

EARTH EXCAVATIONS

The following regulations shall apply to all future and existing excavations of sand, gravel, stone, loam, dirt, and other earth products within the Town of Glenmore where applicable.

A. PURPOSE

This ordinance is intended to establish regulations for excavation to insure the health, safety and welfare of the Town of Glenmore.

B. GENERAL

1. All excavations of sand, gravel, clay, silt, loam, rock, stone, muck, dirt, soil and other earthen materials, including but not limited to sand pits, gravel pits, and rock quarries, exclusive of artificial lakes, shall come under the jurisdiction of this ordinance.

2. All existing sites of excavation shall comply with this ordinance prior to any additional expansions or alterations of the existing site beyond the boundaries of the parcels of record on which excavation is taking place as of the date of the adoption of this ordinance.

C. EXEMPTIONS

The following uses shall be exempt from the provisions of this ordinance.

1. Excavation and removal of less than five hundred (500) cubic yards over a period of one (1) year from any single parcel of land recorded in the Brown County Register of Deeds Office.

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

3. Normal agricultural activities.

4. Landscaping or site preparations for building use.

5. Excavation, fill and grading for public road construction purposes within the right-of-way.

D. PERMIT

1. Application for a permit to excavate or remove earth material shall be made to the Glenmore Zoning Administrator by the property owner or his assigned agent. Forms shall be provided by the Town Zoning Administrator.

The Town Plan Commission shall make a recommendation to the Town Board within thirty (30) days from the filing of the completed application form. A failure of the Town Plan Commission to submit written findings to the Town Board within the thirty (30) day period shall constitute a denial of the application by the Town Plan Commission.

The Town Board shall then reach a decision within sixty (60) days from the filing of

the completed application form. If an application for a permit to excavate or remove earth materials is not acted upon finally by the Town Board within sixty (60) days of the date upon which such application is received by the Town Clerk, it shall be deemed to have been denied.

2. An application fee of one thousand dollars (\$1000.00) shall accompany the application for an initial permit. A fee of one thousand dollars (\$1000.00), if no changes are proposed, shall accompany each permit renewal. If substantial changes or alterations are made to the approved plan, an additional fee of five hundred dollars (\$500.00) shall accompany the renewal permit. Permits are issued on January 1st and shall be valid for one (1) year upon issuance. Partial year application fees will be prorated.

3. The application shall contain the required information as specified in **Earth Excavations**, Subsection E prior to the issuance of an excavation permit.

4. Following submittal and approval of the excavation plan by the Town Board, the Town Zoning Administrator shall issue the permit.

E. SITE PLANS

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

1. A map showing the location of the premises and the adjoining properties within five hundred (500) feet. The map shall be drawn at a scale not smaller than one (1) inch equals three hundred (300) feet.

2. Contour intervals of the proposed site at intervals of twenty (20) feet, when available.

3. Existing and proposed drainage patterns of the site.

4. Proposed re-grading and re-vegetation of the site after completion of the excavating operation.

5. Proposed truck and machinery access to the site.

6. Types and location of temporary or permanent buildings to be erected on the site.

7. Approximate amount of earth material to be excavated or removed at the site.

8. Approximate number of trucks and other types of machinery to be used at the site.

9. Measures to be taken to screen the operation from view of surrounding land uses or a written explanation of why such measures are not needed.

10. Amount of and location of parking spaces.

11. Location and means of storing fuel.

12. Security plans for the site.

F. TRUCKS AND MACHINERY

1. No fixed machinery shall be erected or maintained within one hundred (100) feet of any property or street line. If the property is abutting agricultural property line and no residence is located within one hundred (100) feet of the property line, then the setback can be no less than twenty-five (25) feet.

2. Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding property.

G. MATERIAL HANDLING

1. No excavation shall take place within fifty (50) feet of any property line or one hundred (100) feet of the street line.

Where existing quarries share adjoining property lines, a mutual agreement between the quarry operators would exempt them from the fifty (50) foot setback at the adjoining property line. A copy of this mutual agreement must be provided to the Town of Glenmore.

2. No screening, sifting, washing, crushing, or other forms of processing shall be conducted upon the premises unless it is located more than five hundred (500) feet from a residential dwelling on neighboring property.

H. EXCAVATION SITES

The excavation of earth materials shall be allowed as a Conditional Use in I-1 General Industrial.

I. GENERAL CONDITIONS

1. Hours of operation:

Business/Crushing Hours:	6am-5pm	M-F	June, July, August
	6am-10pm	M-F	April, May, September
	6am-2am	M-F	October-March

Blasting Hours:	9am-4pm	M-F
------------------------	----------------	------------

If in the event an emergency has delayed a blast beyond 4:00pm, loaded holes may be blasted within a reasonable time thereafter.

Drilling Hours:	7am-5pm	M-F
------------------------	----------------	------------

Loading/Hauling & Excavating Hours:	6am-5pm	M-F
	7am-2pm	Sat. (if needed)

Regular maintenance and repair may be done outside specified hours.

2. Install sound deadening material inside of feed hoppers and on material chutes in connection with crushing operations.
3. Install discharge boots on end of transfer conveyor and stock piling conveyor in connection with crushing operation.
4. Maintain mufflers on drill hammers, drill engines, and other points where mufflers are normally installed.
5. Berms are allowed in lieu of a fence when approved by the Town Board. Berms will be a minimum of five (5) feet and may be permitted next to the road right-of-way.
6. Install horn or whistle on premises that shall sound a minute before every blast is made to alert neighbors of blasting.
7. A vacuum sweeper and/or water flush shall be used on roadways, as assigned by the conditional use permit, when trucking materials or equipment in or out of the quarry during quarry operations. Keep records.
8. Watering process at the conveyors and other points in crushing operation where feasible.
9. Make every reasonable effort to have loads covered into and out of quarry.
10. Contribute to widening, paving, shoulders and maintaining of town roads affected.
11. Quarrying depth shall be no more than fifty (50) feet plus or minus to the nearest horizontal seam.
12. Encourage reduced speed on affected roadways.
13. Monitor all blasts and keep records.
14. Zoning Administrator and a Plan Commission member will visit the site at least one (1) month prior to permit renewal.
15. Following the issuance of a conditional use permit to begin a quarry operation, a one-time inspection of any well within twelve hundred (1200) feet of the quarry, the purpose of such inspection being to establish the well status, must be made by an independent firm and paid for by the quarry operator. If more than one quarry operator is within the twelve hundred (1200) foot range, the charges for the inspection shall be shared by the operators and shall be pro-rated according to the number of quarry operators.

Inspected existing wells within twelve hundred (1200) feet of the zoned area for quarrying will be replaced if the well fails due to quarry operations.

New wells installed must meet the DNR standards before they are covered for failure due to quarry operations.

Quarry operator(s) is/are responsible for well replacement. All claims shall be made

with the quarry operator(s).

16. Any changes in quarry operation or equipment used must come to a hearing before the Glenmore Town Board.

17. Permit renewed annually with additional requirements, if deemed necessary by the Glenmore Town Board.

18. Follow Brown County Non-Metallic Mining Reclamation Ordinance along with any changes made to the ordinance.

19. Quarry must meet all DNR requirements. If the Town of Glenmore conditions are more restrictive, then they shall apply.

20. Hold harmless agreement with Town of Glenmore.

21. If the Quarry is sold, new owners must come before the Town Board for a review and possible change of conditions.

22. Make available to the Town Board proof of a minimum five million dollar (\$5,000,000.00) umbrella insurance policy to cover damages caused by quarry operations. The Town of Glenmore shall be named as an additional insured on the applicant's Policy of Liability Insurance.

23. Due notice of meeting(s) scheduled to discuss Earth Excavations shall be given to the applicant as well as any other individual who has filed a request with the Town Zoning Administrator or Town Clerk. Due notice of said meeting(s) shall also be given to all owners of any real estate where the said real estate is located within one hundred (100) feet of the subject property.

The "due notice" provision of this paragraph shall be satisfied if the Town Zoning Administrator or Town Clerk sends a letter to any person entitled to "due notice" stating the time and place of the hearing. An affidavit of mailing executed by the Town Zoning Administrator or the Town Clerk shall be deemed conclusive proof that "due notice" was given to said parties.

J. OTHER REQUIREMENTS

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

2. The premises shall be excavated and graded in conformity with the plan as approved. Any deviation from the plan shall be cause for the Town Board to revoke the permit upon the recommendations of the Town Plan Commission.

3. A copy of the plans and specifications approved by the Town Board shall be on file at the Town Clerk's office or kept on the project site through the entire excavation and reclamation period. Upon written request the applicant will provide access to any and all records pertaining to the applicant's excavation permit.

4. When excavating and removal operations are no longer used the reclamation plan on file shall be followed.

5. If the excavation site shall fall within a county floodplain, shoreland, or conservancy zone district, the regulations as set forth in the Shoreland-Floodplain Protection Ordinance for Brown County shall apply.

6. Town Plan Commission members, with proper clearance from the excavation permit holders, shall be allowed on the premises during scheduled operating hours for inspection purpose.

7. A Surety Bond or other form of financial assurance is required from the mine operator based on the cost to implement the reclamation plan should the county waiver such financial assurance in its reclamation ordinance.