

**TOWN OF SUMNER ORDINANCE AMENDMENT
No: 2013-02**

**An Ordinance Amending Town Ordinance No: 2012-05
Nonmetallic Mining Ordinance**

The Town Board of the Town of Sumner, Barron County, Wisconsin does ordain as follows:

SECTION I. PURPOSE

The purpose of this ordinance amendment is to add the ability for the Town to enter into a mining agreement with a mining company.

SECTION II. AMENDMENT

Section 1.08 of the ordinance is amended as follows (added language is underlined):

SECTION 1.08 EXCEPTIONS FROM ORDINANCE

- 1) A nonmetallic mining permit is not required from the Town of Sumner for nonmetallic mines in existence prior to the effective date of this ordinance or for the activities listed in Wisconsin Admin Code NR 135.02 (3). However, if a pre-existing nonmetallic mine is expanded after the effective date of this ordinance in a manner that requires a nonmetallic mining reclamation permit from Barron County; the expansion shall be subject to the permitting requirements of this ordinance.
- 2) Any of the provisions of this Ordinance may be modified by the development of a Mining Agreement between the Town and the owner and operator of a nonmetallic mining operation if the Town Board determines that the intent of this Ordinance can be achieved through the use of alternative measures, and that the agreement protects the public health, safety and welfare.

SECTION II. SEVERABILITY

If any provision of this Ordinance or any application of this Ordinance to any person or circumstance is found to be invalid or unconstitutional, such a finding shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION III. EFFECTIVE DATE

This Ordinance shall take effect upon passage and publication as provided by law.

Adopted this 9th day of April, 2013.

TOWN OF SUMNER

Steve Palmquist
Steve Palmquist, Town Chair

Sandra Tomczak
Sandra Tomczak, Town Clerk

Voted for: 3
Voted against: 0
Abstained: 0
Date adopted: April 9, 2013

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