

**TOWN OF CEDARBURG
ORDINANCE NO. 2012-16**

An Ordinance Repealing Chapter 206: Mining, Nonmetallic, of the Town Code of Ordinances, Town of Cedarburg, Wisconsin.

WHEREAS, The Town of Cedarburg is a body corporate and politic; and

WHEREAS, the Town Board exercises village powers by Ch. 61, Wis. Stats.; and

WHEREAS, Chapter 206, known as the Nonmetallic Mining Reclamation Ordinance for the Town of Cedarburg, was originally adopted by the Town Board January 2, 1991 as Title 7, Ch. 10 to establish a local program to ensure the effective reclamation of nonmetallic mining sites on which nonmetallic mining takes place in the Town of Cedarburg in compliance with Ch. NR 135, Wis. Adm. Code, and Wis. Stats; and

WHEREAS, in 2012, the Town Board considered various options pertaining to the maintenance and implementation of a nonmetallic mining reclamation ordinance, and determined it to be in the best interest of the Town to repeal Chapter 206, a voluntary ordinance, and instead allow Ozaukee County to administer the NR 135 Nonmetallic Mining Reclamation Program for the Town of Cedarburg through the County's mandatory reclamation ordinance, as required by Ch. NR 135, Wis. Adm. Code, and Chapter 295, Wis. Stats; and

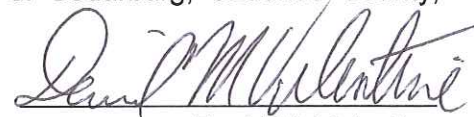
WHEREAS, the Town of Cedarburg will determine the end use of quarries; and

WHEREAS, Town staff has made available all quarry records in order to transfer pertinent documents, permits, financial assurance or any other documentation germane to the Nonmetallic Mining Reclamation Program;

NOW, THEREFORE, BE IT ORDAINED the Town Board of the Town of Cedarburg, Wisconsin, does, by the enactment of this ordinance, formally repeal Chapter 206: Mining, Nonmetallic, of the Town of Cedarburg Code of ordinances. Further, all future permitting of new nonmetallic mine reclamation, modifications to existing reclamation permits and reclamation plans, inspection of mine sites for the purpose of ensuring compliance with the reclamation program, determining success of reclamation and compliance with the uniform statewide reclamation standards, as well as all routine administration the Reclamation Program in the Town of Cedarburg shall henceforth be the responsibility of Ozaukee County, pursuant to Ozaukee County's applicable reclamation ordinance: CHAPTER XI NONMETALLIC MINING RECLAMATION for Ozaukee County. This ordinance shall take effect upon passage by a majority vote of the members-elect of the Town Board and publication or posting as required by law.

PASSED AND ADOPTED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, this 1st day of August, 2012.

Published/Posted: August 2, 2012



David M. Valentine
Town Chairman



Debra Otto
Town Clerk