.23(2). Such expedited review shall not waive, shorten or otherwise affect the public notice and right of hearing pursuant to **sec. 15** above.

16.50 Permit Conditions. Permits issued under this section may include conditions as provided in NR 135.21(2). One required condition shall be that new mines shall obtain financial assurance prior to beginning mining pursuant to NR 135.40.

SECTION 17

17.00 Permit Denial. An application for a nonmetallic mining reclamation permit shall be denied if any of the factors specified in NR 135.22 exist.

SECTION 18

18.00 Alternative Requirements.

18.10 Scope of Alternative Requirements Approvable. An operator of a nonmetallic mining site may request an alternative requirement to any reclamation standard established in **sec. 11.00**. Such a request may be made only on the basis of the criteria set forth in NR 135.26(1).

- (1) The nonmetallic mining site, the surrounding property or the mining plan or reclamation plan has a unique characteristic which requires an alternative requirement.
- (2) Unnecessary hardship which is peculiar to the nonmetallic mining site or plan will result unless the alternative requirement is approved.
- (3) Reclamation in accordance with the proposed alternative requirement will achieve the planned post-mining land use and long term site stability in a manner that will not cause environmental pollution or threaten public health, safety or welfare.

18.20 Procedures. The operator of a nonmetallic mining site requesting an alternate requirement in **sec. 18.10** above shall demonstrate all the criteria in NR 135.26(1). This shall be submitted in writing to Adams County Planning and Zoning Department, P.O. Box 187, Friendship, WI 53934

- (1) The operator of a nonmetallic mining site requesting an alternate requirement in **sec. 18.10** above shall demonstrate all the criteria in **sec. 18.10** above. This shall be submitted in writing to the Adams County P&Z.
- (2) A request for an alternative requirement may be incorporated as part of an application to issue or modify a nonmetallic mining reclamation permit. All requests for alternative requirements shall be reviewed by the Adams County P&ZC during a regular posted meeting. The applicant shall provide any and all relevant data and information necessary for the P&ZC to render a decision; such decision shall require a majority vote.
- (3) A public informational hearing regarding the proposed alternative requirements may be requested in writing by a minimum of two or more owners of land within three hundred (300) feet of the boundaries of the parcel(s) of land on which the site is located or from the operator. The fee for such hearing shall be equal to the amount specified in **Addendum A Table 4**. The public notice and public informational hearing shall be executed as set forth below:

(a) PUBLIC NOTICE:

1. When Adams County P&Z receives an application to conduct a public informational hearing, the P&Z shall publish a public notice of the application no later than thirty (30) days after receipt of a complete application that satisfies **sec. 18.10** above.

2. The notice shall briefly describe the mining and reclamation proposed at the nonmetallic mining site. The notice shall be published as a class 2 notice pursuant to Sec. 985.07(2), Wis Stats. in the official newspaper of Adams County. The notice shall mention the opportunity for public hearing pursuant to this section and shall give the location at which the public may review the application and all supporting materials including the proposed alternative requirements to the reclamation plan.
3. Copies of the notice shall be forwarded by Adams County P&Z to the operator and owners of land within three hundred (300) feet of the boundaries of the parcel(s) of land on which the site is located.

(b) HEARING.

1. If the proposed alternative requirements involve zoning-related issues, Adams County P&Z shall provide the opportunity at this hearing to present testimony on such zoning related matters. Adams County LWCD shall consider the zoning-related issues testimony in deciding on the alternative requirements application. The hearing shall be provided as follows:
 - a. This public informational hearing shall be held no sooner than thirty (30) days nor later than sixty (60) days after being requested. The hearing shall be conducted as an informational hearing for the purpose of explaining and receiving comment from affected persons on the nature, feasibility and effects of the proposed alternative requirements.
 - b. The subject matter and testimony at this informational hearing shall be limited to the proposed alternative reclamation requirements of the nonmetallic mine site and related zoning issues.

18.30 Transmittal of Decision on Request for Alternate Requirements. The decision on a request for alternative reclamation requirements shall be in writing to the applicant and shall include documentation of why the alternative requirement was or was not approved.

18.40 Notices to Wisconsin Department of Natural Resources. Adams County P&Z shall provide notice to the Wisconsin Department of Natural Resources as provided in NR 135.26(3)(a).

SECTION 19

19.00 Permit Duration. A nonmetallic mining reclamation permit issued under this Ordinance shall last through operation and reclamation of the nonmetallic mining site, unless suspended or revoked pursuant to **sec. 32.20** below, or as limited under NR 135.27 where the mine operator is not the landowner.

SECTION 20

20.00 Permit Transfer. A nonmetallic mining reclamation permit issued under this Ordinance shall be transferred to a new owner or operator upon satisfaction of the conditions in NR 135.28.

SECTION 21

21.00 Previously Permitted Sites. For any nonmetallic mining site which had a reclamation permit previously issued pursuant to Chapter NR 135, Wisconsin Administrative Code that becomes subject to reclamation permitting authority of Adams County the previously-issued municipal reclamation permit's terms and conditions shall remain in force until they can be modified by Adams County pursuant to **sec. 23.10** below.

SECTION 22

22.00 Review. Any permitting decision or action made by Adams County P&Z under this Ordinance may be reviewed as set forth in NR 135.30.

PART IV – ADMINISTRATION

SECTION 23

23.00 Permit Modification.

23.10 By Adams County. A nonmetallic mining reclamation permit issued under this Ordinance may be modified by Adams County if it finds that, due to changing conditions, the nonmetallic mining site is no longer in compliance with Chapter NR 135, Wisconsin Administrative Code or this Ordinance. Such modification shall be by an order modifying the permit in accordance with **sec. 32** below. This modifying order may require the operator to amend or submit new information regarding application, reclamation, proof of financial assurance or other information needed to ensure compliance with NR 135 or this Ordinance.

23.20 At the Operator's Option. If the operator of any nonmetallic mine that holds a reclamation permit issued under this Ordinance desires to modify such permit or reclamation plan approved under this Ordinance, said operator may request such modification by submitting a written application for modification to the Adams County P&Z. The application for permit or plan modification shall be acted on using the standards and procedures of this Ordinance.

23.30 Required by the Operator. The operator of any nonmetallic mine that holds a reclamation permit issued under this Ordinance shall request a modification of such permit pursuant to NR 135.24 if changes occur to the area to be mined, the nature of the planned reclamation, or other aspects of mining required by the reclamation plan approved pursuant to this Ordinance. Such application for permit modification shall be acted on using the standards and procedures of this Ordinance.

23.40 Review. All actions by Adams County on permit modifications requested or initiated under this section are subject to review under **sec. 22** above.

SECTION 24

24.00 Permit Suspension or Revocation

24.10 Grounds. Adams County P&Z may suspend or revoke a nonmetallic mining reclamation permit issued pursuant to this chapter if it finds any of the grounds listed in NR 135.25(1).

24.20 Procedures. If Adams County P&Z finds grounds for suspending or revoking a nonmetallic mining reclamation permit set forth in **sec. 25.10** below, it may issue a special order suspending or revoking such permit as set forth in **sec. 32.20** below.

24.30 Consequences. The consequences of a reclamation permit suspension or revocation order under **sec. 24.20** above shall be as set forth in NR 135.25(2) and (3).

SECTION 25

25.00 Annual Operator Reporting.

25.10 Contents and Deadline. Annual reports shall be submitted by the operators of nonmetallic mining sites that satisfy the requirements of NR 135.36. 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 Adams County P&Z. Annual reports shall be submitted until reclamation at each nonmetallic mining site is certified as complete under **sec. 29.30** below.

25.20 Inspection in Lieu of Report. Adams County P&Z may, at its discretion, obtain the information required in **sec. 25.10** above by written documentation of an inspection it completes during a calendar year, as set forth in NR 135.36(4).

25.30 Retention of Annual Reports. Annual reports submitted under this section or inspection records that replace them shall be retained by Adams County P&Z for at least 10 years after the calendar year to which they apply at the County Clerks Office. These records, or accurate copies of them, shall be made available to the Wisconsin Department of Natural Resources upon written request or during its inspection or audit activities carried out pursuant to NR 135.

SECTION 26

26.00 Plan Review Fees.

26.10 Amount and Applicability. A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under **sec. 12** above shall submit a non-refundable plan review fee in **Addendum A**. No plan review fee may be assessed under this section for any local transportation-related mine issued an automatic permit under **sec. 16.30** above. A separate plan review fee shall be paid under this section for any modification to an existing reclamation plan submitted pursuant to **sec. 23** above.

26.20 Expedited Plan Review Fee. A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under **sec. 12** above may obtain expedited reclamation plan review by paying a fee in **Addendum A**. Such fee shall be in addition to that required in **sec. 26.10** above.

26.30 Relation to Annual Fee. Any reclamation plan review fee or expedited reclamation plan review fee collected under this section shall be added to and collected as part of the first annual fee collected under **sec. 27** below.

SECTION 27

27.00 Annual Fees.

27.10 Areas Subject to Fees, Procedures, Deadline and Amount. Operators of all nonmetallic mining sites subject to reclamation permits issued under this Ordinance to Adams County P&Z. These fees shall be calculated based on amount of unreclaimed acres of each site, as defined in NR 135.39(1)(a) and according to its provisions. Such fees apply to a calendar year or any part of a year in which nonmetallic mining takes place, until final reclamation is certified as complete under **sec. 29** below. Fees shall be paid no later than January 31 for the previous year.

27.20 Wisconsin Department of Natural Resources Share of Fee. Fees paid under this section shall include a share for the Wisconsin Department of Natural Resources equal to the amount specified in NR 135.39(3). For sites on which no nonmetallic mining has taken place during a calendar year, fees to be paid under this section for the following year shall be **\$15.00**. Adams County P&Z shall forward fees collected under this subsection to the Wisconsin Department of Natural Resources by March 31st of each year.

27.30 Adams County's Share of Fee.

(1) Fees paid under this section shall also include an annual fee due to Adams County that shall be equal to the amount specified in **Addendum A**. For sites on which no nonmetallic mining has taken place during a calendar year, fees to be paid under this section for the year shall be as identified in **Addendum A**. The fee, accompanied by a form provided by Adams County, shall be submitted to the Adams County P&Z.

(2) The annual fee collected by Adams County P&Z under this subsection for local transportation-related mines issued permits under **sec. 16.30** above may not exceed the amounts set forth in **Addendum A** and shall include both a share for the Wisconsin Department of Natural Resources and Adams County P&Z as required by NR 135.23(1)(g).

SECTION 28

28.00 Regulatory Reporting and Documentation.

28.10 Reporting. Adams County P&Z shall send an annual report to the Wisconsin Department of Natural Resources including the information required by NR 135.37 by March 31st for the previous calendar year.

28.20 Documentation. Adams County P&Z shall, to the best of its ability, maintain the information set forth in NR 135.47(3), and make it available to the Wisconsin Department of Natural Resources for that agency's audit of Adams County P&Z's reclamation program pursuant to NR 135.47.

SECTION 29

29.00 Completed Reclamation - Reporting, Certification and Effect

29.10 Reporting. The operator of a nonmetallic mining site may certify completion of reclamation for a portion or all of the nonmetallic mining site pursuant to a reclamation plan prepared and approved pursuant to this Ordinance and Chapter NR 135.

29.20 Reporting of Interim Reclamation. The operator of a nonmetallic mining site may report completion of interim reclamation as specified in the reclamation plan for the site prepared and approved pursuant to this Ordinance and Chapter NR 135. Reporting of interim reclamation shall be done according to the procedures in **sec. 29.10** above.

29.30 Certification of Completed Reclamation. Adams County P&Z shall inspect a nonmetallic mining site for which reporting of reclamation or interim reclamation has been submitted pursuant to this subsection within 60 days of receipt, and make a determination in writing in accordance with NR 135.40(7)(c). If it is determined that interim or final reclamation is complete, including revegetation as specified in a plan that conforms with **sec. 13** above, Adams County P&Z shall issue the mine operator a written certificate of completion.

29.40 Effect of Completed Reclamation. If reclamation is certified Adams County P&Z as complete under **sec. 29.30** above for part or all of a nonmetallic mining site, then:

- (1) No fee shall be assessed under **sec. 27** above for the area so certified.
- (2) The financial assurance required by **sec. 14** above shall be released.

29.50 Effect of Inaction Following Report of Completed Reclamation. If no written response as required by **sec. 29.30** above for an area of the mine site reported as reclaimed or interim reclaimed is given within 60 days of receiving such request, any annual fee paid to Adams County P&Z for it under **sec. 27** above shall be refunded.

SECTION 30

30.00 Permit Termination. When all final reclamation required by a reclamation plan conforming to **sec. 13** above and required by this Ordinance is certified as complete pursuant to **sec. 29.30** above, Adams County P&Z shall issue a written statement to the operator of the nonmetallic mining site, thereby terminating the reclamation permit.

PART V - ENFORCEMENT

SECTION 31

31.00 Right of Entry and Inspection. For the purpose of ascertaining compliance with the provisions of Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, or this Ordinance, any authorized officer, agent, employee or representative of Adams County P&Z may inspect any nonmetallic mining site subject to this Ordinance as provided in Sec 295.17(1), Wis Stats and NR 135.42.

SECTION 32

32.00 Orders and Citations.

32.10 Enforcement Orders. Adams County P&Z may issue orders as set forth in Sec 295.19(1)(a), Wis Stats to enforce Subchapter I of Chapter 295, Wisconsin Statutes, NR 135, a permit issued pursuant to this Ordinance, or a reclamation plan required by **sec. 13** above and a permit issued under this Ordinance. A violation of this Ordinance, an order or permit issued pursuant to this Ordinance or a reclamation plan required by **sec. 13** above and a permit issued under this Ordinance shall be considered a violation of Subchapter I of Chapter 295, Wis Stats and NR 135.

32.20 Special Orders. Adams County P&Z may issue a special order as set forth in Secs 295.19(1) (b) and (c), Wis Stats suspending or revoking a nonmetallic mining reclamation permit pursuant to **sec. 24** above, or directing an operator to immediately cease an activity regulated under Subchapter I of Sec 295, Wis Stats, NR 135, or this Ordinance until the necessary plan approval is obtained.

32.30 Review of Orders. An order issued under **sec. 32.10** or **sec. 32.20** above may be reviewed as provided in NR 135.43(2).

32.40 Citations The Adams County P&Z may issue a citation under Sec. 66.119, Wis Stats. and **sec. 33.00** below to collect forfeitures to enforce Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, a permit issued pursuant to this Ordinance or a reclamation plan required by **sec. 13** above and a permit issued under this Ordinance. The issuance of a citation under this subsection shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this subsection.

32.50 Enforcement. Adams P&Z may submit any order issued under **sec. 32** above to the corporation counsel for enforcement as provided in Sec 295.19(1)(d), Wis Stats.

SECTION 33

33.00 Penalties. Any violation of Subchapter I of Sec 295, Wis Stats, NR 135, this Ordinance, a permit issued pursuant to this Ordinance or a reclamation plan required by **sec. 13** above and a permit issued under this Ordinance may result in forfeitures as provided in Sec 295.19(3), Wis Stats of not less than \$25 or more than \$1000 per violation. Each day of continued violation is a separate offense.