

ORDINANCE 113
TOWN OF CROSS PLAINS
AN ORDINANCE CREATING CHAPTER 108 OF THE GENERAL CODE OF
ORDINANCES TO REGULATE BLASTING AND MINERAL EXTRACTION
WITHIN THE TOWN OF CROSS PLAINS

The Town Board of the Town of Cross Plains, Dane County, Wisconsin does ordain that Chapter 108 of the General Code of Ordinances entitled "Town of Cross Plains Non-Metallic Mining Permitting Ordinance" be and the same is hereby created to read as follows:

Section I: Title

This ordinance shall be cited as the "Town of Cross Plains Non-Metallic Mining Permitting Ordinance" and hereinafter referred to as "this ordinance".

Section II: Authority

This ordinance is adopted to protect the public health, safety and welfare of residents of the Town of Cross Plains. This ordinance is authorized by the powers granted to the Town of Cross Plains by the Town's adoption of Village powers under sec. 60.10(2)(c), Wis. Stats., and is in accord with sec. 61.34 (1), Wis. Stats., and Wis. Admin. Code SPS 307, NR 135 and 415.

Section III: Purpose and Intent

The purpose of this ordinance is to regulate the excavation of non-metallic minerals and the use of explosives in non-metallic mining operations and in demolition of structures that require, at a minimum, a class 3 blaster's license under Wis. Admin. Code SPS 305.20 and issued by the Wisconsin Department of Safety and Professional Services. This ordinance is intended to limit the adverse effects of blasting on persons or property outside any controlled blasting site area. It is also intended to exercise the Town's police powers to create certain regulations on the operation of non-metallic mining operations.

Section IV: Definitions

When used in this ordinance, the terms below shall be defined and limited as follows:

- (A) Affected building or structure. A building or structure within a distance extending 1,000 feet from the outer perimeter of a controlled blasting site area.
- (B) Airblast. An airborne shockwave resulting from the detonation of explosives.
- (C) Baseline Record. Pre-blasting test results, including well test results, of record that are measured after the longest period with no blasting activity.
- (D) Blast area. The area of the blast as determined by the blaster in charge within the influence of flying rock missiles, the emission of gases, and concussion as determined by the blaster in charge.
- (E) Blast site. The area where explosive materials are handled during the loading of blast holes, including 50 feet in all directions from the perimeter formed by the loaded blast holes and 50 feet in all directions along the full depth of the blast hole.
- (F) Blaster. Any individual holding, at a minimum, a valid class 3 blaster's license issued by the Wisconsin Department of Safety and Professional Services as defined in Wisconsin Administrative Code SPS 305.20(1)(b). The blaster shall also hold any other licenses

required by law to conduct blasting and related activities in the Town. (Refer to Exhibit A: Wisconsin Administrative Code SPS 305.20)

(G) Blaster in charge. The qualified person in charge of and responsible for loading and firing the blast.

(H) Blasting. The use of explosives to loosen, penetrate, move or shatter masses of solid materials.

(I) Controlled blasting site area. An area that surrounds a blast site for which the operator has a legal right and duty to take all reasonable means to assure the safety of persons and property, either because the operator owns the area, because the operator has leased or has some special agreement with the owner of that area, or because the operator or blaster owes a special duty to other persons or property under other applicable regulations or laws.

(J) Ground vibration. A shaking of the ground caused by the elastic wave emanating from a blast.

(K) "Nonmetallic mining" or "Nonmetallic mining operation." These terms as used in this ordinance can refer to any of the following:

(1) Extraction from the earth of mineral aggregates or nonmetallic minerals for off-site use or sale, including drilling and blasting as well as associated activities such as excavation, grading and dredging of such materials.

(2) Manufacturing or processing operations that may involve the use of equipment for the crushing, screening, separation, or blending of the mineral aggregates or nonmetallic minerals obtained by extraction from the mining site or with materials transferred from off-site.

(3) Manufacturing processes aimed at producing nonmetallic products or by products of such manufacturing processes for sale or use by the operator.

(4) Stockpiling of nonmetallic products for sale or use off-site and stockpiling of waste materials.

(5) Transport of the extracted nonmetallic materials, finished products or waste materials to or from the extraction site.

(6) Disposal of waste materials.

(7) Reclamation of the extraction site.

(8) The term shall not include removal of field rock from farm property as part of preparing farms for planting.

(L) Operator. The individual or business entity conducting blasting activities, applying for a permit to blast, or operating a non-metallic mining operation.

(M) "Permit" or "Blasting Permit" or "Permit to Blast." A permit to engage in blasting or other activities authorized under this Ordinance.

(N) Town. The Town of Cross Plains, Dane County, State of Wisconsin.

(O) Town Board. The Town Board of the Town of Cross Plains.

(P) Town Clerk. The Clerk/Treasurer of the Town of Cross Plains.

Section XIX: Severability and Interpretation

(A) Should any section, clause, provision or portion of this ordinance be adjudged unconstitutional

