

Town of Pepin
Located in Pepin County, Wisconsin

ORDINANCE # [REDACTED] 7.5

AN ORDINANCE TO IMPOSE A MORATORIUM ON THE CREATION OR EXPANSION OF
NONMETALLIC MINING OPERATIONS IN THE TOWN.

The Town Board of the Town of Pepin hereby ordains as follows:

SECTION 1. Purpose. The purpose of this moratorium is to provide the Town with sufficient time to identify and study the effects of silica sand mining operations on the public health, safety and welfare, then to consider and enact reasonable regulations of such operations, intended to preserve and protect those interests. Study topics shall include but are not limited to the effects of silica sand mining operations on air quality, surface and groundwater quality, and on public infrastructure. A moratorium period will allow the Town to consider enacting regulatory ordinances, to determine the advisability of amending its Comprehensive Plan and to review and consider adopting other police power-based ordinances to effectively regulate silica sand mining operations in the Town as appropriate to preserve and protect the health, safety and general welfare of Town residents, property owners and the general public.

SECTION 2. Findings. The Town Board makes the following findings:

- A. That there is an increased demand nationally for silica sand, used in the hydraulic fracturing process as a means to extract natural gas and oil, and that there may be abundant silica sand deposits in the Town of Pepin.
- B. That there is a recent, increased interest locally that may lead to requests to mine, process

and/or transport silica sand ("frac sand") in the Town.

- C. That unregulated mining and processing operations and transport of frac sand over Town roads could have an adverse impact on air and water quality that could in turn adversely affect the health and safety of Town residents, property owners and public infrastructure in the Town.
- D. That due to the increased demand for frac sand and the resulting potential for proliferation of large and small scale frac sand mining operations in the Town, it is essential that all reasonable and necessary regulations and safeguards be developed and put in place before such mining operations can commence or expand in the Town.

SECTION 3. Moratorium Imposed. To these ends, and pursuant to Wis. Stats. §§ 60.10(2), 60.22(3), 60.23, 60.62, 61.35 and 62.23, the Town Board hereby prohibits the expansion of any existing frac sand mining operation in the Town beyond the physical dimensions identified in an approved reclamation plan on file in Pepin County on the date of adoption of this Ordinance, and further prohibits the creation or commencement of any new frac sand mining operation or any related processing plant in the Town during pendency of this moratorium.

SECTION 4. Duration of Moratorium. The moratorium imposed by this Ordinance shall be in effect until November 30, 2012, unless sooner rescinded by Town Board action. The Town Plan Commission is directed to study the impact of frac sand mining in the Town and to make regulatory and other recommendations to the Town Board by June 30, 2012.

SECTION 5. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

SECTION 6. Effective Date. This Ordinance shall take effect upon its adoption by the Town Board and posting by the Town Clerk in three places.

Action taken by the Town Board of the Town of Pepin on Dec. 19, 2011.

Ayes:

Noes:

Bob Bierstedt

Mike Fitzer

Bruce Peterson

Posted in the following locations in the Town deemed by me to be likely to give notice to the public on

Dec. 20, 2011,

1. Paul & Frans
2. Township building
3. Pepin Post Office

Mailed to the Pepin County Clerk on 12-20, 2011.

Nancy Wolfe, Town Clerk
Nancy A. Wolfe