



Village of Hobart
Village Office 2990 S. Pine Tree Rd, Hobart, WI
www.hobart-wi.org - www.buildinhobart.com

Notice is hereby given according to State Statutes that the **PLANNING AND ZONING COMMISSION** of the Village of Hobart will meet on Wednesday February 9th 2022 **NOTICE OF POSTING:** Posted this 7th day of February, 2022 at the Hobart Village Office, 2990 S. Pine Tree Rd and on the village's website.

MEETING NOTICE – PLANNING AND ZONING COMMISSION

Date/Time: Wednesday February 9th 2022 (5:30 P.M.)

Location: Village Office, 2990 South Pine Tree Road

ROUTINE ITEMS TO BE ACTED UPON:

1. Call to order/Roll Call.
2. Certification of the open meeting law agenda requirements and approval of the agenda
3. Approval of Minutes – January 12th 2022 (Page 2)
4. Public Comment on Non-Agenda Items

ACTION ITEMS

5. DISCUSSION AND ACTION - Rezoning of Parcel HB-550-3, 4758 Forest Road from A-1: Agricultural District to R-6: Multi-Family Residential District (Page 3)

The Applicant, on behalf of their client, is requesting that the property located 4758 Forest Rd. (parcel HB-550-3) be rezoned from A-1: Agricultural District to R-6: Multi-Family Residential District. This property is currently owned by the Village of Hobart and the potential developer has an option to purchase with the Village. (Applicants/Agent: Mau & Associates, LLP/Steve Bieda)

6. DISCUSSION AND ACTION - Modifications/Amendments to the Zoning Ordinance, Chapter 295, Article XVIII, A-1: Agricultural District (Page 7)

Village Staff has recently received an inquiry from a potential developer about the possibility of developing a brewery within the Village with a possible location to be within a more rural setting. When reviewing Chapter 295, Zoning Code, of the Village Municipal Code there is no mention of a brewery or distillery as a permitted or conditional use in any Village zoning district. Village Staff is proposing an amendment to the Chapter 295, Article XVIII, A-1: Agricultural District to allow for a "Brewery / Distillery / Winery" as a conditional use withing the A-1 zoning district.

7. DISCUSSION AND ACTION – Modifications/Amendments to the Zoning Ordinance, Chapter 295 Creating Article XXXIV, Quarry/Mining District, Amending Article XXX, Earth Excavation, and Conditional Uses in Articles VII, IX, and XVIII, and Definitions in Article III (Page 20)

With the operation of an existing quarry (non-metallic mining) and the possibility of additional quarry operations or quarry expansions within the Village, Village Staff and Administration is proposing modifications to the existing Village Zoning Code (Chapter 295) pertaining to such land uses. Proposed modification include the creation of a zoning district for Quarry/Mining District, creation of additional definitions (Article III), modifications to the conditional uses identified in the A-1 (Article XVIII), R-2 (Article VII), and R-4 (Article IX) zoning districts, and modifications to the existing Earth Excavation operations (Article XXX) of the zoning code.

8. ADJOURN

Aaron Kramer, Village Administrator

COMMISSION MEMBERS: Rich Heidel (Chairperson), Dave Dillenberg (Vice-Chairperson), Jeff Ambrosius, Tom Dennee, David Johnson, Bob Ross, John Rather

NOTE: Page numbers refer to the meeting packet. All agenda and minutes of Village meetings are online: www.hobart-wi.org. Any person wishing to attend, who, because of disability requires special accommodations, should contact the Village Clerk-Treasurer at 920-869-1011 with as much advanced notice as possible. Notice is hereby given that action by the Board may be considered and taken on any of the items described or listed in this agenda. There may be Board members attending this meeting by telephone if necessary.



Village of Hobart Planning & Zoning Commission Minutes
Hobart Village Office; 2990 S. Pine Tree Rd, Hobart, WI
Wednesday, January 12, 2022 – 5:30 pm

1. Call to Order, Roll Call:

The meeting was called to order by Rich Heidel at 5:31pm. Roll call: Bob Ross, excused; John Rather, aye; Rich Heidel, aye; Dave Dillenburg, aye; Jeff Ambrosius, aye; Tom Dennee, aye; David Johnson, aye.

2. Verify/Modify/Approve Agenda:

Motion by Rich Heidel, second by Jeff Ambrosius, to approve the agenda as presented. The motion passed unanimously.

3. Approval of Planning & Zoning Minutes:

Motion by Dave Dillenburg, second by Tom Dennee, to approve the November 10, 2021 and January 4, 2022 minutes as presented. The motion passed unanimously.

4. Public Comment on Non-Agenda Items:

None.

5. Consider a two-lot CSM dividing one parcel into two separate parcels of 2.128 acres and 1.473 acres – 3833 Hillcrest Drive (HB-743):

Motion by Tom Dennee, second by David Johnson, to approve the two-lot CSM dividing HB-743 (3833 Hillcrest Dr) into two separate parcels of 2.128 acres and 1.473 acres each as presented with the following conditions:

1. Both lots be rezoned to an appropriate residential district to comply with the minimum lot size
2. Payment of the required Park Fee of \$300.00
3. Resolving the discrepancy between the county map and REL's CSM on the southern boundary

The motion passed unanimously.

6. Consider a request to rezone parcel HB-743, 3833 Hillcrest Drive, from R-2: Residential District to R-2-R: Residential District

Motion by Rich Heidel, second by Jeff Ambrosius, to approve the rezoning of HB-743 (3833 Hillcrest Dr) from R-2: Residential District to R-2-R: Residential District. The motion passed unanimously.

7. Rezoning of Parcels HB-272, HB-279, Orlando Dr, and Parcels HB-406, HB-409, HB-418, HB-419, HB-420, HB-421, HB-422, & HB-424, County Line Rd., Nathan Rd., & S. Overland Rd. from A-2: Exclusive Agricultural District to A-1: Agricultural District

Motion by Rich Heidel, second by Dave Dillenburg, to deny the rezoning of HB-272, HB-279, HB-406, HB-409, HB-418, HB-419, HB-420, HB-421, HB-422, & HB-424 (Orlando Dr, County Line Rd, Nathan Rd, & S Overland Rd) from A-2: Exclusive Agricultural District to A-1: Agricultural District. The motion passed unanimously.

10. Adjourn:

Motion by Rich Heidel, second by Jeff Ambrosius, to adjourn. The motion passed unanimously. Meeting adjourned at 6:07pm.



TO: Planning & Zoning Commission

RE: Rezoning of Parcel HB-550-3, 4758 Forest Rd. from A-1: Agricultural District to R-6: Multi-Family Residential District

FROM: Todd Gerbers, Director of Planning & Code Compliance

DATE: February 9, 2022

ISSUE: Consider a request to rezone parcel HB- 550-3, 4758 Forest Rd. from A-1: Agricultural District to R-6: Multi-Family Residential District

RECOMMENDATION: Staff recommends approval

GENERAL INFORMATION

1. Applicants/Agent: Mau & Associates, LLP (Steve Bieda)
2. Owner: Village of Hobart
3. Parcel: HB-550-3
4. Current Zoning: A-1: Agricultural District
5. Proposed Zoning: R-6: Multi-Family Residential District

ZONING REQUIREMENTS

The Applicant, on behalf of their client, is requesting that the property located 4758 Forest Rd. (parcel HB-550-3) be rezoned from A-1: Agricultural District to R-6: Multi-Family Residential District. This property is currently owned by the Village of Hobart and the potential developer has an option to purchase with the Village.

The developer had originally planned to develop the property to more of a business setting (possibly an office space), but with the down turn in the economy and the start of more people working from home, the demand for office space has greatly declined. The developer was forced to switch directions and is now looking to build some multi-family development on this property. Since it is not located within the PDD#1 zoning district, the property would need to be rezoned to R-6: Multi-Family Residential District to permit the construction of multi-family buildings. The property would be compliant with Village requirements for both lot width and lot square footage to be zoned R-6 as the lot size is based on the proposed number of dwelling units.

RECOMMENDATION/CONDITIONS

Staff recommends approval as submitted to rezone parcel HB-550-3 from A-1: Agricultural District to R-6: Multi-Family Residential District.



- Rezoning Review**
- Conditional Use Permit Review**
- Planned Development Review**
- CSM/Plat Review**

Village of Hobart
 Dept of Neighborhood Services
 2990 S Pine Tree Rd
 Hobart WI 54155
 Phone: (920) 869-3809
 Fax (920) 869-2048

APPLICANT INFORMATION

Petitioner: Steve Bieda Date: 1/28/2022
 Petitioner's Address: 400 Security Blvd. City: Green Bay State: WI Zip: 54313
 Telephone #: (920) 434-9670 Fax: () _____ Other Contact # or Email: sbieda@mau-associates.com

Status of Petitioner (Please Check): Owner Representative Tenant Prospective Buyer

Petitioner's Signature (required): _____ Date: _____

OWNER INFORMATION

Owner(s): Village of Hobart Date: 1/28/2022
 Owner(s) Address: 2990 S Pine Tree Road City: Hobart State: WI Zip: 54155
 Telephone #: (920) 869-1011 Fax: () _____ Other Contact # or Email: _____

Ownership Status (Please Check): Individual Trust Partnership Corporation

Property Owner Consent: (required)

By signature hereon, I/We acknowledge that Village officials and/or employees may, in the performance of their functions, enter upon the property to inspect or gather other information necessary to process this application. I also understand that all meeting dates are tentative and may be postponed by the Neighborhood Services Department for incomplete submissions or other administrative reasons.

Property Owner's Signature: _____ Date: _____

SITE INFORMATION

Address/Location of Proposed Project: 4758 Forest Road Parcel No. HB-550-3

Proposed Project Type: Rezone to R-6

Current Use of Property: Residential Zoning: A-1

Land Uses Surrounding Site: North: Agriculture

South: Residential

East: Residential / vacant land

West: Residential / vacant land

****Please note that a meeting notice will be mailed to all abutting property owners regarding your request prior to any Public Hearing.**

- **Application fees are due at time of submittal. Make check payable to Village of Hobart.**
- **Please refer to the fee schedule for appropriate fee. FEE IS NON-REFUNDABLE**

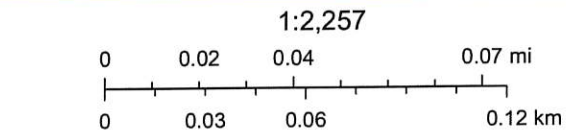
Village of Hobart Zoning



2/4/2022, 1:00:03 PM

- Zoning
- R-2-R: Rural Residential District
 - R-1: Residential District
 - A-1: Agricultural District
 - R-2: Residential District
 - B-1: Community Business District











Proposed
 A-1 - R-6



Brown County, Robert E. Lee & Associates, Inc.

Part of Brown County WI

LEGEND / KEY

-  Parcel Boundary
-  Condominium
-  Gap or Overlap
-  "hooks" indicate parcel ownership crosses a line
-  Parcel line
-  Right of Way line
-  Meander line
-  Lines between deeds or lots
-  Historic Parcel Line
-  Vacated Right of Way

SC-190-2 Parcel ID Number
 2880257 Document Number
 0.814 AC Area of parcel
 279.8' Line Distance
 3547 Address

A complete map legend (map key) is available at:
<https://tinyurl.com/BrownDogKey>

Map printed
 2/4/2022



1:1,800

1 inch = 150 feet*

1 inch = 0.0284 miles*

*original page size is 8.5" x 11"
 Appropriate format depends on zoom level

This is a custom web map created by an online user of the GIS map services provided by the

**Brown County Wisconsin
 Planning & Land Services
 Department**



(920) 448-6480

maps.gis.co.brown.wi.us





TO: Planning & Zoning Commission

RE: Modifications/Amendments to the Zoning Ordinance, Chapter 295, Article XVIII, A-1: Agricultural District

FROM: Todd Gerbers, Director of Planning & Code Compliance

DATE: February 9, 2022

ISSUE: Discussion and action on modifications/ amendments to the Zoning Ordinance, Chapter 295, Article XVIII, A-1: Agricultural District

RECOMMENDATION: Staff recommends approval.

GENERAL INFORMATION

Village Staff has recently received an inquiry from a potential developer about the possibility of developing a brewery within the Village with a possible location to be within a more rural setting. When reviewing Chapter 295, Zoning Code, of the Village Municipal Code there is no mention of a brewery or distillery as a permitted or conditional use in any Village zoning district. Village Staff is proposing an amendment to the Chapter 295, Article XVIII, A-1: Agricultural District to allow for a “Brewery / Distillery / Winery” as a conditional use within the A-1 zoning district.

With there not being a true “commercial district” or area within the Village (other than the Centennial Centre area), Staff struggled with identifying a zoning district that would be applicable while adhering to the practice of not spot zoning. Therefore, it was determined by Staff to recommend placing such a use as a conditional use within the A-1 zoning district.

Along with creating the “Brewery / Distillery” as a conditional use, Staff is recommending the removal of “Airfields, Airports, and heliports” from the conditional uses within the A-1 district. The recently created A-3 zoning district now allows such related airport uses as permitted uses in that new district.

This proposed amendment was before the Commission back in November 2021 at which time the amendments were sent back to Staff to check other municipalities to see how they addressed breweries, distilleries, and wineries in rural settings. Staff researched seven different establishments and checked with the municipalities where they are located and cross-referenced the municipal ordinances. Of those seven establishments, only two were found to be covered by a zoning ordinance with regulates to breweries and both of those were listed as a conditional use in an agricultural district. Three of the municipalities did not reference breweries in their zoning ordinance, and two locations did not even have a zoning ordinance noted. Most establishments researched were located in an older barn that was converted to a small brew pub and not in a new commercial structure.

RECOMMENDATION/CONDITIONS

Staff recommends approval of modifications to Chapter 295, Article XVIII, A-1: Agricultural District of the Village Zoning Code as submitted

§ 295-196. Purpose.

Lawful uses which are pursuant to the preservation of prime agricultural land for continual farming and which are performed in a manner consistent with the requirements of this article shall be permitted in all A-1 Districts.

§ 295-197. Applicability.

The following regulations shall apply in A-1 Districts.

§ 295-198. Permitted uses.

The following uses are permitted in the A-1 District:

- A. Agriculture, dairying, floriculture, forestry, general farming, grazing, nonretail greenhouses, hatcheries, horticulture, livestock raising other than those listed in § 295-201G, nurseries, orchards, paddocks, pasturage, poultry raising, riding academics and stables, truck farming, game farms, wildlife sanctuaries and game preserves.
- B. Agricultural warehouses.
- C. Commercial feedlots and stock farms.
- D. Parks, recreation sites and golf courses.
- E. Satellite dish antennas less than 38 inches in diameter.
- F. Single-family dwellings.

§ 295-199. Permitted accessory uses.

The following are permitted accessory uses in the A-1 District:

- A. Additional accessory structures necessary for the continuance of the farming operation.
- B. Home occupations.
- C. Private garages, carports, and driveways.
- D. Private swimming pools.
- E. Tool houses, sheds and other similar buildings used for the storage of common supplies.
- F. Telephone and public utility installations, and cable television installations.

§ 295-200. Conditional uses.

The following are conditional uses in the A-1 District:

- ~~A. Airfields, airports, and heliports.~~

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§ 295-200

~~B.A.~~ Artificial lakes, ponds, farm ponds.~~C.B.~~ Bed-and-breakfast establishments.~~D.C.~~ Brewery / Distillery / Winery establishment~~E.D.~~ Cable television installations.~~F.E.~~ Cemeteries.~~G.F.~~ Colleges, universities.~~H.G.~~ Commercial raising of dogs, foxes, goats, hogs, mink, and rabbits.~~I.H.~~ Landscape, tree farms.~~J.I.~~ Public, parochial and private, elementary, junior high and senior high schools.~~K.J.~~ Quarries, sand and gravel pits.~~L.K.~~ Religious institutions in the form of convents, seminaries, monasteries, churches, chapels, temples, synagogues, rectories, parsonages, and parish houses.~~M.L.~~ Roadside stands, provided the structure does not cover more than 300 square feet in ground area and does not exceed 10 feet in height.~~N.M.~~ Satellite dish antennas larger than 38 inches and less than 12 feet in diameter.~~O.N.~~ Stockyards and fur farms.~~P.O.~~ Solid-fuel-fired heating devices.~~Q.P.~~ Public utility and service uses, and civic buildings, as follows:

- (1) Substations.
- (2) Fire stations.
- (3) Gas regulator stations.
- (4) Police stations, public works facilities.
- (5) Railroad right-of-way, but not including railroad yards and shops, other than for passenger purposes.
- (6) Telephone exchanges, transmission equipment buildings and microwave relay towers.

~~R.Q.~~ Other business types that may be approved by the Village Board after receiving a recommendation from the Planning and Zoning Commission.**§ 295-201. Lot requirements.**

A. Area: five acres minimum.

§ 295-202

B. Zoning lot frontage: 200 feet minimum.

§ 295-202

§ 295-208

§ 295-202. Height regulations.

A. Farm structures: 60 feet maximum.¹

(1) Silos may exceed 60 feet upon Zoning Administrator/Building Inspector approval.

B. Residential dwellings: 35 feet maximum.²

§ 295-203. Building setbacks.

	Principal Structure	Accessory Building	Driveways
Front yard	40 feet minimum from right-of-way	40 feet minimum from right-of-way	10 feet from property line
Side yard	25 feet minimum	25 feet minimum	10 feet from property line
Rear yard	25 feet minimum	25 feet minimum	10 feet from property line
Corner lot	40 feet minimum from right-of-way	40 feet minimum from right-of-way	150 feet from center line of intersection

§ 295-204. Building size.

Minimum size of residential dwelling shall be 1,200 square feet for a single family.

§ 295-205. Accessory buildings.

Accessory uses shall conform to district requirements and those set forth in § 295-11, Building and uses.

§ 295-206. Parking.

Parking shall conform to the requirements as set forth in Article XXVIII, Off-Street Parking Requirements.

§ 295-207. Signs.

Signs shall be regulated as set forth in § 295-361, Regulation of signs.

§ 295-208. Other requirements.

Other structures or buildings allowed within the A-1 District shall meet the requirements of the district and remaining articles of this chapter as determined by the Village Zoning Administrator/Building Inspector.

A. Absent a permit for a special occasion, businesses may not be open to the public

1. Note: Except as provided by § 295-13, Height regulations.

2. Note: Except as provided by § 295-13, Height regulations.

§ 295-208

§ 295-208

between the hours of 2:30 a.m. and 6:00 a.m. This provision does not apply to emergency type facilities.

New definition in the zoning code

Chapter 295-8 Definitions

BREWERY

An establishment or facility that manufactures fermented malt beverages for sale or transportation and has a permit under § 125.29, Wis. Stats. A brewery may operate an off-site retail outlet, subject to the requirements of § 125.29, Wis. Stats., and all requirements of the Hudson City Code. A brewery does not include a permittee under § 125.295, Wis. Stats. (Brewpub)

DISTILLERY

An establishment or facility that manufactures intoxicating liquor on the premises and has been issued a manufacturer's permit under § 125.52, Wis. Stats.

WINERY

An establishment or facility that manufactures and bottles wine on the premises for sale to wholesalers and has a permit issued under § 125.53, Wis. Stats.

A-4 Agricultural-related manufacturing, warehousing and marketing district. The primary purpose of this district is to provide for the proper location and regulation of manufacturing, warehousing, storage, and related industrial and marketing activities that are dependent upon or closely allied to the agricultural industry.

(1) *Principal uses.*

- a. Fruit store.
- b. Grape growing.
- c. Production of sausages and other meat products providing that all operations be conducted within an enclosed building.
- d. Vegetable store.
- e. Veterinarian facility.
- f. Commercial feed lot.
- g. Commercial egg production.
- h. Livestock Facility.

(2) **Conditional uses.**

- a. Contract sorting, grading and packaging services for fruits and vegetables.
- b. Corn shelling, hay baling, and threshing activities.
- c. Bottling of spring water.
- d. Grist mill services.
- e. Horticultural services.
- f. Poultry hatchery services.
- g. Production of animal and marine fat and oils.
- h. Canning of fruits, vegetables, preserves, jams, and jellies.
- i. Canning of specialty foods.
- j. Preparation of cereals.
- k. Production of natural and processed cheese.
- l. Production of chocolate and cocoa products.
- m. Coffee roasting and production of coffee products.
- n. Production of condensed and evaporated milk.
- o. Wet milling of corn.
- p. Cottonseed oil milling.
- q. Production of creamery butter.
- r. Drying and dehydrating fruits and vegetables.
- s. Preparation of feeds for animals and fowl.
- t. Production of flour and other grain mill products.
- u. Blending and preparing of flour.
- v. Fluid milk processing.
- w. Production of frozen fruits, fruit juices, vegetables and other specialties.
- x. Malt production.
- y. Meat packing.
- z. Fruit and vegetable pickling, vegetable sauces and seasoning, and salad dressing preparation.
- aa. Poultry and small game dressing and packing providing that all operations be conducted within an enclosed building.
- bb. Milling of rice.
- cc. Production of shortening, table oils, margarine and other edible fats and oils.
- dd. Milling of soy bean oil.
- ee. Milling of vegetable oil.
- ff. Sugar processing and production.
- gg. Production of wine, brandy, and brandy spirits.

Walworth County
Town of Sugar Creek
Duesterbeck's Brewing Co.

- hh. Livestock sales facilities.
 - ii. Grain elevators and bulk storage of feed grains.
 - jj. Fertilizer production, sales, storage, mixing, and blending.
 - kk. Sales or maintenance of farm implements and related equipment.
 - ll. Transportation related activities primarily serving the basic agricultural industry.
- mm. Living quarters for watchman or caretaker.
- nn. Off-season storage or mini-warehouse facilities.
- oo. Animal hospitals, shelter, and kennels.
- pp. Land restoration.
- qq. Directional signs (exceeding three).
- rr. Sewage disposal plants.
- ss. Airports, airstrips and landing fields.
- tt. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park-and-ride facilities.
- uu. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- vv. Schools and churches.
- ww. Contractor storage yards.
- xx. Production, packing, packaging, and light assembly of products from furs, glass, metals, paper, leather, plaster, plastics, textiles and wood.
- yy. Composting.
- zz. Commercial greenhouses.
- aaa. Flea markets.
- bbb. Commercial stables.
- ccc. Commercial stables with horse shows.
- ddd. Retail sales related to those agricultural uses listed in A-4. The retail sales of ancillary non-agricultural items is subject to detailed plan approval by the Committee.
- eee. Farm food service. The retail sales of ancillary non-agricultural items and agricultural items not produced on the farm are subject to detailed plan approval by the Committee.
 - fff. Processing agricultural products.
 - ggg. Hobby farms.
 - hhh. **Microbrewery.**

(3) *Area, height and yard requirements.*

EXPAND

Lot	Area	Minimum, sufficient area for the principal structure and its accessory buildings, all required yards, and off-street parking and loading as required by section 74-203 of this ordinance
Building	Height	Maximum 70 feet

Yards	Rear	Minimum 75 feet except structures used for the housing of animals and livestock facility structures for less than 1,000 animal units must comply with 74-172
	Side	Minimum 75 feet except structures used for the housing of animals and livestock facility structures for less than 1,000 animal units must comply with 74-172
Street:		
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and Federal highways (not including freeways)	Minimum 85 feet
	Shore	Minimum 75 feet
Livestock structures for 1,000 or more animal units		See section 74-172

Jefferson County
 Town of Milford (near Waterloo)
 Hubbleton Brewing Co.

p. Retailing as an adjunct to a principal or conditional use allowed in this district.

Accessory Uses. Local utilities. [12/21/82, Ord. No. 11]

Conditional Uses. [12/21/82, Ord. No. 11]

- a. Retailing that is freestanding -- that is, not adjunct to a manufacturing operation.
- b. Meat products.
- c. Mining, including exploration and testing preparatory to mining, milling, and processing of mined materials.
- d. Paper mills.
- e. Chemical and allied products.
- f. Petroleum refinery and related industries.
- g. Concrete products.
- h. Primary metal industries.
- i. Ordnance works.
- j. Generation of electrical power.
- k. Manufacturing and distribution of gas.
- l. Dumps or landfills.
- m. Salvage yards; junkyards.
- n. Storage or processing of industrial wastes.

Minimum Lot Area. Sewered - 8,000 square feet, except Shoreland Area which shall be 10,000 square feet. Unsewered - Appendix A, plus any additional requirements of COMM 83.

Minimum Width. Eighty (80) feet.

Minimum Depth. Sewered - 80 feet. Unsewered - 150 feet.

Minimum Yards. Front - Section 11.07(d)2. One half (1/2) the height of the structure for side and rear. [Ord. No. 2013-31, 03-11-2014]

Maximum Building Height. Three (3) stories or thirty-five (35) feet.

5. A-T AGRICULTURAL TRANSITION [title - 2/14/84, Ord. No. 83-20; am. 2/8/00, 99-28; 03/13/12, Ord. 2011-28]

Purpose. To preserve for an unspecified time period in agricultural and open space land use those lands generally located in proximity to developed areas within Jefferson County where future development is in keeping within town, city, village, and/or county plans, and located within 15 Year Growth Areas as described in the Jefferson County Agricultural Preservation and Land Use Plan. [am. 2/8/00, Ord. No. 99-28; 10/09/01, Ord. No. 2001-16; 11/12/02, Ord. No. 2002-25; 3/13/12, Ord. 2011-28]

Principal Uses.

- a. Agriculture, subject to the limitations under subs. (p) through (r) below. [am. 3/13/12, Ord. 2011-28]
- b. Horticulture.
- c. Dairying, subject to the limitations under subs. (p) through (r) below. [am. 3/13/12, Ord. 2011-28]
- d. Beekeeping.
- e. Livestock raising, subject to the limitations under subs. (p) through (r) below. [am. 3/13/12, Ord. 2011-28]
- f. Hatching of fowl, subject to the limitations under subs. (p) through (r) below. [am. 3/13/12, Ord. 2011-28]
- g. Nursery.
- h. Greenhouse.

- i. Stable, agricultural. [am. 3/13/12, Ord. 2011-28]
- j. Truck farm.
- k. Forest management.
- l. Game farm.
- m. Hunt club.
- n. Roadside stand for the sale of products grown or produced on the premises.
- o. Existing dwellings built before January 15, 1975, and their replacements, as long as the replacement dwelling is placed within 100 feet of the existing dwelling, unless otherwise reviewed and approved by the Planning and Zoning Committee. [am. 3/13/12, Ord. 2011-28]
- p. Feedlot for 150 livestock units or less, ATCP 51 regulated livestock facilities for more than 150 animal units are not permitted in the A-T district [see Section 11.05(d)2]. [am. 3/13/12, Ord. 2011-28]
- q. Fowl and poultry farm housing 10,000 birds or less, ATCP 51 regulated poultry farms housing more than 10,000 birds are not permitted in the A-T district [see Section 11.05(d)2]. [am. 3/13/12, Ord. 2011-28]
- r. On parcels with less than 35 acres of contiguous land, only one animal unit per acre, with a minimum of 2 acres required.
- s. County parks – uses permitted under the County Parks Ordinance. [Ord. No. 2012-13, 09-11-2012] [9/8/81, Res. No. 81-87; am. 10/09/01, Ord. No. 2001-16; 2/8/00, Ord. No. 99-28; 10/09/01, Ord. No. 2001-16; 1/12/02, Ord. No. 2002-25; 09/11/06, Ord. 2006-15; lettered & am. 3/13/12, Ord. 2011-28]

Accessory Uses.

- a. Essential services.
- b. Accessory uses as listed in the A-3 zoning district, with the exception of sub. g. for existing and/or replacement dwellings. [am. 3/13/12, Ord. 2011-28]
- c. A parcel of land zoned A-T can contain and is not limited to equipment used in different types of farming activities at the particular location or on other A-T zoned lands owned or leased by the owners of the parcel in question. This includes construction equipment used in the farming activities; machinery and equipment used in the housing and care of livestock or agricultural production; storage units and associated equipment; feed storage areas such as bunker or pit silos; other such materials as may be employed in the day-to-day operation of agricultural activities, whether or not these items were originally intended for such purposes. Also included is up to three (3) semi-trailers or truck boxes if used for storage of agricultural equipment, supplies or products on A-T zoned property of 35 or more contiguous acres (for the purpose of this provision, a road shall not be considered a divider.) Normal setbacks and permits shall apply to these trailers and truck boxes used as storage units. Greater than three (3) semi-trailers or truck boxes utilized for storage shall require a conditional use permit. This section does not apply to licensed semi-trailers that are located on the property for the regular transport of agricultural goods and supplies produced on the particular farm. [4/16/85, Ord. No. 84-4; am. 2/8/00, Ord. No. 99-28; 9/11/06, Ord. 2006-15; 01/10/06, Ord. No. 2005-40; lettered 3/13/12, Ord. 2011-28]

Conditional Uses.

- a. Commercial raising of fish. [lettered 3/13/12, Ord. 2011-28]
- b. Home occupation, conditional. [created 3/13/12, Ord. 2011-28]
- c. Fur farm. [lettered 3/13/12, Ord. 2011-28]
- d. Public and semi-public uses [see Section 11.05(b)] except those uses listed in Section 11.05(b)1. [lettered 3/13/12, Ord. 2011-28]
- e. Private agri-related airstrips. [lettered 3/13/12, Ord. 2011-28]
- f. Greater than three (3) semi-trailers or truck boxes utilized for storage of agricultural equipment, supplies or products on A-T zoned property of 35 or more contiguous acres (for the purpose of this provision, a road shall not be considered a divider.) [lettered & amended 3/13/12, Ord. 2011-28]
- g. Non-metallic mineral extraction use that meets the requirements of Section 11.05(c). [lettered & amended 3/13/12, Ord. 2011-28]

- h. Public recreational use. [lettered & amended 3/13/12, Ord. 2011-28]
 [am. 12/21/82, Ord. No. 11; 10/09/01, Ord. No. 2001-16; 2/8/00, Ord. No. 99-28; 11/12/02, Ord. No. 2002-25; 01/10/06, Ord. No. 2005-40; 09/11/06, Ord. 2006-15; am. & re-lettered 3/13/12, Ord. 2011-28]

These conditional uses are associated with **adaptive reuse of barns** as defined in the ordinance. Existing pre-1970 barns with a limitation for additions of no more than 25 percent of the existing footprint and no more than 25 percent replacement, modification or repair of existing structural members. However, as part of the conditional use process the Planning and Zoning Committee may consider replacement, modification or repair of the existing barn that exceeds this limitation if it meets the purpose and intent of this section. In addition, the limitations of Section 11.09 still apply. As a condition of approval, the barn conversion shall meet all applicable Federal, State and Local Codes for the conversion to a public building and place of employment. Notice of approval from the State of Wisconsin shall be submitted to the Zoning Department prior to issuance of the Zoning and Land Use permit which is required for conversion of use. [Ord. No. 2013-30, 03-11-2014]

i. Winery, tasting room, store

- j. Antiques store
 - k. Farm store
 - l. Repair shop, machinery repair, auto repair, equipment repair, small engine repair
 - m. Garden center with store
 - n. Recreation facility
 - o. Office space
 - p. Recycling facility
 - q. Conference center, banquet hall, event facility
 - r. Storage – mini storage, personal storage
 - s. Classroom, educational facility, art studio
 - t. Tourist rooming house – would count as a residence under the A-3 regulations
 - u. Butcher shop, food processor
 - v. Eating and drinking place
- [Ord. No. 2013-30, 03-11-2014]

Minimum Lot Area. Thirty-five (35) acres with the following exceptions:

- (1) A one (1) acre to five (5) acre lot for farm consolidation for an existing residence and associated accessory structures is permitted if the residence in question was constructed prior to the enactment of the January 15, 1975 Zoning Ordinance and existed on or after this date even if subsequently replaced with a newer home and the parcel remaining contains a minimum of thirty-five (35) contiguous acres. Between three (3) and five (5) acres shall be considered by the Planning and Zoning Committee, at a regularly scheduled Committee meeting, if necessary to accommodate existing driveways and/or existing structures, and if the town board approved the preliminary certified survey map. All provisions of the A-3 Agricultural/Rural Residential District are applicable to the farm consolidation parcel created.
 - (2) Parcels of less than thirty-five (35) acres which existed prior to January 15, 1975.
 - (3) Parcels of less than thirty-five (35) acres which are a result of a zoning district amendment to the official Zoning Map of Jefferson County. A-T zoned lands transferred from a parcel of record after February 8, 2000, shall not be used to create A-3 lots or in the calculation of the number of A-3 lots available.
- [Resolution No. 80-126 adopted 2/10/81, effective 3/10/81; am. 2/8/00, Ord. No. 99-28; 10/14/08, Ord. 2008-20; re-lettered & amended 3/13/12, Ord. 2011-28]

Minimum Width. Two hundred (200) feet.

Minimum Depth. Two hundred (200) feet.

Minimum Frontage. All lots shall front on a public road for a minimum distance of at least sixty-six (66) feet. Access to the lot shall be provided within this frontage. [cr. 3/13/12, Ord. 2011-28]

Minimum Yards. Front - Section 11.07(d)2. Rear - 20 feet. [Amended 09-11-06, Ord. 2006-15] Side (9-9-81, Res. No. 81-87.) - 20 feet each, providing that agricultural structures do not exceed in height twice their distance from the nearest lot line. [am. 9/8/81, Res. 81-87; 9/11/06, Ord. 2006-15; am. 3/13/12, Ord. 2011-28]

Maximum Building Height. Thirty-five (35) feet, except see Section 11.07(a)2 for height standards for agricultural structures. [am. 3/13/12, Ord. 2011-28]

6. A-1 EXCLUSIVE AGRICULTURAL [cr. 3/13/12, Ord. 2011-28]

Purpose. The long range goal for agricultural land use within Jefferson County is to preserve the most valuable of all resources—fertile land for agricultural pursuits—and to protect the land best suited for farming from premature urbanization. The A-1 Exclusive Agricultural district is intended to promote continued agricultural uses on the best quality agricultural land; protect and encourage long-term investments in food, fiber, and other resource-related production; be a state-certified farmland preservation zoning district to maintain property owner eligibility in the State’s farmland preservation tax credit program in conjunction with the Agricultural Preservation and Land Use Plan; preserve rural character and manage nonfarm development; and provide reasonable opportunities for agriculturally-related businesses and home occupations. The Exclusive Agricultural zoning district may be utilized only in areas designated as Agricultural Preservation Areas within the Jefferson County Agricultural Preservation and Land Use Plan. Rezoning out of the A-1 district may occur only after the County Planning and Zoning Committee conducts a public hearing and makes findings as specified in §91.48(1) of the Wisconsin Statutes, as articulated in Section 11.11(c) of this Ordinance. Rezoning to the A-3 district under the associated policies of that district and the Agricultural Preservation and Land Use Plan is the only way that new housing may be built on lands currently zoned A-1, except for replacement of certain farm residences as authorized by this section.

Permitted Principal Uses.

- a. Agricultural use, subject to the following limitations:
 1. Each feedlot may not exceed 150 livestock units [see Section 11.05d(1) non ATCP-regulated facility].
 2. Each fowl or poultry farm shall house 10,000 birds or less [see Section 11.05d(1) non ATCP-regulated facility].
 3. Each ATCP 51 regulated livestock facility shall have 150 animal units or less [see Section 11.05d(2)].
- b. Undeveloped natural resource or open space area.
- c. Transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place, or that is authorized to be located in a specific place under a state or federal law that preempts the requirement for a conditional use permit.

Permitted Accessory Uses.

- a. Existing farm residence built before January 15, 1975 or its replacement, as long as the replacement farm residence is placed within 100 feet of the residence built before January 15, 1975, unless otherwise approved by the Planning and Zoning Committee.
- b. Accessory residential structure to a farm residence listed under sub. a above.
- c. Agricultural accessory structure.
- d. Stable, agricultural.
- e. Home occupation, accessory.

Conditional Uses.

- a. Agricultural use that exceeds one or more of the limitations under the Agricultural Use listing in the Principal Uses section above, including:
 1. A feedlot for more than 150 livestock units [see Section 11.05d(1) non ATCP-regulated facility].



TO: Planning & Zoning Commission

RE: Modifications/Amendments to the Zoning Ordinance, Chapter 295 Creating Article XXXIV, Quarry/Mining District, Amending Article XXX, Earth Excavation, and Conditional Uses in Articles VII, IX, and XVIII, and Definitions in Article III

FROM: Todd Gerbers, Director of Planning & Code Compliance

DATE: February 9, 2022

ISSUE: Modifications/Amendments to the Zoning Ordinance, Chapter 295 Creating Article XXXIV, Quarry/Mining District, Amending Article XXX, Earth Excavation, and Conditional Uses in Articles VII, IX, and XVIII, and Definitions in Article III

RECOMMENDATION: Staff recommends approval.

GENERAL INFORMATION

With the operation of an existing quarry (non-metallic mining) and the possibility of additional quarry operations or quarry expansions within the Village, Village Staff and Administration is proposing modifications to the existing Village Zoning Code (Chapter 295) pertaining to such land uses. Proposed modification include the creation of a zoning district for Quarry/Mining District, creation of additional definitions (Article III), modifications to the conditional uses identified in the A-1 (Article XVIII), R-2 (Article VII), and R-4 (Article IX) zoning districts, and modifications to the existing Earth Excavation operations (Article XXX) of the zoning code.

Currently a quarry (more notably known as a non-metallic mine, but for easy of typing, I will refer to it as a quarry in this agenda item) and both sand and/or gravel pits are listed to be the same in the existing zoning code. A quarry is for the extraction of limestone, dolomite, slate, and other similar materials where blasting is often utilized as part of the extraction process. A sand and/or gravel pit generally consists of materials that are loosely packed and can be extracted by use of digging equipment. Therefore, it is necessary to separate these different types of operations.

First item we have to do is create definitions for the quarry and sand and/or gravel pits uses so they match with the correct zoning district. Then a new zoning district is proposed specifically for a quarry/mining, non-metallic that not only lists the various uses and lot requirements, but also connects the existing Mining, Non-Metallic code (Chapter 194) and the Explosives and Blasting code (Chapter 156) to this new district. Also, the existing Earth Excavation code (Article XXX of the zoning code) needs to be amended to separate the quarry operations from the sand and/or gravel pits along with additional modifications to hours of operation and some other minor changes. Lastly, since a "quarry" was listed as conditional uses in the zoning districts of A-1, R-2, and R-4, these sections need to be amended to clear up the verbiage for the conditional uses listed.

Village Staff looks forward to an open dialogue on this topic and hopes to get the direction from the Commission with any modifications that come from the discussion to move the additions and amendments contained herein to the Village Board for a public hearing in the near future.

RECOMMENDATION/CONDITIONS

Staff recommends approval of modifications and amendments to the Village Zoning Code, Chapter 295 creating Article XXXIV, Quarry/Mining District, amending Article XXX, Earth Excavation, and Conditional Uses in Articles VII (A-1 District), IX (R-2 District), and XVIII (R-4 District), and Definitions in Article III of the Village Zoning Code as submitted in Ordinance 2022-03



ORDINANCE 2022-03

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE VILLAGE OF HOBART, SPECIFICALLY A PORTION OF SECTION 8 (DEFINITIONS) OF ARTICLE III (TERMINOLOGY) OF CHAPTER 295 (ZONING), SECTION 42 (CONDITIONAL USES) OF ARTICLE VII (R-2 RESIDENTIAL DISTRICT) OF CHAPTER 295 (ZONING), SECTION 68 (CONDITIONAL USES) OF ARTICLE IX (R-4 SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT) OF CHAPTER 295 (ZONING), SECTION 200 (CONDITIONAL USES) OF ARTICLE XVIII (A-1 AGRICULTURAL DISTRICT) OF CHAPTER 295 (ZONING); TO RECREATE ARTICLE XXX (EARTH EXCAVATION) OF CHAPTER 295 (ZONING); AND TO CREATE SECTION XXXIV (QUARRY/MINING DISTRICT) OF CHAPTER 295 (ZONING)

* * *

Purpose: The purpose of this Ordinance is to amend the current code to define sand or gravel pits, and quarries, and to establish a new zoning district to regulate quarry operations in the Village.

* * *

The Village Board of the Village of Hobart, Brown County, Wisconsin, does ordain as follows:

Section 1: A portion of Section 8 (Definitions) of Article III (Terminology) of Chapter 295 (Zoning) of the Code of the Village of Hobart, is hereby amended to read as follows:

§ 295-8. Definitions.

SAND OR GRAVEL PIT

A parcel of land used primarily for the extraction of sand, gravel, clay, silt, loam, muck, dirt, soil, and similar materials which are processed and sold or used for any purpose off site. This does not include the extraction or grading necessary for the development of a lot or parcel.

QUARRY / MINING, NON-METALLIC

A parcel of land used primarily for the extraction of limestone, dolomite, slate, or other similar materials, including the mining of non-metallic minerals, which is processed and sold or used for any purpose off site. This does not include the extraction or grading necessary for the development of a lot or parcel.

Section 2: Section 42 (Conditional Uses) of Article VII (R-2 Residential District) of Chapter 295 (Zoning) of the Code of the Village of Hobart, is hereby amended to read as follows:

§ 295-42. Conditional uses.

The following are conditional uses in the R-2 District:

A. Artificial lake, pond.

B. Cemeteries.

C. Colleges and universities.

D. Floriculture, forestry, horticulture, hatcheries, nurseries, orchards, paddocks, riding academies and stables, game farms, wildlife sanctuaries and game preserves.

E. Planned unit development.

F. Public, parochial and private, elementary, junior high and senior high schools.

G. Religious institutions in the form of convents, seminaries, monasteries, churches, chapels, temples, synagogues, rectories, parsonages, and parish houses.

H. Satellite dish antennas larger than 38 inches and less than 12 feet in diameter.

I. Accessory structures and fences which do not conform to the requirements identified elsewhere in this chapter, but which are designed, constructed and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity or use and will not change the essential character of the same area.

J. Public utility and service uses, and civic buildings as follows:

- (1) Substations.
- (2) Fire stations.
- (3) Gas regulator stations.
- (4) Police stations, public works facilities.
- (5) Railroad right-of-way but not including railroad yards and shops, other than for passenger purposes.
- (6) Telephone exchanges, transmission equipment buildings and microwave relay towers.

Section 3: Section 68 (Conditional Uses) of Article IX (R-4 Single- and Two-Family Residential District) of Chapter 295 (Zoning) of the Code of the Village of Hobart, is hereby amended to read as follows:

§ 295-68. Conditional uses.

The following are conditional uses in the R-2 District:

A. Artificial lakes and ponds.

B. Cemeteries and mausoleums.

C. Colleges and universities.

D. Day-care centers.

E. Planned unit development.

F. Public utility and service uses, and civic buildings as follows:

- (1) Substations and transmission lines.
- (2) Fire stations.
- (3) Gas regulator stations.
- (4) Police stations.
- (5) Railroad right-of-way but not including railroad yards and shops other than for passenger purposes.
- (6) Telephone exchanges, transmission equipment buildings and microwave relay towers.

G. Public, parochial and private, elementary, junior high and senior high schools.

H. Radio and television stations and similar electronic communicating systems, towers - transmitting and receiving.

I. Religious institutions in the form of convents, seminaries, monasteries, churches, chapels, temples, synagogues, rectories, parsonages, and parish houses.

J. Accessory structures and fences which do not conform to the requirements identified elsewhere in this chapter, but which are designed, constructed and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity or use and will not change the essential character of the same area.

K. Satellite dish antennas larger than 38 inches and less than 12 feet in diameter.

L. Telephone and public utility installations, and cable television installations.

Section 4: Section 200 (Conditional Uses) of Article XVIII (A-1: Agricultural District) of Chapter 295 (Zoning) of the Code of the Village of Hobart, is hereby amended to read as follows:

§ 295-200. Conditional uses.

The following are conditional uses in the R-2 District:

A. Airfields, airports, and heliports.

B. Artificial lakes, ponds, farm ponds.

C. Bed-and-breakfast establishments.

D. Cable television installations.

E. Cemeteries.

F. Colleges, universities.

G. Commercial raising of dogs, foxes, goats, hogs, mink, and rabbits.

H. Landscape, tree farms.

I. Public, parochial and private, elementary, junior high and senior high schools.

J. Religious institutions in the form of convents, seminaries, monasteries, churches, chapels, temples, synagogues, rectories, parsonages, and parish houses.

K. Roadside stands, provided the structure does not cover more than 300 square feet in ground area and does not exceed 10 feet in height.

L. Sand and gravel pit

M. Satellite dish antennas larger than 38 inches and less than 12 feet in diameter.

N. Stockyards and fur farms.

O. Solid-fuel-fired heating devices.

P. Public utility and service uses, and civic buildings, as follows:

(1) Substations.

(2) Fire stations.

- (3) Gas regulator stations.
- (4) Police stations, public works facilities.
- (5) Railroad right-of-way, but not including railroad yards and shops, other than for passenger purposes.
- (6) Telephone exchanges, transmission equipment buildings and microwave relay towers.

Q. Other business types that may be approved by the Village Board after receiving a recommendation from the Planning and Zoning Commission.

Section 5: Article XXX (Earth Excavation) of Chapter 295 (Zoning) of the Code of the Village of Hobart, is hereby recreated to read as follows:

§ 295-323. General.

A. Hereinafter, all excavations of sand, gravel, clay, silt, loam, muck, dirt, soil, and other earth materials as well as the operation of sand pits, and gravel pits shall come under jurisdiction of this article.

B All existing sites of excavation shall comply with this article prior to any expansion or alteration of the existing site.

§ 295-324. Exemptions.

The following uses shall be exempt from the provisions of this article:

A. Excavation and removal of less than 100 cubic yards over a period of one year from any single tract of land recorded in the Brown County Register of Deeds office.

B. Necessary foundation and trench excavation in connection with work on the premises for which a building permit has been issued.

C. Excavations or grading related to the construction of stormwater retention/detention structures both public and private

D. Excavation and grading related to manmade bodies of water (see Chapter 295, Article XXIX for regulations)

E. Excavations and grading related to the installation of utilities and roadways located in both public right-of-way and recorded easements or providing amenities to a public or private development

F. Sites operated in accordance as a Quarry / Mining, Non-Metallic (See Article XXXIV of Chapter 295 and Chapter 194)

§ 295-325. Permit.

A. Application for a permit to excavate or remove earth materials shall be made to the Hobart Village Board by the property owner or his/her assigned agent. Application forms shall be provided by the Village of Hobart.

B. Application shall contain required information as specified in § 295-326 of this article.

C. Upon receipt of application and accompanying excavation plan, the Village Board shall inspect the site identified on the plan. Following site inspection, the Village Board shall approve the plan and grant the permit only when it is satisfied the conditions specified in § 295-326, Site plans, and § 295-330, Other requirements, will be complied with in undertaking the extraction. Said approval shall be made within 30 days of application date.

D. Upon expiration of the permit, the Village Board shall inspect the site before reissuing the permit. If the regulations of this article have been complied with, the permit shall be reissued.

E. An annual \$1,000 permit fee shall be charged for the issuance of an earth extraction permit or the renewal of same. Said permit shall be valid for 365 days from the date of issue.

§ 295-326. Site plans.

The following information shall be required on a site plan prior to issuing an earth extraction permit:

A. A map showing the location of the premises and adjoining properties within 500 feet. The map shall be drawn at a scale not smaller than one inch to 200 feet.

B. Contour intervals of the site, as indicated by the United States Geological Survey (USGS), quadrangles or other accurate sources, of not more than 20 feet.

C. Existing and proposed surface water drainage.

D. Proposed regrading and revegetation of site after excavation.

E. Truck and machinery access.

F. Types and location of buildings to be erected on site.

G. Approximate total amount of earth material to be excavated.

H. Approximate number of trucks and other machinery to be used.

§ 295-327. Trucks and machinery.

A. No machinery shall be permanently erected within 200 feet of any property line or street right-of-way line.

B. Truck access and storage shall be arranged to minimize danger to traffic and nuisance to surrounding property.

§ 295-328. Material handling.

A. A minimum of 50 feet of undisturbed material shall be maintained between the point of excavation and any property line or street right-of-way line.

B. No sifting, washing, crushing or other forms of processing shall be conducted upon the premises, unless it is located more than 500 feet from any residential dwelling.

§ 295-329. Excavation sites.

A. The excavation of earth materials in accordance with this section shall be a conditional use in the A-1: Agricultural District and R-2: Residential District.

B. Extraction operations shall be prohibited in all remaining zoning districts.

§ 295-330. Other requirements.

A. At all times, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.

B. The premises shall be excavated and graded in conformity with the plan as approved. Any deviation from the plan shall be cause for the Village Board to revoke the permit.

C. When excavation and removal operations are no longer used, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of 3:1 (horizontal:vertical) unless a greater slope is approved by the Village Board. A layer of arable topsoil capable of supporting perennial grasses shall be spread over the excavated area, except exposed bedrock surfaces, to a minimum depth of four inches. The area shall be seeded with a perennial grass capable of survival in this climate and maintained until a uniform growth is established.

D. If the excavation site shall fall within a Floodplain, Shoreland, or Conservancy Zone District, the regulations as set forth in Chapter 290, Floodplain Zoning, and Chapter 293, Shoreland Zoning, shall also apply.

E. Village Board members shall be allowed on the premises during scheduled operating hours for inspection purposes.

F. A performance bond of \$1,000 per acre of proposed excavation shall be required of the excavator.

G. To allow for ease in rehabilitation of site, the operator may begin sloping, as prescribed in Subsection C of this section, 10 feet from lot lines or road right-of-way lines, provided material disturbed within 50 feet of lot lines or road rights-of-way is used in the sloping operation as fill.

H. No unlicensed dumping of solid waste, junk cars, or sanitary wastes shall occur in extraction sites.

I. Proper measures shall be taken to minimize the nuisance of noise and flying rocks or dust.

J. No blasting or use of any explosive shall be permitted for the removal of any earth material noted in this section.

K. Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties. The access roads to the area of operation shall be provided with a dustless surface if deemed necessary by the Village Board.

L. Hours of operation. These time parameters encompass all activities associated with the operation and a request for permanent hours of operation beyond those listed below will be subject to approval of the Village Board through the permit process: 7:00 a.m. to 7:00 p.m. Monday through Friday, all year, 8:00 a.m. to 3:00 p.m. Saturday, all year, and no operations Sunday or Holidays.

Section 5: Article XXXIV (QM: Quarry/Mining District) of Chapter 295 (Zoning) of the Code of the Village of Hobart, is hereby created to read as follows:

§ 295-365. Purpose.

The purpose of the QM: Quarry / Mining District is to allow for the extraction operation of limestone, dolomite, slate, and similar materials to be removed for uses both on and off the property. This district is intended to create a controlled environment for the extraction and processing of the materials located on property and should include enough land area to accommodate the principal use and to afford adequate buffering and land for accessory uses while protecting the environmental character of a site and to promote compatible development with adjacent land uses.

§ 295-366. Permitted Uses.

The following uses are permitted in the QM District:

A. Crops, agriculture

§ 295-367. Permitted Accessory Uses.

The following are permitted accessory uses in the QM District:

- A. Office building related to quarry operation
- B. Vehicle scale
- C. Sediment control stations

§ 295-368. Conditional Uses.

The following are conditional uses in the QM District:

- A. Shop, equipment repair related to quarry operation
- B. Material recycling
- C. Concrete mixing plant
- D. Hot mix plant
- E. Public utility and service uses as follows:
 - (1) Substations
 - (2) Gas regulator stations
 - (3) Railroad right-of-way but not including railroad yards and shops, other than for passenger purposes
 - (4) Telephone exchanges, transmission equipment buildings and microwave relay towers
- F. Quarrying / Mining, Non-Metallic

§ 295-369. Exemptions.

- A. Excavations or grading related to the construction of stormwater retention/detention structures both public and private.
- B. Excavation and grading related to manmade bodies of water (see Chapter 295, Article XXIX for regulations).
- C. Excavations and grading related to the installation of utilities and roadways located in both public right-of-way and recorded easements or providing amenities to a public or private development.

§ 295-369. Lot Requirements Per Use.

- A. Area: 5 acre minimum.
- B. Zoning lot frontage: 200 feet minimum.

§ 295-370. Height Regulations.

Principal structures: 60 feet maximum, except as provided by § 295-13, Height regulations.

§ 295-371. Building Setbacks.

Principal Structure	Accessory Building	Driveways
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Front yard	40 feet minimum from right-of-way	40 feet minimum from right-of-way	10 feet from property line
Side yard	30 feet minimum	30 feet minimum	10 feet from property line
Rear yard	30 feet minimum	30 feet minimum	10 feet from property line
Corner Lot	40 feet minimum from right-of-way	40 feet minimum from right-of-way	75 feet from center line of intersection

§ 295-372. Parking.

Parking shall conform to the requirements as set forth in Article XXVIII, Off-Street Parking Requirements.

§ 295-373. Signs.

Signs shall be regulated as set forth in § 295-361, Regulation of signs.

§ 295-374. Other Requirements.

A. Uses, structures, and buildings allowed in the QM: Quarry / Mining District shall meet the regulations of this district in addition to Chapter 194. Mining, Nonmetallic and the other articles of this chapter, as determined by the Village Zoning Administrator/Building Inspector and approved by the Site Review Committee.

B. The use of any explosives and/or blasting for the operations within this district shall comply with the regulations of Chapter 156. Explosives and Blasting.

Section 6: Any Ordinance or parts thereof, inconsistent herewith are hereby repealed.

Section 7. This Ordinance shall be published as required by law after passage by the Village Board.

Passed and approved this ___ day of ____, 2022.

Richard Heidel, Village President

Attest:

Aaron Kramer, Village Administrator

I, Erica Berger, am the duly qualified and acting Village Clerk of the Village of Hobart, Brown County, Wisconsin. I hereby certify that the aforementioned is a true and exact reproduction of the original ordinance or resolution adopted by the Village Board.

IN WITNESS WHEREOF, I have executed this Certificate in my official capacity on _____ 2022.

(Seal)

Erica Berger, Village Clerk-Treasurer

Part 1
 Adopted As § 194-1 Of The 2000 Code
 Regulation Of Nonmetallic Mining

ARTICLE I
Nonmetallic Mining

§ 194-1. Purpose of chapter.

Nonmetallic mining is recognized as an important industry which contributes to the Village's economic and social well-being, but which risks damage to the long-term physical environment and the tax base of the Village. It is the purpose of this Part 1 to establish regulations for nonmetallic mining and site reclamation that will protect the environment and the tax base both during and after the conduct of mining operations.

§ 194-2. Definitions.

As used in this Part 1, the following terms shall have the meaning indicated:

ABANDONMENT OF OPERATIONS — The cessation of nonmetallic mining operations for more than 360 consecutive days where the cessation is not specifically set forth in an operator's application, operation or reclamation plan or permit, or by other written request deemed sufficient by the Village. Abandonment of operations does not include the cessation of activities due to labor strikes or natural disasters.

ENLARGEMENT — Any horizontal or vertical increase beyond dimensions of the original application for the project site and shall be subject to the diminishing assets rule.

ENVIRONMENTAL POLLUTION — The contaminating or rendering unclean or impure the air, land or waters of the state or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life.

MODIFICATION — Any vertical or horizontal increase or decrease within the dimensions of the original application for the project site.

NONMETALLIC MINING or **NONMETALLIC MINING OPERATION** — Operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates such as stone, sand, gravel and nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat, talc and topsoil-related operations or activities such as excavation, grading or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals and related processes such as crushing, screening, scalping, dewatering and blending. "Nonmetallic mining" or "nonmetallic mining operation" does not include or allow the following activities or uses by way of illustration, which include but are not limited to: manufacture of concrete building blocks or other similar products, asphalt or hot blacktop mixing and production of ready-mix concrete.

NONMETALLIC MINING REFUSE — Waste soil, rock, mineral, liquid, vegetation and other waste material resulting from a nonmetallic mining operation. This term does not include merchantable by-products resulting directly from or displaced by the nonmetallic mining operation.

NONMETALLIC MINING SITE or **PROJECT SITE** or **SITE** — The location where a nonmetallic mining operation is proposed to be conducted or is conducted, including

all surface areas from which minerals are removed, related storage and processing areas, areas where nonmetallic mining refuse is deposited, and areas disturbed by the nonmetallic mining operation by activities such as the construction or improvement of roads or haulageways.

OPERATOR — Any person who is engaged in a nonmetallic mining operation or nonmetallic mining site reclamation or who applies for or holds a nonmetallic mining permit issued under a nonmetallic mining reclamation ordinance, whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors.

PARTIES IN INTEREST — The owner and operator of a proposed or existing nonmetallic mining site and all owners of property located within 1,000 feet of the boundaries of a proposed or existing nonmetallic mining site.

PERMIT — Any permit which may be required under this section of an operator as a condition precedent to commencing or continuing nonmetallic mining at a project site.

RECLAMATION — The rehabilitation of a nonmetallic mining site, including, but not necessarily including, and not limited to, removal of nonmetallic mining refuse, grading of the site, replacement of topsoil, stabilization of soil conditions, establishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution, construction of fences and, if practical, restoration of plant, fish and wildlife habitat.

REPLACEMENT OF TOPSOIL — The replacement of the topsoil which was removed and disturbed by a nonmetallic mining operation or the provision and placement of soil which is at least as adequate, in the opinion of the Village, as the topsoil which was removed or disturbed for the purposes or providing adequate vegetative cover and stabilization of soil conditions.

RIPRAP — A quantity of durable stones or concrete pieces of varying size and shape, placed as a protective layer over soil in such a manner that the smaller pieces fill the spaces between the larger pieces. Concrete pieces are less desirable than stones for this use, and those with exposed reinforcing rods shall not be used.

TOPSOIL — That material (normally the A and upper part of the B horizon) which, based upon the official national cooperative soil survey, is acceptable for respreading on the surface of regraded areas to provide a medium which sustains a dense plant growth capable of preventing wind and water erosion of the topsoil and other materials beneath.

VILLAGE — The Village of Hobart.¹

§ 194-3. Applicability.

This Part 1 is applicable to all nonmetallic mining sites within the Village of Hobart. This Part 1 applies to any portion of a nonmetallic mining site, including unreclaimed portions of a site, which was mined prior to the effective date of this Part 1.

§ 194-4. Exempt activities.

This Part 1 does not apply to the following activities:

1. Editor's Note: The original definition of "Village Quarry Advisory Committee," which immediately followed this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

- A. Excavations or grading by a person solely for domestic use at his or her residence.
- B. Excavations or grading conducted for highway construction purposes within the highway right-of-way.
- C. Grading conducted for farming, preparing a construction site or restoring land following a flood or natural disaster.
- D. Excavations for building construction purposes.
- E. Any mining operation, the reclamation of which is required in a permit obtained under Chapter 293, Wis. Stats.
- F. Any activities conducted at a soil or hazardous waste disposal site required to prepare, operate or close a solid waste disposal facility under §§ 289.10 to 289.33 or a hazardous waste disposal facility under §§ 291.001 to 291.97, Wis. Stats.; provided, however, that section applies to activities related to solid or hazardous waste disposal which are conducted at a nonmetallic mining site separate from the solid or hazardous waste disposal facility, such as activities to obtain nonmetallic minerals to be used for lining, capping, covering or constructing berms, dikes or roads.
- G. Any nonmetallic mining site or portion of a site which is subject to permit and reclamation requirements of the Department of Natural Resources under §§ 30.19, 30.195 and 30.20, Wis. Stats.

§ 194-5. Applications for permits.

- A. General requirement. An operator shall obtain a nonmetallic mining permit prior to engaging in nonmetallic mining or the enlargement of a site. Such permit applications are subject to public hearing before the Village Board. Permits shall be denied if the Village Board finds that the project does not conform with the minimum standards set forth in this Part 1 or if the applicant has failed or continues to fail to comply with this section.
- B. Application. The application for a permit shall be submitted to the Village Clerk-Treasurer on forms provided by the Village. The application for a mining permit shall be signed by the applicant and shall be accompanied by information which shall include, but not be limited to, the following:
 - (1) General information. The name and address of the operator.
 - (2) Lease(s). A signed copy of the lease(s) which authorizes the operator to enter upon the lessor's land for the purpose of mining as defined in this section. The expiration date of the lease shall clearly be indicated thereon.
 - (3) Legal description. A legal description and survey map of the tracts of land to be involved and affected by the proposed operation and the approximate total number of acres involved.
 - (4) General map. Five copies of a general map which shall be drawn at a scale of no less than one inch equals 400 feet and shall include the following:

- (a) Property boundaries of the operator's owned and/or leased land consistent with the legal description for the premises.
 - (b) Location and names of all known streams, roads, railroads, utility lines on or immediately adjacent to the site.
 - (c) Location of all structures owned by parties in interest within 1,000 feet.
 - (d) Names and addresses of parties in interest.
 - (e) Boundaries for the site.
 - (f) Location and description of mining site boundary stakes and permanent reference point.
 - (g) Zoning of the site.
 - (h) Existing and proposed drainage within and without the site of operations to a distance of 500 feet reflecting the handling of all waters, natural, pumped, surface and identify wetlands thereon.
 - (i) Locate and identify setbacks.
- (5) Operation plan. The operation plan shall include information about the site, a legal description of the proposed nonmetallic mining operation, methods and procedures to be used in mining the site, including the following:
- (a) Type of mining, processing and transportation equipment to be used.
 - (b) Type of materials to be extracted.
 - (c) A description of the proposed horizontal and vertical limits of the proposed operation plan.
 - (d) Primary travel routes to be used to transport material to processing plants or markets.
 - (e) Measures to be taken to control noise, dust and vibrations from the operations and/or a written explanation of why such measures are not needed.
 - (f) If explosives are to be used in the operation, a copy of the blaster's explosive use plan should be on file with the Village.
 - (g) A statement that the applicant has complied with all Wisconsin Statutes, Administrative Code provisions and Village/county ordinances regulating erosion control, wetlands, navigable streams, air quality, zoning, water drainage and discharge from the site of operation and that all required plans and permits have been submitted and/or obtained by the applicant.
- (6) Reclamation plan. The permit shall be subject to the provisions and requirements of §§ 295.11 to 295.20, Nonmetallic Mining Reclamation, Wis. Stats.

- (7) Certificate of insurance. Each application for a permit herein or a renewal thereof shall be accompanied by a certificate of insurance for a commercial general liability policy, and said policy of insurance shall have limits of coverage of not less than \$1,000,000 in the aggregate, and \$500,000 per occurrence and the Village shall be named as an additional insured on applicant's policy of liability insurance.
- (8) Other information. The Village Board may require the submittal of such other information as may be necessary to determine the nature of the nonmetallic mining operation and proposed reclamation and the effect on the surrounding area. The Village Board may waive portions of the specified information if it is satisfied that, because of the nature or method of the operation, such information is not relevant or is unnecessary to a full and proper evaluation of the application. In determining what information shall be waived, the Village Board shall take into account, among other things, the nature of the applicant's operation and whether the operation is a legally preexisting operation. It shall be the obligation of the applicant to request any such waiver. Such request shall set forth the justification for such waiver.

§ 194-6. Permit approval and appeal process.

- A. Standards for evaluation and approval. The Village Board, in conjunction with Village's consultants, shall review the site plan, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, the proposed operation, the effects of the proposed use, structure, operation and improvement upon flood damage protection, water quality, shoreland cover, natural beauty and wildlife habitat, quality of life of the neighborhood and Village and any other pertinent requirements deemed necessary by the Village Board so as to eliminate, alleviate or control any unreasonable hazard, danger, harm, risk or nuisance that exists or could develop as a result of the operation and reclamation for which the application is made. In making such determinations, the Village Board shall consider whether or not the applicant is applying as to a legal preexisting operation and use and the rights which may have accrued to such applicant as a result thereof.
- B. Public hearing.
 - (1) Within 30 days after receipt of a complete permit application and a recommendation from the Village Planning and Zoning Commission, the Village Clerk-Treasurer shall schedule a public hearing on the application before the Village Board; the application shall be submitted to the Planning and Zoning Commission and the Village's consultants for its recommendation prior to Village Board action.
 - (2) Notice of the aforementioned public hearing shall be published as a Class 2 notice in a newspaper of general circulation within the Village of Hobart. In addition, notice of said public hearing shall be mailed to the last-known address of all owners of property within 500 feet of the subject property. Failure to receive notice shall not invalidate any action taken by the Village Board.²

- (3) At the hearing on an application for a nonmetallic mining permit, the Village Board shall hear and receive any evidence or sworn testimony presented by the applicant or an authorized agent. At the conclusion of the applicant's presentation, the Village Board shall hear first any public comments from those in support of the application then from those in opposition to the application and finally the recommendation of the Planning and Zoning Commission and the Village's consultants. The applicant shall be given an opportunity to respond to any adverse comments, evidence or recommendations.
- (4) Approval or denial. Within 30 days after the hearing, the Village Board shall either grant, deny or grant with modification the application based upon specific findings and conclusions. The Village Board may grant an application conditioned upon meeting certain operational and reclamation provisions and standards, which shall not be less stringent than the minimum standards hereinafter set forth. In deciding upon an application for a legally preexisting operation, the Village Board shall take into account the preexisting nature and circumstances of the operation.
- (5) Appeal. Appeals from the decision of the Village Board in granting or denying a license shall be to the Circuit Court.
- (6) All stone quarries as nonmetallic mining operations legally existing at the effective date of this Part 1 shall not be subject to the public hearing requirements except for enlargement.

§ 194-7. Minimum reclamation standards.

The permit shall be subject to the provisions and requirements of Subchapter I of Chapter 295, Wis. Stats. and Part 2, Nonmetallic Mining Reclamation, of this chapter.

§ 194-8. Standards applied to all permits.

- A. Right of access. The filing of an application shall grant the Village and its officers, consultants and agents the right of access onto the site and contiguous lands owned or leased by the applicant for the purpose of inspecting the site and adjacent lands for pre-permit issuance inspections, for compliance with the permit if issued and for any other purpose relative to this section. Except in emergencies, access shall be granted during normal business hours with reasonable notice to the operator. Inspectors shall report to the person in charge of the site and comply with established safety rules and regulations.
- B. After the issuance of a permit all nonmetallic mining operations as a condition of their permit shall comply with all Wisconsin State Statutes, Administrative Code provisions, and Village/county ordinances regulating erosion control, wetlands, navigable streams, air quality, zoning, water drainage and discharge from the site of operation and that all required plans and permits have been submitted and/or obtained by the applicant.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

- C. Boundary staking. All excavation and phase boundaries, if any, shall be staked or otherwise marked per the survey by the operator and inspected by the Village prior to commencing operations on a site. Stakes shall be made of steel consisting of at a minimum a two-inch pipe. Stakes shall be placed on all corners of the site and additional stakes shall be placed every 300 feet between corner stakes. Stakes shall be set so they are at least five feet above ground level and painted so they are visible.
- D. Plans on site. A copy of the plans and specifications returned by the Village at the time of permit issuance shall be kept on the project site throughout the entire excavation and reclamation period.
- E. Permit period. Permits shall be granted for a one-year period of time and shall expire on December 31. Permits shall be on a calendar-year basis.
- F. Limits of operation. Projects shall be limited to approved dimensions.
- G. Conflicts with other regulations. It is the responsibility of the operator to obtain any local, state or federal permits or approvals.
- H. Compliance with reclamation. The operator shall comply with progressive reclamation plans, if any, and final reclamation plans for the site.
- I. Notification of commencement and cessation. The operator shall notify the Village in writing at least 15 days prior to initial nonmetallic mining operations and at least 30 work days prior to final completion of project reclamation. All phases within a site shall also comply with the notification requirements above. When a phase is complete, the operator shall notify the Village Board for approval of the reclamation before entering the next phase.
- J. Records of operations. All records of the permittee regarding the conduct of the nonmetallic mining operation which are reasonably needed for the proper monitoring and evaluation of the operation or the enforcement of this Part 1 shall be subject to inspection by the Village officials at all reasonable times; provided, however, that Village personnel, to the extent provided by law, shall take reasonable steps to prevent disclosure of records which the operator advises in writing contain privileged trade secret information.
- K. Complaints of violations. In the event of a complaint of a violation of this section, the plan of operation or the plan of reclamation, the permittee shall be notified thereof in writing by the Village and shall respond to the Village in writing within 10 working days of notification by the Village. In the event the permittee shall fail to respond or shall deny any violation without reasonable grounds, the permittee shall be liable for the reasonable costs of investigation of such complaint, including the cost of any experts if after hearing it has been determined that there has been a violation of this Part 1.
- L. Other conditions. The Village may apply such other conditions or requirements as are necessary to ensure the proper operation and the progressive and final reclamation in a manner consistent with this section and to limit any adverse environmental impacts. Standards contained in Wisconsin Administrative Code Transportation 207 or in State of Wisconsin Department of Transportation

standards specifications for road and bridge construction may be applied to any appropriate aspect of this Part 1.

(1) Hours of operation.

- (a) These time parameters only restrict the operation of crushing equipment and drilling operations for blasting purposes. Requests for permanent hours of operation beyond those listed below will be subject to approval of the Village Board through the permit process. Extension of these hours in emergency situations may be approved by the Village President or his designee.

6:00 a.m. to 6:00 p.m., Monday through Friday, April 1 to September 30
(crushing equipment)

6:00 a.m. to 9:00 p.m., Monday through Friday, October 1 to March 31
(crushing equipment)

6:00 a.m. to 3:00 p.m., Saturday, all year (crushing equipment)

7:00 a.m. to 5:00 p.m., Monday through Friday, all year (drilling
equipment)

- (b) The following hours of operation apply to trucking and loader operations. Requests for permanent hours of operation beyond those listed below will be subject to approval of the Village Board through the permit process. Extension of these hours in emergency situations may be approved by the Village President or his designee.

5:00 a.m. to 9:00 p.m., Monday through Friday, all year

5:00 a.m. to 3:00 p.m., Saturday, all year

No operations on Sunday or holidays

- (c) Nonemergency temporary modifications to the hours of operation, not to exceed 14 days, may be approved subject to the following process:
□ **Amended 4-19-2011** □

[1] The permit applicant shall submit to the Village a written request identifying the scope, nature, duration and reason for the requested temporary modification.

[2] The written request shall be reviewed by the Village President (or designee) and Village Administrator (or designee) with the permit applicant (or designee) as soon as practicable.³

[3] The Village shall send notification to all property owners and residents within 2,000 feet of the quarry perimeter of the request for temporary modification to allow area property owners and residents an opportunity to voice concerns or support. Notification, at minimum, to be by regular U.S. Mail within three business days of the meeting in Step 2.

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

[4] The Village President (or designee) and Village Administrator (or designee) shall review all comments received with the permit applicant no sooner than five business days after the notification in Step 3. Modifications to the requested temporary modifications may be made in this meeting.

[5] The Village President (or designee) shall approve or deny the request for temporary modifications within five business days of the meeting in Step 4.

- (2) Setbacks. The nonmetallic mining operation shall be set back a minimum of 100 feet from the right-of-way line of all highways, streets or roads and all exterior property lines and a minimum of 500 feet to the nearest residence. Uses accessory to the nonmetallic mining operation such as parking and loading areas and stockpiles of materials except for landscaped berms shall be set back a minimum of 100 feet from the right-of-way line of all highways, streets or roads and from all property lines. Existing setbacks for those stone quarries in existence as of the effective date of this Part 1 shall not be subject to this provision and shall be located and identified on the general map for the site. The setback requirements will be applicable for any site enlargement.
- (3) Dust control. Opacity limit for all fugitive emissions at the property line of the site shall comply with DNR regulations; provided, however, that fugitive dust following blasting operations shall not exceed twenty-percent opacity at any public road or highway.
- (4) Blasting notification. Before any blasting operation may be conducted in the Village of Hobart, the company or operator shall give notice thereof by the conspicuous display of a fluorescent flag and legible sign giving notice of the blasting operations. The flag and sign shall be displayed at least 24 hours prior to and during all blasting operations. This notice requirement is in addition to any other notices required by law or regulation.

§ 194-9. Renewal of permit.

- A. Applications for permit renewal must be submitted in writing to the Village Clerk-Treasurer at least 60 days prior to the expiration date of the existing permit. Such applications shall comply with the provisions of this Part 1 but need not include any items previously submitted with a prior application for a permit for such site. Renewal applications may merely indicate no change in such items. Any previously submitted items which have been changed from the prior applications shall be resubmitted showing any such changes.
- B. No permit renewal shall be granted unless the project is in reasonable compliance with the terms of the existing permit.
- C. Permit renewals may be conditioned upon correction of any unanticipated environmental impacts occurring during the original or renewal permits.
- D. No public hearing shall be required to be held with respect to a renewal application unless the application provides for an enlargement of the previously approved site or otherwise provides for an alteration or change in the method of operations or

reclamation previously approved which might adversely effect the use or enjoyment of nearby properties. Site enlargement shall be subject to all the provisions and procedures set forth in § 194-6 of this Part 1.

§ 194-10. Existing nonmetallic mining operations.

All nonmetallic mining operations existing at the effective date of this Part 1 (March 11, 1996) shall, within 30 days of said effective date of this Part 1, be provided with a copy of this Part 1 via certified mail. Within 90 days of their receipt of this Part 1, operators of existing nonmetallic mining operations shall submit the necessary plans to bring said operation into conformity with this Part 1. Such period may be extended for an additional 90 days upon review and approval by the Village Board of said written request for extension. Pending the receipt and review of a timely submitted application by the Village Board, the operation shall be permitted to continue the existing nonmetallic mining operation at the site for which an application was submitted. If a permit is denied, the applicant shall cease nonmetallic mining operations at such site; however, the applicant shall be given a reasonable period of time for the processing and removal of existing materials and/or stockpiles.

§ 194-11. Project site modification or enlargement.

- A. Site modification. An operator may apply for a modification or cancellation of a project permit or for a change in the reclamation plan for a project site. The application for the modification, cancellation or change shall be submitted in writing by the operator and shall identify the site to be removed or affected by a change in the operation and reclamation plans.
- B. Transfer of permit. When one operator succeeds to the interest of another in an uncompleted site, the Village Board shall release the first operator of the responsibilities imposed by the permit, but only if:
 - (1) Both operators are in compliance with the requirements and standards of this Part 1.
 - (2) The new operator assumes the responsibility of the former operator to complete the reclamation of the entire project site by a written, witnessed document and provides financial assurance therefor.
- C. Site enlargement. Any proposed enlargement shall be processed as a new application pursuant to this Part 1. All provisions of this section shall apply to the proposal.

§ 194-12. Fees.

The application for an initial permit or renewal permit requiring a public hearing under this Part 1 shall be accompanied by a fee as set from time to time by resolution of the Village Board. An application for a renewal permit under this Part 1 for which no public hearing is required shall be accompanied by a fee in the amount set from time to time by resolution of the Village Board.

§ 194-13. Inspection.

The Village Board or its designee may enter the premises of a nonmetallic mining site in the performance of its or their official duties, or pursuant to a special inspection warrant issued under § 66.0119, Wis. Stats., in order to inspect the premises to act on any application hereunder, to ascertain compliance with the nonmetallic mining reclamation ordinance and permit, or to investigate any alleged violation. It shall be a condition of a permit issued hereunder that, upon request, such person shall be granted access to the premises during hours of operation for purposes of any such inspection, provided that applicable safety laws, rules and regulations are adhered to.

§ 194-14. Enforcement; violations and penalties.

A. Enforcement. The following are criteria that the Village Board may consider for issuance, reissuance, suspension or revocation of a nonmetallic mining permit:

- (1) Compliance with the reclamation standards established by the State of Wisconsin.
- (2) Submittal to the Village Board of the Village of Hobart a nonmetallic mining operation plan and compliance with the operation plan.
- (3) Submittal to the Village Board of the Village of Hobart of a nonmetallic mining reclamation plan and compliance with the operation plan as required by state law.
- (4) Maintaining the certificate of insurance required by the Village Board of the Village of Hobart.
- (5) Compliance with the operational hours for operation of the nonmetallic mining operation.
- (6) Installation, provision and maintenance of adequate and necessary physical structures, equipment and operational controls as determined by the Village Board to prevent public nuisances and to protect the public health and safety to persons residing near the nonmetallic mining operation or person entering the nonmetallic mining operation, including public nuisances associated with noise, dust, odors, fires, explosions, water pollution, air pollution and erosion.
- (7) Attempts made by the permittee or party in interest to comply with the provisions of this Part 1.
- (8) Consideration of extenuating circumstances and matters beyond the control of the permittee or party in interest.

B. Suspension/revocation.

- (1) Unless expressly provided herein or by other Village of Hobart ordinance provisions, the nonmetallic mining permit may be suspended or revoked for cause for substantial noncompliance with this Part 1 after the proper Village of Hobart hearing noted below unless in an emergency condition determined by the Village Board of the Village of Hobart wherein the license, registration or permit can be suspended temporarily for a set time period. Prior to any

action for suspension or revocation, the Village Board of the Village of Hobart must, by the Village Clerk-Treasurer of the Village of Hobart, receive a verified complaint concerning the permittee. The following persons may file a verified complaint with the Village Board of the Village of Hobart:

- (a) The Village President.
 - (b) The Village Clerk-Treasurer.
 - (c) The Village Trustees.
 - (d) The Village Zoning Administrator/Building Inspector.
 - (e) Any Village of Hobart resident.
 - (f) A landowner within 1,000 feet of the blasting site.
- (2) The Village Board will make a determination if the allegations of the complaint are of sufficient magnitude, importance, or otherwise of such a nature as to require a formal evidentiary hearing.
 - (3) The person subject to charges for violation of any Village of Hobart ordinance or any violation of a condition of the nonmetallic mining permit shall be provided a copy of the verified complaint and notice of hearing before the Village Board of the Village of Hobart. The hearing shall be required to be not less than 10 days nor more than 30 days after receipt of notice, unless stipulated in writing by the Village Board of the Village of Hobart and the person subject to charges.
 - (4) The person subject to charges for violation of any Village of Hobart ordinance or any violation of a condition of the nonmetallic mining permit shall be entitled to the following:
 - (a) Representation by legal counsel.
 - (b) Right to present and cross-examine witnesses.
 - (c) Right to subpoena witnesses by the Village President of the Village of Hobart issuing subpoenas to compel attendance of witnesses.
 - (5) The Village Board of the Village of Hobart may, after the hearing for any person previously issued a nonmetallic mining permit by the Village Board of the Village of Hobart, act as follows:
 - (a) Revoke the permit as a final decision.
 - (b) Suspend the permit for a date certain as a final decision.
 - (c) Request additional information as an interim decision prior to taking future action.
 - (d) Take no action on the permit as a final decision.
 - (6) The final decision of the Village Board of the Village of Hobart to revoke or suspend the nonmetallic mining permit shall be subject to appeal to the Circuit

Court, which appeal must be filed with the Circuit Court not later than 45 days from the mailing of the Village Board's decision to the permit holder.

C. Penalty.

- (1) In addition to the denial, suspension or revocation of a permit issued under this Part 1, any person who shall violate any provision of this Part 1 or who shall fail to obtain a permit as required hereunder shall, upon conviction of such violation, be subject to the penalties provided in § 1-3. Any default of such forfeiture determined by a Court of competent jurisdiction shall be subject to any penalties as provided by §§ 66.115, 66.117, 66.119 and 66.12, Wis. Stats., as may be amended. **Amended 1-6-2015 by Ord. No. 01-2015**
- (2) Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Part 1 shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Part 1.

Part 2
 Adopted 1-6-2015 By Ord. No. 07-2014⁴
 Nonmetallic Mining Reclamation

ARTICLE II
General

§ 194-15. Title.

The title of this Part 2 shall be "Nonmetallic Mining Reclamation Ordinance for the Village of Hobart."

§ 194-16. Purpose.

The purpose of this Part 2 is to establish a local program to ensure the effective reclamation of nonmetallic mining sites on which nonmetallic mining takes place in the Village of Hobart after the effective date of this Part 2, in compliance with Chapter NR 135, Wisconsin Administrative Code, and Subchapter I of Chapter 295, Wisconsin Statutes.

§ 194-17. Statutory authority.

This Part 2 is adopted under authority of § 295.14(1), Wis. Stats., § NR 135.32, Wisconsin Administrative Code, and § 61.34(1), Wis. Stats.

§ 194-18. Restrictions adopted under other authority.

The purpose of this Part 2 is to adopt and implement the uniform statewide standards for nonmetallic mining required by § 295.12(1)(a), Wis. Stats., and contained in Chapter NR 135, Wisconsin Administrative Code. It is not intended that this Part 2 repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits not concerning nonmetallic mining reclamation previously adopted pursuant to other Wisconsin law.

§ 194-19. Interpretation.

In their interpretation and application, the provisions of this Part 2 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 Part 2 may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this Part 2 is required by Wisconsin Statutes, or by a standard in Chapter NR 135, Wisconsin Administrative Code, and where the provision is unclear, the provision shall be interpreted to be consistent with the Wisconsin Statutes and the provisions of Chapter NR 135, Wisconsin Administrative Code.⁵

4. Editor's Note: This Ordinance Superseded Former Part 2, Nonmetallic Mining Reclamation, Adopted As § 12.1 Of The 2000 Code, As Amended.

5. Editor's Note: Following this section, Ord. No. 07-2014 provided an explanatory note to authors of ordinances regarding §§ 194-18 and 194-19. The text of this note may be viewed in the copy of Ord. No. 07-2014 that is on file in the Village offices.

§ 194-20. Severability.

Should any portion of this Part 2 be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Part 2 shall not be affected.

§ 194-21. Applicability.

- A. Overall applicability. The requirements of this Part 2 apply to all operators of nonmetallic mining sites within the Village of Hobart and as provided in § NR 135.02(1) and (2), Wisconsin Administrative Code, except where exempted in Subsection B of this section.
- B. Exemptions. This Part 2 does not apply to the exempt activities listed in § NR 135.02(3), Wisconsin Administrative Code.

§ 194-22. Administration.

The provisions of this Part 2 shall be administered by Village of Hobart.

§ 194-23. Effective date.

The provisions of this Part 2 shall take effect on January 6, 2015.

§ 194-24. Definitions.

All definitions for the purposes of this Part 2 are those contained in § NR 135.03, Wisconsin Administrative Code.

ARTICLE IV
Permitting

§ 194-26. 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 § 194-21 or § NR 135.3(16)(b), Wisconsin Administrative Code.

- A. Required submittal. The operator of all nonmetallic mining sites shall apply for a reclamation permit from the Village of Hobart. All reclamation permit applications under this section shall be accompanied by the information required by § NR 135.18(1), Wisconsin Administrative Code.
- B. Reclamation permit application contents. The operator of any nonmetallic mine site shall submit an application that meets the requirements of § NR 135.18(2), Wisconsin Administrative Code, and the submittals required under Subsection A of this section to the Village of Hobart.

§ 194-27. Reclamation plan.

- A. Reclamation plan requirements. All operators of nonmetallic mining sites subject to this Part 2 shall prepare and submit a reclamation plan that meets the requirements of § NR 135.19, Wisconsin Administrative Code.
- B. Existing plans and approvals. To avoid duplication of effort, the reclamation plan required by § 194-27A may, by reference, incorporate existing plans or materials that meet the requirements of this Part 2.
- C. Approval of reclamation plan. The Village of Hobart shall approve, conditionally approve or deny the reclamation plan submitted under this section in writing as part of permit issuance pursuant to § 194-30B. Conditional approvals of reclamation plans shall be made according to § 194-30E, and denials of reclamation plans made according to § 194-31. The operator shall keep a copy of the reclamation plan required by this section, once approved by the Village of Hobart under this Part 2, at the mine site or, if not practicable, at the operator's nearest office or place of business.

§ 194-28. Financial assurance.

- A. Financial assurance requirements. All operators of nonmetallic mining sites in the Village of Hobart shall prepare and submit a proof of financial assurance of successful reclamation that meets the requirements of § NR 135.40, Wisconsin Administrative Code.
- B. Private nonmetallic mines. The operator of any nonmetallic mining site that applies for a reclamation permit in conformance with § 194-26 shall submit the proof of financial assurance required by § 194-28A as specified in the reclamation permit issued to it under this Part 2.
- C. 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.

§ 194-29. Public notice and right of hearing.

- A. Reclamation plan hearing. The Village of Hobart shall provide public notice and the opportunity for a public informational hearing as set forth in § NR 135.20(1) and (2), Wisconsin Administrative Code, for any nonmetallic mining site for which a complete reclamation permit application that satisfies § 194-26 is received.
- B. 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 § 194-30C.

§ 194-30. Issuance of nonmetallic mining reclamation permit.

- A. Permit required. No person may engage in nonmetallic mining or nonmetallic mining reclamation in the Village of Hobart without obtaining a reclamation permit issued under this section, except nonmetallic mining sites exempt from this Part 2 as provided in § 194-21B.
- B. Permit issuance. Applications for reclamation permits for nonmetallic mining sites that satisfy § 194-26 shall be issued a reclamation permit or otherwise acted on as provided in § NR 135.21(2), Wisconsin Administrative Code. The permit shall require compliance with a reclamation plan submitted by the applicant that conforms with § 194-27A, and provision by the applicant of financial assurance that conforms with § 194-28, payable to the Village of Hobart, prior to beginning mining.
- C. Automatic permit for local transportation-related mines. The Village of Hobart 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), Wisconsin Administrative Code. This automatic permit shall be issued according to the provisions of § NR 135.23(1)(b) through (j), Wisconsin Administrative Code. [NOTE: 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 § 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 § 194-41 that is greater than allowed by § NR 135.23(1)(g), Wisconsin Administrative Code.]
- D. 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 § 194-39B. The expedited review shall be carried out according to the provisions of § NR 135.23(2), Wisconsin Administrative Code. Such expedited review shall not waive, shorten or otherwise affect the public notice and right of hearing pursuant to § 194-29.

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- E. Permit conditions. Permits issued under this section may include conditions as provided in § NR 135.21(2), Wisconsin Administrative Code. One required condition shall be that new mines shall obtain financial assurance prior to beginning mining pursuant to § NR 135.40, Wisconsin Administrative Code.

§ 194-31. Permit denial.

An application for a nonmetallic mining reclamation permit shall be denied if any of the factors specified in § NR 135.22, Wisconsin Administrative Code, exist.

§ 194-32. Alternative requirements.

- A. Scope of alternative requirements approvable. An operator of a nonmetallic mining site may request an alternative requirement to any reclamation standard established in § 194-25. Such a request may be made only on the basis of the criteria set forth in § NR 135.26(1), Wisconsin Administrative Code.
- B. Procedures. The operator of a nonmetallic mining site requesting an alternate requirement in § 194-32A shall demonstrate all the criteria in § NR 135.26(1), Wisconsin Administrative Code. This shall be submitted in writing to the Village of Hobart Planning and Zoning Commission/Board of Trustees, Village of Hobart, 2990 S. Pine Tree Rd., Hobart, WI 54155. Alternative reclamation requests shall be subject to the same review, public hearing and approval processes identified in §§ 194-27C and 194-29A, as provided in § NR 135.26(2), Wisconsin Administrative Code.
- C. 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.
- D. Notice to Wisconsin Department of Natural Resources. The Village of Hobart shall provide notice to the Wisconsin Department of Natural Resources as provided in § NR 135.26(3)(a), Wisconsin Administrative Code.

§ 194-33. Permit duration.

A nonmetallic mining reclamation permit issued under this Part 2 shall last through operation and reclamation of the nonmetallic mining site, unless suspended or revoked pursuant to § 194-46B, or as limited under § NR 135.27, Wisconsin Administrative Code, where the mine operator is not the landowner.

§ 194-34. Permit transfer.

A nonmetallic mining reclamation permit issued under this Part 2 shall be transferred to a new owner or operator upon satisfaction of the conditions in § NR 135.28, Wisconsin Administrative Code.

§ 194-35. (Reserved)

§ 194-36. Review.

Any permitting decision or action made by the Village of Hobart under this Part 2 may be reviewed as set forth in § NR 135.30, Wisconsin Administrative Code.

ARTICLE V
Administration

§ 194-37. Permit modification.

- A. By Village of Hobart. A nonmetallic mining reclamation permit issued under this Part 2 may be modified by the Village of Hobart if it finds that, due to changing conditions, the nonmetallic mining site is no longer in compliance with this Part 2. Such modification shall be by an order conforming with the procedures in § 194-46 and as provided in § NR 135.24(1), Wisconsin Administrative Code.
- B. At operator's option. If the operator of any nonmetallic mine that holds a reclamation permit issued under this Part 2 desires to modify such permit or reclamation plan approved under this Part 2, it may request such modification by submitting a written application for such modification to the Village of Hobart. The application for a permit or plan modification shall be acted on using the standards and procedures of this Part 2.
- C. Required by operator. The operator of any nonmetallic mine that holds a reclamation permit issued under this Part 2 shall request a modification of such permit if required under the circumstances set out in § NR 135.27, Wisconsin Administrative Code. Such application for permit modification shall be acted on using the standards and procedures of this Part 2.
- D. Review. All actions on permit modifications requested or initiated under this section are subject to review under § 194-36.

§ 194-38. Permit suspension or revocation.

- A. Grounds. The Village of Hobart may suspend or revoke a nonmetallic mining reclamation permit issued pursuant to this Part 2 if it finds any of the grounds listed in § NR 135.25(1), Wisconsin Administrative Code.
- B. Procedures. If the Village of Hobart finds grounds for suspending or revoking a nonmetallic mining reclamation permit set forth in § 194-38A, it may issue a special order suspending or revoking such permit as set forth in § 194-46B.
- C. Consequences. The consequences of a reclamation permit suspension or revocation order under § 194-38B shall be as set forth in § NR 135.25(2) and (3), Wisconsin Administrative Code.

§ 194-39. Annual operator reporting.

- A. Contents and deadline. Annual reports shall be submitted by the operators of nonmetallic mining sites that satisfy the requirements of § NR 135.36, Wisconsin Administrative Code. These reports shall be for reclamation during a calendar year and submitted in writing within 60 days of the end of each calendar year. Annual reports shall be submitted until reclamation at each nonmetallic mining site is certified as complete under § 194-43C.
- B. Inspection in lieu of report. The Village of Hobart may, at its discretion, obtain the information required in § 194-39A by written documentation of an inspection it

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completes during a calendar year, as set forth in § NR 135.36(4), Wisconsin Administrative Code.

- C. Retention of annual reports. Annual reports submitted under this section or inspection records that replace them shall be retained by the Village of Hobart for at least 10 years after the calendar year to which they apply. 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 Chapter NR 135, Wisconsin Administrative Code.

§ 194-40. Plan review fees.

- A. Amount and applicability. A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under § 194-26 shall submit a nonrefundable plan review fee as established by the Village of Hobart Board by resolution. No plan review fee may be assessed under this section for any local transportation-related mine issued an automatic permit under § 194-30C. A separate plan review fee shall be paid under this section for any modification to an existing reclamation plan submitted pursuant to § 194-37. [NOTE: The prohibition on plan review fees for existing and local transportation-related mines is required under § NR 135.23(1)(g), Wisconsin Administrative Code.]
- B. Expedited plan review Fee. A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under § 194-26 may obtain expedited reclamation plan review by paying a fee as established by the Village of Hobart Board by resolution. Such fee shall be in addition to that required in § 194-40A.
- C. 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 § 194-41. [NOTE: Plan review fees collected under this section are required under § 295.12(3)(e)1.a, Wis. Stats., to equal as closely as possible the cost of examination and approval of such plans. Section 295.15, Wis. Stats., requires the regulatory authority to use its fees only for the administration of its reclamation ordinance. Section NR 135.39(4)(b)1, Wisconsin Administrative Code, requires that fees collected by the regulatory authority be used only for reasonable expenses associated with administration of its reclamation program.]

§ 194-41. Annual fees.

- A. Areas subject to fees, procedures, deadline and amount. Operators of all nonmetallic mining sites subject to reclamation permits issued under this Part 2 shall pay annual fees to the Village of Hobart. These fees shall be calculated based on amount of unreclaimed acres of each site, as defined in § NR 135.39(1)(a), Wisconsin Administrative Code, 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 § 194-43. Fees shall be paid no later than January 31 for the previous year.
- B. 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), Wisconsin Administrative Code. For sites on which no nonmetallic mining has taken place during a calendar year, the fee to be paid under this section for the following year shall be \$15. The Village of Hobart shall forward fees collected under this subsection to the Wisconsin Department of Natural Resources by March 31.

C. Village of Hobart's share of fee.

- (1) Fees paid under this section shall also include an annual fee due to the Village of Hobart which shall be as established by the Village of Hobart Board by resolution.
- (2) The annual fee collected by the Village of Hobart under this subsection for local transportation-related mines issued permits under § 194-30C may not exceed the amounts set forth in Table 2 of § NR 135.39, Wisconsin Administrative Code, and shall include both a share for the Wisconsin Department of Natural Resources and the Village of Hobart. [NOTE: This is required by § NR 135.23(1)(g), Wisconsin Administrative Code.]

§ 194-42. Regulatory reporting and documentation.

- A. Reporting. The Village of Hobart shall send an annual report to the Wisconsin Department of Natural Resources including the information required by § NR 135.37, Wisconsin Administrative Code, by March 31 for the previous calendar year.
- B. Documentation. The Village of Hobart shall, to the best of its ability, maintain the information set forth in § NR 135.47(3), Wisconsin Administrative Code, and make it available to the Wisconsin Department of Natural Resources for that agency's audit of the Village of Hobart's reclamation program pursuant to § NR 135.47, Wisconsin Administrative Code.

§ 194-43. Completed reclamation: reporting, certification and effect.

- A. 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 Part 2 and Chapter NR 135, Wisconsin Administrative Code.
- B. 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 Part 2 and Chapter NR 135, Wisconsin Administrative Code. Reporting of interim reclamation shall be done according to the procedures in § 194-43A.
- C. Certification of completed reclamation. The Village of Hobart 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), Wisconsin Administrative Code. If it is determined that interim or final reclamation is complete, including revegetation as specified in a plan that conforms with § 194-27,

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the Village of Hobart shall issue the mine operator a written certificate of completion.

- D. Effect of completed reclamation. If reclamation is certified by the Village of Hobart as complete under § 194-43C for part or all of a nonmetallic mining site, then:
- (1) No fee shall be assessed under § 194-41 for the area so certified.
 - (2) The financial assurance required by § 194-28 shall be released.
 - (3) For sites which are reported as interim reclaimed under § 194-43B, and so certified under § 194-43C, financial assurance for reclaiming the certified area shall be appropriately reduced or waived.
- E. Effect of inaction following report of completed reclamation. If no written response as required by § 194-43C 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 the Village of Hobart for it under § 194-41 shall be refunded.

§ 194-44. Permit termination.

When all final reclamation required by a reclamation plan conforming to § 194-27 and required by this Part 2 is certified as complete pursuant to § 194-43C, the Village of Hobart shall issue a written statement to the operator of the nonmetallic mining site, thereby terminating the reclamation permit.

ARTICLE VI
Enforcement

§ 194-45. 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 Part 2, any authorized officer, agent, employee or representative of the Village of Hobart may inspect any nonmetallic mining site subject to this Part 2 as provided in § 295.17(1), Wis. Stats., and § NR 135.42, Wisconsin Administrative Code.

[NOTE: Under § 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.]

§ 194-46. Orders and citations.

- A. Enforcement orders. The Village of Hobart may issue orders as set forth in § 295.19(1)(a), Wis. Stats., to enforce Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this Part 2, a permit issued pursuant to this Part 2 or a reclamation plan required by § 194-27 and a permit issued under this Part 2. A violation of this Part 2, an order or permit issued pursuant to this Part 2 or a reclamation plan required by § 194-27 and a permit issued under this Part 2 shall be considered a violation of Subchapter I of Chapter 295, Wisconsin Statutes, and Chapter NR 135, Wisconsin Administrative Code.
- B. Special orders. The Village of Hobart may issue a special order as set forth in § 295.19(1)(b) and (c), Wis. Stats., suspending or revoking a nonmetallic mining reclamation permit pursuant to § 194-38, or directing an operator to immediately cease an activity regulated under Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, or this Part 2 until the necessary plan approval is obtained.
- C. Review of orders. An order issued under § 194-46A or B may be reviewed as provided in § NR 135.43(2), Wisconsin Administrative Code.
- D. Citations. The Village of Hobart may issue a citation under § 66.119, Wis. Stats., and Village of Hobart Code of Ordinances § 14-1 to collect forfeitures or require any action needed to enforce Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this Part 2, a permit issued pursuant to this Part 2 or a reclamation plan required by § 194-27 and a permit issued under this Part 2. 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.
- E. Enforcement. The Village of Hobart may submit any order issued under this § 194-46 to the District Attorney, the Corporation Counsel, the Municipal Attorney or the Attorney General for enforcement as provided in § 295.19(1)(d), Wis. Stats.

§ 194-47. Violations and penalties.

Any violation of Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this Part 2, a permit issued pursuant to this Part 2 or a reclamation plan required by § 194-27 and a permit issued under this Part 2 may result in forfeitures as provided in § 295.19(3), Wis. Stats., and Village of Hobart Code of Ordinances § 14-1.

Chapter 156

EXPLOSIVES AND BLASTING

GENERAL REFERENCES

Building construction — See Ch. 121.

Zoning — See Ch. 295.

§ 156-1. Purpose.

The purpose of this chapter is to regulate the use of explosive materials and to establish uniform limits on permissible levels of blasting resultants to reasonably assure that blasting resultants do not cause injury, damage or a nuisance to persons or property.

§ 156-2. Definitions.

The following definitions shall apply in this chapter. Terms not herein defined shall be understood to have their usual and ordinary dictionary meaning:

AIRBLAST — An airborne shock wave resulting from the detonation of explosives.

APPROVED — Approval granted by the Village of Hobart.

BLASTER — Any individual holding a valid blaster's license issued by the Wisconsin Department of Safety and Professional Services.

BLASTING — Any method of loosening, moving or shattering masses of solid matter by use of an explosive.

BLASTING BUSINESS — Any individual, corporation, company, association, firm, partnership, society, or joint stock company engaged in a blasting operation.

BLASTING OPERATION — Any operation, enterprise or activity involving the use of blasting.

BLASTING RESULTANTS — The physical manifestations of forces released by blasting, including, but not limited to, projectile matter, vibration and concussion, which might cause injury, damage or unreasonable annoyance to persons or property located outside the permitted explosive uses area.¹

COMMUNITY — A built-up inhabited area.

DEPARTMENT — The Wisconsin Department of Safety and Professional Services.

DETONATOR — Any device containing a detonating charge that is used for initiating detonation in an explosive. The term includes, but is not limited to, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses, detonating cord delay connectors, and nonelectric instantaneous and delay blasting caps.

ELECTRIC BLASTING CAP — A blasting cap designed for, and capable of, initiation by means of an electric current.

1. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. III).

EXPLOSION — The substantially instantaneous release of both gas and heat.

EXPLOSIVE — Any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion unless the compound, mixture or device is otherwise classified by the Department by rule.

EXPLOSIVE MATERIALS — Explosives, blasting agents and detonator. The term includes, but is not limited to, dynamite and other high explosives, slurries, emulsions, water gels, blasting agents, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord and igniters.

FLY ROCK — Rock that is propelled through the air from a blast.

GROUND VIBRATION — A shaking of the ground caused by the elastic wave emanating from a blast.

HIGHWAY — Any public street, public alley or public road.

INHABITED BUILDING — A building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store or other structure where people are accustomed to assemble, except any building or structure occupied in connection with the manufacture, transportation, storage or use of explosive materials.

NUISANCE — An excessive, repeated noise, action or other disturbance that would cause an unreasonable annoyance.

PARTICLE VELOCITY — Any measure of ground vibration describing the velocity at which a particle of ground vibrates when excited by a seismic wave.

PERMITTED EXPLOSIVES USE AREA — The area that surrounds a blasting site and:

- A. Is owned by the operator; or
- B. With respect to which, because of property ownership, employment relationship or agreement with the property owner, the operator can take reasonably adequate measures to exclude or to assure the safety of persons and property.

PERSON — Any individual, corporation, company, association, firm, partnership, society or joint stock company.

POWDER FACTOR — Any ratio between the amount of powder loaded and the amount of rock broken.

PRIMER — A capped fuse, electric detonator or any other detonating device inserted in or attached to a cartridge of detonator sensitive explosive.

STEMMING — The inert material, such as drill cutting, used in the collar portion or elsewhere of a blast hole to confine the gaseous products of detonation.

§ 156-3. Regulation of explosive materials and blasting.

- A. General. No person shall handle or use explosive materials in the Village of Hobart, unless he:
 - (1) Possesses a valid State of Wisconsin blaster's license with the proper classification or is supervised by a holder of a valid State of Wisconsin blaster's license with the proper classification; and

- (2) Possesses all necessary state permits and complies with all applicable local, state and federal regulations, including, but not limited to, the requirements of this chapter and Chapter SPS 307, Explosives and Fireworks, Wisconsin Administrative Code.
- B. Permit. No person or blasting business shall handle, use or cause explosives to be detonated within the Village of Hobart without an explosives use permit issued by the Village of Hobart as hereafter set forth to such person, his supervisor or employer:
- (1) Application. Applications for an explosives use permit shall be in writing upon forms provided by the Village Clerk-Treasurer. Applications shall be accompanied by a permit fee in an amount set from time to time by resolution of the Village Board. Permits shall be issued on an annual basis commencing January 1 and ending on December 31. All explosives use permits applied for after January 1 shall be prorated from the date of the issuance of the permit through the end of the year. Applications may be made by and permits issued to the blasting business, provided that the person doing the blasting or responsible for such blasting shall hold a valid Wisconsin blaster's license with proper classification. The applicant will identify the licensed blasters operating under the permit and the blasting locations within the Village of Hobart. In the discretion of the Board, the permit fee may be waived upon showing of acceptable hardship by the applicant. All applications for reissuance and renewal for an explosives use permit shall be filed by the permittee with the Village Clerk-Treasurer of the Village of Hobart within 60 days before the expiration date of the previous permit.
 - (2) Certificate of insurance. Each application for an explosives use permit as herein stated, or a renewal thereof, shall be accompanied by a certificate of insurance for a commercial general liability policy and said policy of insurance shall have limits of coverage of not less than \$1,000,000 in the aggregate and \$500,000 per occurrence, and the Village shall be named as an additional insured on applicant's policy of liability insurance.
 - (3) Explosives use plan. Each application for an explosives use permit or a renewal thereof shall include a written description of the total area within which explosives are proposed to be used, blasting procedures to be employed, including types of explosives, initiating systems, and an aerial photograph or drawing acceptable to the Village Board with a scale of no less than one inch equals 400 feet and which accurately includes all areas and inhabited buildings within 1,000 feet of all property lines of the owner of the property.
 - (4) Blasting notification. Before any blasting operation may be conducted within the Village of Hobart, the blaster shall give notice thereof by the conspicuous display of a fluorescent flag and legible sign giving notice of the blasting operation. The flag and sign shall be displayed at least 24 hours prior to and during all blasting operations. In addition to the notification requirements required by § SPS 307.31(2)(b), Wis. Adm. Code, verbal or written notice of the blasting operation shall be given to the Village Clerk-Treasurer at least 24 hours prior to commencement of blasting operations.²

- (5) Hours of operation. Blasting shall only be conducted between 8:00 a.m. and 4:00 p.m. on Monday through Friday; provided, however, that in the event an emergency has delayed a blast beyond 4:00 p.m., loaded holes may be blasted within a reasonable time thereafter. Blasting shall not be conducted at other times or on Saturdays or Sundays or legal holidays without written permission from the Village Board, which shall only be granted upon a showing of extreme need.³
- (6) Blasting log. An accurate blasting log shall be prepared and maintained for each blast fired, and a true and complete copy of said log shall be supplied to the Village Clerk-Treasurer within three working days of a request for a copy of said log. The Village may require that the permittee furnish to the Village an analysis of any particular blasting log to be prepared by the permittee. In the event the permittee cannot or will not prepare a reliable analysis, the Village may obtain such analysis from an independent expert. The permittee shall be liable for the reasonable cost of such analysis if it is determined after an opportunity to be heard that this chapter was violated by the permittee. Each blasting log shall include, but not be restricted to, the following information:
- (a) Name and license number of blaster in charge of blast;
 - (b) Blast location references to the supplied aerial photograph or drawing of the explosives use area;
 - (c) Date and time of blast;
 - (d) Weather conditions at time of blast;
 - (e) Diagram and cross-section of blast hole layout;
 - (f) Number of blast holes;
 - (g) Blast hole depth and diameter;
 - (h) Spacing and burden of blast holes;
 - (i) Maximum holes per delay;
 - (j) Maximum pounds of explosives per delay;
 - (k) Depth and type of stemming used;
 - (l) Total pounds of explosives used, including primers and initiating cord;
 - (m) Distance to nearest inhabited building not owned by permittee;
 - (n) Type of initiation system used;
 - (o) Seismographic and airblast information, which shall include:
 - [1] Type of instrument and last calibration date;

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

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- [2] Exact location of instrument and date, time and distance from the blast;
 - [3] Name and company affiliation of person taking reading;
 - [4] Name of the person and firm analyzing the seismographic and airblast data when required;
 - [5] Vibrations and airblast levels recorded; and
 - [6] Copy of the seismograph printout.
- C. No permittee shall be required to obtain more than one permit annually for its operations within the Village of Hobart.

§ 156-4. Temporary permits.

The Village Clerk-Treasurer, upon receipt of a properly completed temporary permit application form, may issue a temporary permit to allow for special construction or demolition activities requiring the use of explosives. Temporary permits shall be issued for a duration of 14 consecutive working days. The temporary permit fee shall be \$100 and shall be submitted with the completed temporary permit application form. Only one temporary permit can be issued for any given site within the year of permit issuance. Except as provided herein, all of the requirements of this chapter apply to temporary permits.

§ 156-5. Regulation of blasting resultants.

- A. Purpose of sections. It is the purpose of this section to provide for the establishment of uniform limits on permissible levels of blasting resultants to reasonably assure that blasting within the Village of Hobart does not cause injury, damage or a nuisance to persons or property outside and beyond the permitted explosives use area.
- B. Instrumentation. All blast-monitoring instruments used to produce data to support compliance with this subsection shall meet the following minimum specifications:
- (1) Seismic frequency range: two to 200 Hz (\pm 3 Hz).
 - (2) Acoustic frequency range: two to 200 Hz (\pm 1dB).
 - (3) Velocity range: two-hundredths inches to 4.0 inches per second.
 - (4) Sound range: 100 to 140 dB linear.
 - (5) Transducers: three mutually perpendicular axes.
 - (6) Recording. Provide time-history of wave form.
 - (7) Printout. Direct printout showing time, date, peak air pressure, peak particle velocity and frequency in three directions and a printed waveform graph of the event depicting measured air blast and particle velocity in the three directions.
 - (8) Calibration. At least once every 12 months according to manufacturer's

recommendations.

C. Control of adverse effects.

- (1) General requirements. Blasting shall be conducted so as to prevent injury or a nuisance to persons and damage to public or private property outside the permitted explosives use area.
- (2) Airblast.
 - (a) Limits. Airblast shall not exceed the following limits:

Lower Frequency Limit of Measuring System	Maximum Level
(Hz)	(db)
2 or lower — flat response	133 peak
6 or lower — flat response	129 peak

- (b) At the location of the dwelling, public building, place of employment, school, church or community or institutional building outside and beyond the permitted explosives use area.

D. General ground vibration.

- (1) The maximum ground vibration at the location of any dwelling, public building, place of employment, school, church, or community or institutional building outside the permitted explosive uses area shall be established in accordance with either the maximum peak-particle-velocity limit (See Table 5-1), the scaled-distance of Subsection G, or the blasting-level chart of Subsection H.
- (2) All structures in the vicinity of the blasting area not listed in Subsection D(1), such as water towers, pipelines and other utilities, tunnels, dams, impoundments and underground mines, shall be protected from damage by establishment by the operator of a maximum allowable limit on the ground vibration. The operator shall establish the limit after consulting with the owner of the structure.
- (3) Maximum peak particle velocity. An operator may use the maximum ground vibration limits listed in table below.

Table 5-1**Peak Particle Velocity Limits****Maximum in Allowable Peak Particle Velocity for Ground Vibration****(inches per second)**

Type of Structure	At Frequencies Below 40 Hz*	At Frequencies 40 Hz and Greater
Modern homes and structures with drywall interiors	0.75	2.0
Older homes and structures with plaster on wood lath construction for interior walls	0.50	2.0

NOTES:

* All spectral peaks within 6 dB (50%) amplitude of the predominant frequency must be analyzed.

- E. Ground vibration shall be measured as the particle velocity. Particle velocity shall be recorded in three mutually perpendicular directions. The maximum allowable peak particle velocity shall apply to each of the three measurements and the vector sum of the three measurements.
- F. A seismographic record shall be provided for each blast.
- G. Scaled-distance equation.
- (1) An operator may use the scaled-distance equation, $W = (D/D_s)^2$, to determine the allowable charge-weight of explosives to be detonated in any eight-millisecond period, without seismic monitoring; where W equals the maximum weight per delay of explosives, in pounds; D equals the distance, in feet, from the blasting site to the nearest structure listed in Subsection D(1) and (2); and D_s equals the scaled-distance factor listed in Table 5-2.
 - (2) The development of a modified scaled-distance factor may be authorized by the Village on receipt of a written request by the operator, supported by seismographic records of blasting at the site. The modified scaled-distance factor shall be determined such that the particle velocity of the predicted ground vibration will not exceed the prescribed maximum allowable peak particle velocity of Subsection D(3) at a 95% confidence level.

Table 5-2**Scaled-Distance Factor Limits**

Distance (D) From the Blasting (feet)	Scaled-Distance Factor (Ds) to be Applied Without Seismic Monitoring
0 to 300	50
301 to 5,000	55
5,001 and beyond	65

H. Blasting level chart.

- (1) An operator may use the ground vibration limits found in Figure 7.44⁴ to determine the maximum allowable ground vibration.
- (2) If the Figure 7.44 limits are used, a seismographic record including both particle-velocity and vibration frequency levels shall be provided for each blast. The method of analysis shall be subject to reasonable discretionary review by the Village.

§ 156-6. Monitoring.

A. Monitoring.

- (1) The permittee shall monitor all blasts at the closest location to the blast of any dwelling, public building, place of employment, school, church or community or institutional building outside and beyond the permittee explosives use area; provided, however, that the permittee may monitor at another location, approximately the same distance from the blast site, if the permittee is unable to obtain permission to conduct the monitoring from the owner of the preferred location. The Village Board or its designee may, at its discretion, require the relocation of monitoring equipment to a more suitable site.
- (2) The measuring equipment used shall have an upper end flat frequency response of at least 200 Hz.
- (3) All measuring equipment during monitoring shall be spiked to the ground or sandbagged.

B. Flyrock. Flyrock produced as a result of explosives use shall be totally contained within the permitted explosives use area.

C. Seismic monitoring. The Village Board, in its discretion, may conduct independent seismic blast monitoring or air blast monitoring to spot-check data supplied by the permit holder. If the independent monitoring discloses after hearing that this chapter was violated by the permittee, then, in that event, the permittee shall pay the reasonable costs incurred by the Village for the independent monitoring.

4. Editor's Note: See Figure 7.44, Blasting Level Chart, of Chapter SPS 307, Explosives and Fireworks, of the Wisconsin Administrative Code.

§ 156-7. Preblast survey and notification.

- A. Preblasting notification. Each explosives use permit application and all reapplications shall include the names and addresses of all residents or owners of dwellings or other structures located within 1,000 feet of the boundaries of the blasting site, as described in the explosives use plan.
- B. At the time of permit application, the applicant shall have notified, in writing, all residents or owners of dwellings or other structures located within the previously defined area (1,000 feet), who may request a preblast survey and a water quality test for existing wells. This request shall be in writing. The applicant shall cause a preblast survey to be conducted as to such dwelling or structures, and water quality testing for existing wells; provided, however, that the applicant shall not be required to conduct a preblast survey or well water quality testing more than once every six years as to any dwelling, structure, or well.
- C. The owner of a dwelling or structure that is within 1,000 feet of the blasting site, which, subsequent to the conducting of a preblast survey has been substantially modified or improved by more than 50% of the property's fair market value, may request a preblast survey. If it is found that a preblast survey for such improved or modified structure is appropriate, the applicant/permittee may conduct such surveys within a reasonable period of time, but in no case exceeding twice a year for all such requests by all owners.
- D. The preblast survey and water quality testing shall be promptly conducted in a manner and form and by an independent survey company, a laboratory approved by the State of Wisconsin or organization selected by the applicant and acceptable to the owner or resident and the Village Zoning Administrator/Building Inspector. The survey shall determine the condition of the dwelling or structure and shall document any preblasting damage or other physical factors that could reasonably be expected to be affected by the use of explosives. The testing of wells shall determine the condition of the water as to be safe for human use. The Board may consider accepting a blasting survey or well water test that was prepared prior to the effective date of this chapter if the blasting survey and well water test meets the requirements outlined herein.
- E. The survey shall include a written report signed by the person who conducted the survey. Copies of the survey report shall be promptly provided to the Village of Hobart, the owner or resident, and the applicant/permittee. The owner, resident or applicant/permittee shall promptly submit in writing to the Village of Hobart any objections to the survey report, setting forth in detail such objections.
- F. The water quality test for existing wells shall include a written report signed by the person who conducted the test. Copies of the test shall be promptly provided to the Village of Hobart, the owner or resident, and the applicant/permittee. The owner, resident or applicant/permittee shall promptly submit in writing to the Village of Hobart objections to the test, setting forth in detail such objections.
- G. Reasonable and reasonably related expenses incurred as a result of such independent surveys shall be the responsibility of the applicant/permittee.

§ 156-8. Enforcement; violations and penalties.

A. Enforcement. The following are criteria that the Village Board may consider for issuance, reissuance, suspension or revocation of a blasting permit:

- (1) Compliance with the blasting standards established by the Village of Hobart as noted herein by this chapter.
- (2) Development and submittal to the Village Board of the Village of Hobart of the explosives use plan and compliance with the explosives use plan.
- (3) Development and submittal to the Village Board of the Village of Hobart the blasting log, when requested, and compliance with the operation plan with the information called for by the blasting log.
- (4) Maintaining the insurance required by this chapter.
- (5) Compliance with the operational hours for blasting as noted herein by this chapter.
- (6) Compliance with airblast and ground vibration standards established by the Village of Hobart as noted herein by this chapter.
- (7) Compliance with the pre-blasting notification requirements to residents and the Village Board as noted herein by this chapter.
- (8) Attempts made by the permittee interest to comply with the provisions of this chapter.
- (9) Consideration of atmospheric, unknown conditions including geophysical conditions, and other matters beyond the control of the permittee.

B. Suspension/revocation.

- (1) Unless expressly provided herein or by other Village of Hobart Code provisions, the explosive use permit may be suspended or revoked for cause for substantial noncompliance with this chapter after the proper Village of Hobart hearing noted below, unless in an emergency condition determined by the Village Board of the Village of Hobart wherein the license, registration or permit can be suspended temporarily for a set time period. Prior to any action for suspension or revocation, the Village Board of the Village of Hobart must, by the Village Clerk-Treasurer of the Village of Hobart, receive a verified complaint concerning the licensee, registrant or permittee. The following persons may file a verified complaint with the Village Board of the Village of Hobart:
 - (a) The Village President.
 - (b) The Village Clerk-Treasurer.
 - (c) The Village Trustees.
 - (d) The Village Zoning Administrator/Building Inspector.
 - (e) Any Village of Hobart resident.

- (f) A landowner within 1,000 feet of the blasting site.
- (2) The Village Board will make a determination if the allegations of the complaint are of sufficient magnitude, importance, or otherwise of such a nature as to require a formal evidentiary hearing.
- (3) The person subject to charges for violation of any Village of Hobart ordinance or any violation of a condition of a the explosives use permit shall be provided a copy of the verified complaint and notice of hearing before the Village Board of the Village of Hobart. The hearing shall be required to be not less than 10 days nor more than 30 days after receipt of notice, unless stipulated in writing by the Village Board of the Village of Hobart and the person subject to charges.
- (4) The person subject to charges for violation of any Village of Hobart ordinance or any violation of a condition of the explosive use permit shall be entitled to the following:
 - (a) Representation by legal counsel.
 - (b) Right to present and cross-examine witnesses.
 - (c) Right to subpoena witnesses by the Village President of the Village of Hobart issuing subpoenas to compel attendance of witnesses.
- (5) The Village Board of the Village of Hobart may, after the hearing for any person previously issued an explosive use permit by the Village Board of the Village of Hobart, act as follows:
 - (a) Revoke the permit as a final decision.
 - (b) Suspend the permit for a date certain as a final decision.
 - (c) Request additional information as an interim decision prior to taking future action.
 - (d) Take no action on the permit as a final decision.
- (6) The final decision of the Village Board of the Village of Hobart to revoke or suspend the blasting permit shall be subject to appeal to the Circuit Court, which appeal must be filed with the Circuit Court not later than 45 days from the mailing of the Village Board's decision to the permit holder.

C. Penalty.

- (1) In addition to the denial, suspension or revocation of a permit issued under this chapter, any person who shall violate any provision of this chapter or who shall fail to obtain a permit as required hereunder shall, upon conviction of such violation, be subject to a penalty of a civil forfeiture of not less than \$5 nor more than \$500, together with the costs of prosecution. Any default of such forfeiture determined by a court of competent jurisdiction shall be subject to any penalties as provided by §§ 66.0109, 66.0115, 66.0113 and 66.0114, Wis. Stats., as may be amended.

- (2) Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this chapter shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this chapter.