

Town of Round Lake Land Use Planning Commission Regular Meeting

Monday April 6th, 2026, 6:30 p.m. at Town Hall (10625 N County Road A)

and via Virtual Platform

Join the meeting link:

<https://townofroundlake.my.webex.com/townofroundlake.my/j.php?MTID=m821bcd38393dbf9f775ff5cc26985e96>

Join by meeting number:

Meeting number (access code): **2557 413 6725**

Meeting password: DpWmMTPe882 (37966873 when dialing from a phone or video system)

- 1. Call to Order – 6:30 p.m.**
- 2. Certification of Proper Meeting Notice (§ 19.84)**
- 3. Approval/Reordering of Current Agenda**
- 4. Approval of Minutes – March 10th Regular Meeting**
- 5. Audience Recognition and General Comments**
 - a. Members of the public will have the opportunity to address the Land Use Planning Commission (LUPC). Comments will be limited to three (3) minutes per person and must be directed to the Commission. The LUPC cannot take action on any matter that is not listed on this agenda in accordance with Wis. Stat. Ch. 19 (Open Meetings Law). Individuals wishing to speak are asked to sign in and complete a public comment sheet before the start of the meeting.
- 6. Discussion and Possible Action – Certified Survey Map (CSM) – Combination of Outlots – The Preserve (Jeremy Hill / The Preserve at MBF, LLC)**
 - a. Review of two proposed Certified Survey Maps (CSMs) involving the combination of outlots within The Preserve development, including:
 - i. Combination of Outlots 1 and 2 of The Preserve Phase 3 and Outlots 1 and 2 of The Preserve Phase 5, located in Sections 10 and 15, Town of Round Lake / Town of Hayward, totaling approximately 5.95 acres
 - ii. Combination of Outlot 2 of The Preserve Phase 1 and Outlot 12 of The Preserve Phase 2, located in Sections 11 and 14, Town of Round Lake / Town of Hayward
 - b. Review of lot configurations, acreage, and access as depicted on the Certified Survey Maps
 - c. Consideration of recommendation to Town Board regarding the proposed Certified Survey Maps
- 7. Discussion and Possible Action – Review of Non-Metallic Mining Ordinance Sections**
 - a. Consideration of consistency with the Town Comprehensive Plan

- b. Review of ordinance provisions identified for clarification
- c. Consider that the Ordinance is a result of The Town hiring a legal firm that specializes in assisting communities with these types of issues

8. Discussion and Possible Action – Recycling Ordinance Update (Ordinance 2026-01)

- a. Review of proposed repeal and replacement of Recycling Ordinance to ensure compliance with Wis. Stat. § 287.11 and NR 544
- b. Consideration of updated ordinance provisions including material separation requirements, collection standards, and enforcement provisions
- c. Discussion of updates required for eligibility for State recycling grant funding

9. Discussion and Possible Action – Sawyer County Proposed Solar Energy Systems Ordinance (Version 3.1)

- a. Review of proposed County ordinance establishing standards for solar energy systems and battery energy storage systems, including permitting, setbacks, screening, and decommissioning requirements
- b. Consideration of summary provided to Towns regarding ordinance purpose, classifications (accessory, community-scale, mid-scale, and large-scale), and conditional use permit requirements
- c. Consideration of recommendation to the Town Board regarding approval or denial

10. Discussion and Possible Action – Sawyer County Proposed Data Center Ordinance Amendment

- a. Review of proposed amendment defining “Data Center” and allowing such use only by Conditional Use Permit in the Industrial-One (I-1) District
- b. Consideration of requirements including minimum 160 contiguous acres and associated impacts related to infrastructure, buffering, and compatibility with surrounding land uses
- c. Review of summary provided to Towns regarding purpose and regulatory intent of the amendment
- d. Consideration of recommendation to the Town Board

11. Discussion and Possible Action – Sawyer County Proposed Apartment Ordinance Amendment (C-1 District)

- a. Review of proposed amendment to allow apartments as Conditional Use in the Commercial-One (C-1) District
- b. Consideration of requirements including minimum land area of 10,000 square feet per unit and prohibition within the Shoreland District
- c. Review of summary provided to Towns regarding housing needs and intent of the amendment
- d. Consideration of recommendation to the Town Board

12. Update and Discussion – Rezoning Request (RZN #26-009)

- a. Applicants: James Sokup and Sydney Ringheim
- b. Request to rezone approximately 3.49 acres from A-1 to RR-1
- c. Update that rezoning has been approved by Sawyer County Zoning
- d. Discussion regarding Town process and approach for future rezoning requests

13. Discussion and Possible Action – Junk Ordinance Update (Ordinance 2026-02)

- a. Review of proposed Junk Ordinance regulating accumulation of junk, junk vehicles, and related materials within the Town
- b. Consideration of enforcement procedures including notice of violation, abatement, and penalties
- c. Consideration of postponing joint discussion with the Town Board to a later date

14. Update and Discussion – Town Survey (2026)

- a. Discussion of potential chairperson(s) for 2026 survey
- b. Consideration of deferring survey to 2027

15. Future Agenda Items

- a. Commission discussion of items to be included on the next regular or special meeting agenda.

16. Correspondence – Discussion only; no action will be taken.

17. Schedule for the next meeting – Establish date and time for the next regular Land Use Plan Commission meeting

18. Adjournment

Discussion and possible action may occur on items specifically noticed as such.

Note: It is possible that members of, and possibly a quorum of, other decision-making bodies of the Town of Round Lake — such as the Town Board, the Plan Commission, or other Town committees and commissions — may be present at this meeting to gather information about subjects over which they may have decision-making responsibility.

Such presence may constitute a meeting of those other bodies pursuant to *State ex rel. Badke v. Greendale Village Board*, 173 Wis. 2d 553 (1993). No action will be taken by any body other than the Land Use Planning Commission at this meeting, and no action will be taken except as specifically noticed on the agenda.

Notice posted on Thursday, April 2, 2026, by Frank Leuschen III, Clerk, Town of Round Lake.

Upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities through appropriate aids and services. Please contact the Town Clerk at (715) 462-9271 to request such accommodation.

Round Lake Land Use Planning Commission Regular Meeting Minutes

Tuesday March 10th, 2026

1. Call to Order – 6:30 p.m.

- The regular meeting of the Town of Round Lake Planning Commission was held at the Town Hall and virtually 3/10/2026
- The meeting was called to order by Don Stover at 6:30pm
- Christina Wondergem as Secretary

2. Certification of Proper Meeting Notice (§ 19.84)

- Posted on the town website, Town Hall Posting Box, and Recycling Center by the Town Clerk.
- Attending: Don Stover, Kimberly Kayler (virtual), Christina Wondergem (virtual), Scott Verbeck, Martin Hanson (virtual)
- Audience: Jim Sokup, Sydney Ringheim, Chuxie Burrows, Jim Strandlund, Frank Leuschen
- Jim Strandlund: Extended a thank you of appreciation to the LUPC, and asked council to be prepared for some important conversations over the next couple months.

3. Approval/Reordering of Current Agenda

- Motion to approve agenda: Hanson/Kayler, motion carried

4. Approval of Minutes – February 10th Regular Meeting

- Motion to approve minutes: Verbeck/Hanson

5. Audience Recognition and General Comments

- none

6. Discussion/Possible Action – Rezoning Request – RZN #26-006 – James Sokup and Sydney Ringheim

- Discussion: Jim and Sydney present: Sydney has lived on this property for 57 years, requested to move a portion of the property to RR-1 from A-1. Part of a property is zoned Ag1. Felt that the lot needs conformity instead of pieced out partially to A1.

- Opposition letter: Owner Bradley Markowski - owns a close property and is against this change for fear of it being built up. (present virtually)
- Conor O'Phelan (10753 N. Reynolds Rd.) was against this zoning change. Concerned about increased development in the area. (present virtually)
- Colemam & Jennifer O'Phelan (10759 N. Reynolds Rd.) spoke against the proposed rezone and was also concerned about more development in the area. Maria O'Phelan also has opposition to this zoning change, and owns another property in the area. (present virtually)
- Discussion: Martin pointed out another small 15x15 piece that is also A1. Looked at parcels in the area, and found a number of properties with split zoning. Kayler - properties will fall under the A1 parcels that are currently being discussed regarding re-zones.
- Motion to recommend that we table this item until the Plan Commission and Sawyer County Zoning develop a process for rezoning parcels such as this one. There are currently 20 such properties and the goal is to develop a process that will correct zoning inconsistencies., Hanson/Kayler, motion carries.

7. Discussion/Possible Action – Conditional Use Permit –CUP #26-008 - Matt Iverson

- Matt Iverson in attendance virtually to speak to CUP.
- Motion to recommend approval of CUP #26-008 with conditions 1-5 and amending condition #1 adding the sentence “failure to apply for “Building Permit” within 1 year will result in the cancellation of the CUP., Hanson/Kayler, motion carries.

8. Discussion/Possible Action – Revisited Town Approval Application – Shipping Container – 12003 W Twin Lake Road (Barrows)

- Chuxie Barrows present, will move in Spring to meet setbacks as required, and plans to use it only as additional storage on her property.
- Motion to recommend approval of the shipping container with the condition that the setback issue be corrected by June 15th, 2026: Verbeck/Hanson, motion carries.
- Discussion: Should the town work on adding additional evaluations for shipping container approvals, and thanks given to Town Clerk from Martin for finding the additional information on shipping containers.

9. Discussion/Possible Action – Development of a Potential Junk or Public Nuisance Ordinance

- Discussion: Review of sample ordinance, no further discussion.

10. Update – Town Survey: Next Steps for Initiating the 2026 Community Survey

- Discussion: Vicki Palya who was to chair the Survey Committee had to step down. We need to find another person to chair the committee.
- The time line for preparation of the survey is getting short.

11. Future Agenda Items

- Scott: going over the comprehensive plan a little piece at a time during each meeting until it's time to rewrite the plan.
- Martin: add discussion of non-conforming ag parcels.
- Martin: add discussion on whether the town should consider guidelines for shipping containers.

12. Correspondence – Discussion only; no action will be taken.

- Discussion: none

13. Schedule for the next meeting –

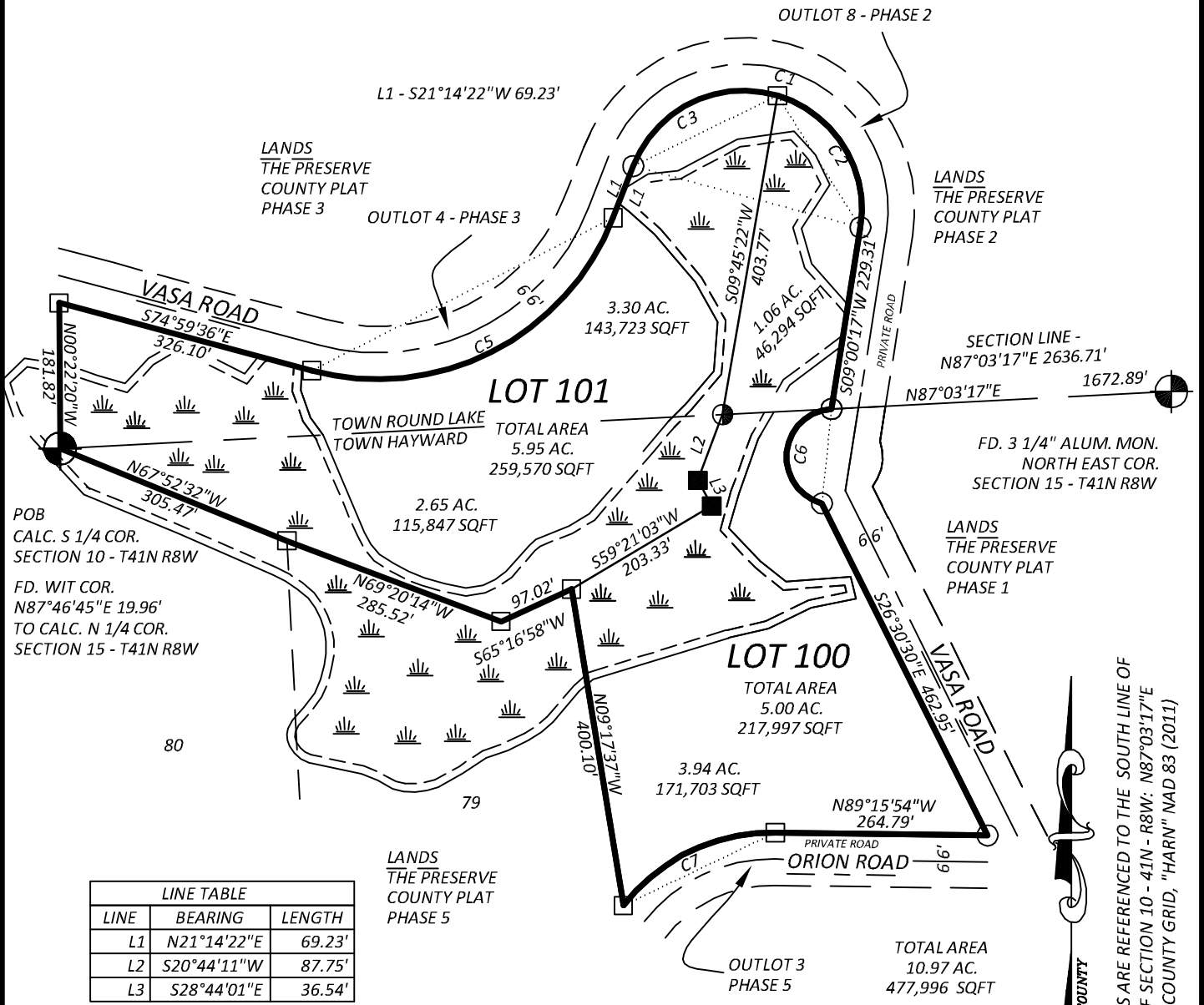
- Next meeting: Monday, April 6th, 6:30 pm

14. Adjournment

- 7:36pm

SAWYER COUNTY CERTIFIED SURVEY MAP

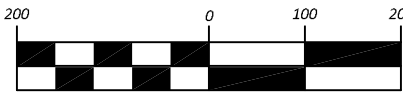
A COMBINATION OF OUTLOTS 1 AND 2 OF COUNTY PLAT, THE PRESERVE PHASE 3, DOC# 456679, AND OUTLOTS 1 AND 2 OF COUNTY PLAT, THE PRESERVE PHASE 5, DOC# 456682, LOCATED IN SW 1/4 - SE 1/4 IN SECTION 10 - T41N - R8W, TOWN OF ROUND LAKE AND THE NW 1/4 - NE 1/4 IN SECTION 15 - T41N - R8W, TOWN OF HAYWARD, SAWYER COUNTY, WISCONSIN.



LINE TABLE		
LINE	BEARING	LENGTH
L1	N21°14'22"E	69.23'
L2	S20°44'11"W	87.75'
L3	S28°44'01"E	36.54'

CURVE TABLE					
C#	CB	CD	RADIUS	DA	LENGTH
C1	S74°52'40"E	293.51'	147.59'	167°45'56"	432.17'
C2	S32°08'25"E	194.23'	147.59'	82°17'25"	211.98'
C3	N63°58'37"E	200.33'	147.59'	85°28'31"	220.19'
C4	N63°07'23"E	333.65'	249.88'	83°46'02"	365.33'
C5	N63°07'23"E	421.78'	315.88'	83°46'02"	461.82'
C6	S05°47'09"W	118.42'	60.00'	161°22'49"	169.00'
C7	S64°23'01"W	210.25'	233.00'	53°38'23"	218.13'

GRAPHIC SCALE



1 inch = 200 ft.

CLIENT: JEREMY HILL, THE PRESERVE AT MBF, LLC
 SCALE: 1 INCH = 200'
 MAP DATE: 2/18/2026
 DATE OF FIELD WORK: 2/7/2026
 FILE: PRESERVE.dwg

LEGEND

- FOUND 1 1/4" IRON ROD
- FOUND 5/8" SQ IRON ROD
- SET 5/8" X 18" SQ IRON ROD, WT. = 1.328#/FT
- FOUND 1 1/2" IRON PIPE OD
- PLSS CORNER
- COMBINATION OF DELINEATED AND APPROXIMATE DNR MAPPED WETLANDS / POND. SEE STORM WATER MANAGEMENT PLAN BY N.W.B.E FOR DELINEATED WETLAND AREAS.
- "X" LOT NUMBER

NOTE 1:
 WI - 236.20, PLATTING LAND
 (6) PUBLIC TRUST INFORMATION.
 "ANY LAND BELOW THE ORDINARY HIGH WATER MARK OF A LAKE OR A NAVIGABLE STREAM IS SUBJECT TO THE PUBLIC TRUST IN NAVIGABLE WATERS THAT IS ESTABLISHED UNDER ARTICLE IX, SECTION 1, OF THE STATE CONSTITUTION."

ORDINARY HIGH WATER MARK INDICATED ON THIS SURVEY DOCUMENT IS APPROXIMATE AND FOR REFERENCE ONLY.

SURVEY BY: _____
 TODD C. GOOLD - RLS 2489
 DATED THIS: _____ DAY OF _____, 2026

POINT NORTH LAND SURVEYING
 Hayward, WI
 715.699.6817
 todd@pointnorthland.com

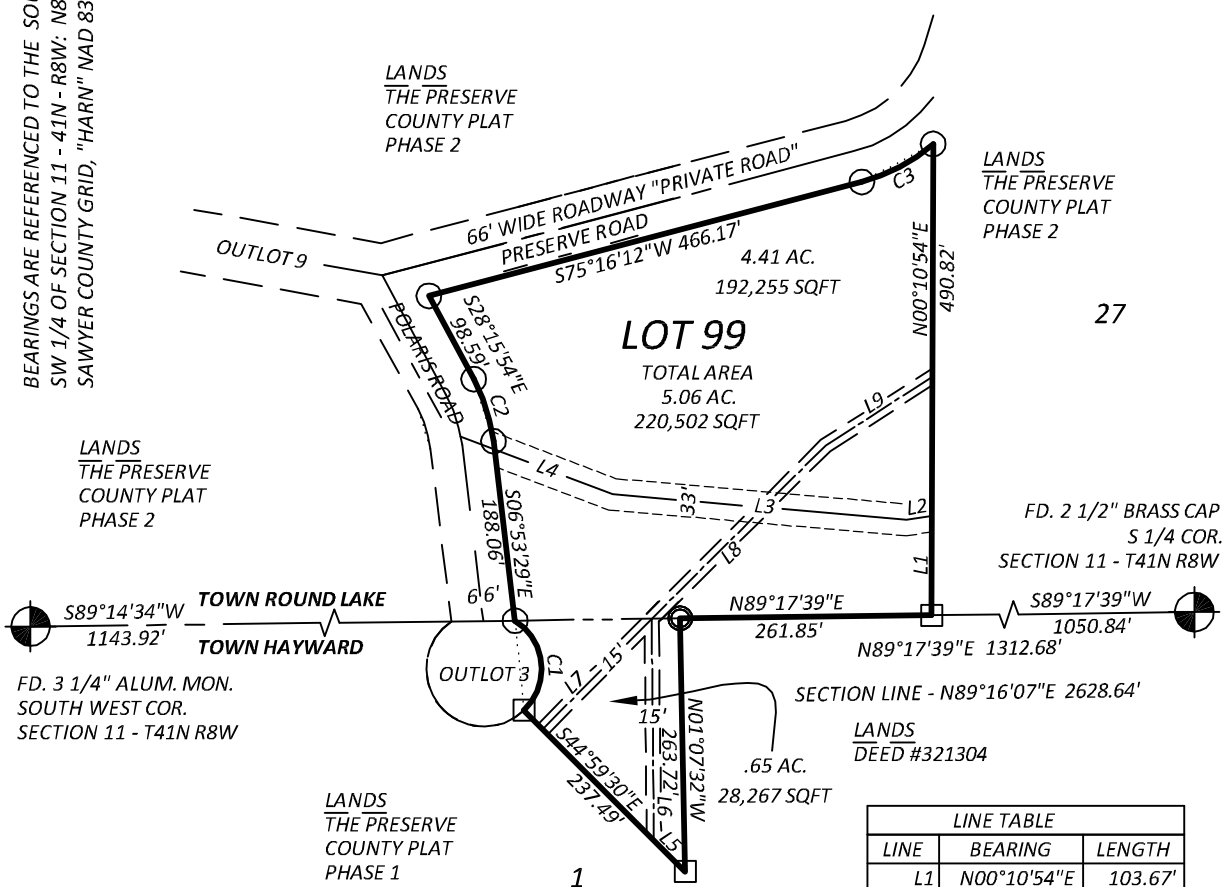
SHEET 1 OF 4 SHEETS

BEARINGS ARE REFERENCED TO THE SOUTH LINE OF SE 1/4 OF SECTION 10 - 41N - R8W: N87°03'17"E SAWYER COUNTY GRID, "HARN" NAD 83 (2011)

SAWYER COUNTY CERTIFIED SURVEY MAP

A COMBINATION OF OUTLOT 2 OF COUNTY PLAT, THE PRESERVE PHASE 1, DOC# 453970, AND OUTLOT 12 OF COUNTY PLAT, THE PRESERVE PHASE 2, DOC# 454206, LOCATED IN SW 1/4 - SW 1/4 AND SE 1/4 - SW 1/4 IN SECTION 11 - T41N - R8W, TOWN OF ROUND LAKE AND THE NW 1/4 - NW 1/4 IN SECTION 14 - T41N - R8W, TOWN OF HAYWARD, SAWYER COUNTY, WISCONSIN.

BEARINGS ARE REFERENCED TO THE SOUTH LINE OF SW 1/4 OF SECTION 11 - 41N - R8W: N89°16'07"E SAWYER COUNTY GRID, "HARN" NAD 83 (2011)



589°14'34"W 1143.92'
 TOWN ROUND LAKE
 TOWN HAYWARD
 FD. 3 1/4" ALUM. MON. SOUTH WEST COR. SECTION 11 - T41N R8W

FD. 2 1/2" BRASS CAP S 1/4 COR. SECTION 11 - T41N R8W

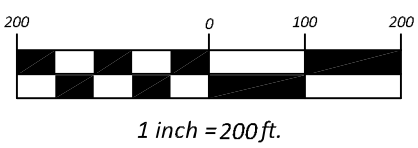
LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°10'54"E	103.67'
L2	S80°44'49"W	27.10'
L3	N85°01'14"W	307.10'
L4	N69°10'37"W	131.63'
L5	N44°59'28"W	46.03'
L6	N00°36'00"W	230.74'
L7	S44°29'39"W	161.42'
L8	N45°07'58"E	255.61'
L9	N57°15'54"E	132.23'

CURVE TABLE					
C#	CB	CD	RADIUS	DA	LENGTH
C1	S05°40'47"E	93.90'	60.00'	102°59'09"	107.85'
C2	S17°34'42"E	67.87'	183.00'	21°22'25"	68.27'
C3	S61°58'25"W	84.18'	183.00'	26°35'35"	84.94'

LEGEND

- FOUND 1 1/4" IRON ROD
- FOUND 5/8" SQ IRON ROD
- SET 5/8" X 18" SQ IRON ROD, WT. = 1.328#/FT
- FOUND 1 1/2" IRON PIPE O.D.
- PLSS CORNER
- "X" LOT NUMBER

GRAPHIC SCALE



CLIENT: JEREMY HILL, THE PRESERVE AT MBF, LLC
 SCALE: 1 INCH = 200'
 MAP DATE: 2/18/2026
 DATE OF FIELD WORK: 2/7/2026
 FILE: PRESERVE.dwg

**THE TOWN OF ROUND LAKE
SAWYER COUNTY, WISCONSIN**

ORDINANCE NO. 2022-04

NONMETALLIC MINING LICENSING ORDINANCE

Section 1. Authority

This Ordinance is adopted pursuant to the powers granted to the Town of Round Lake under Wis. Stat. § 60.22 and Wis. Stat. § 61.34 by the Town's adoption of village powers pursuant to Wis. Stat. § 60.10, its authority under Wis. Stat. § 66.0415, and other authority under the Wisconsin Statutes. Any amendment, repeal, or recreation of the Wisconsin Statutes relating to this Ordinance made after the effective date of this Ordinance is incorporated into this Ordinance by reference on the effective date of the amendment, repeal, or recreation.

Section 2. Purpose

The purpose of this Ordinance is to provide minimum standards of operation for all nonmetallic mining operations in the Town of Round Lake, and to require licenses for nonmetallic mining operators in order to protect public health and safety, to preserve the scenic beauty of the Town's landscapes and environment, to preserve the rural character of the Town, to protect the public from damage to both the quantity and quality of ground and surface waters, to minimize or prevent adverse impacts from on-site and off-site operations, and to promote the general welfare of the people and communities within the Town of Round Lake.

Section 3. Applicability and Scope

(1) This Ordinance shall apply to all nonmetallic mining operations and mine sites within the Town of Round Lake except as set forth in sub. (2).

(2) This Ordinance shall not apply to the following nonmetallic mining operations:

- (a) Excavations or grading by a person solely for domestic or farm use at that person's residence or farm.
- (b) Excavations or grading conducted for the construction, reconstruction, maintenance or repair of a highway, railroad, or any other transportation facility where the excavation or grading is entirely within the property boundaries of the highway, railroad or other transportation facility, unless the highway, railroad or any other transportation facility is a part of or directly services a nonmetallic mining operation.

- (c) Grading conducted for preparing a construction site or restoring land following a flood or natural disaster.
- (d) Excavations for building construction purposes conducted on the building site.
- (e) Nonmetallic mining at nonmetallic mining sites where less than one acre of total affected acreage occurs over the life of the mine.
- (f) Removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic minerals, such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees, or plant nursery stock.
- (g) Nonmetallic mines lawfully operating on and before the effective date of this Ordinance shall not be required to apply for and obtain a license under this Ordinance for that mine, provided such a mine operates under a reclamation plan lawfully approved by Sawyer County and the reclamation is not modified in any way after the effective date of this Ordinance. If the reclamation plan is modified, then the mine is considered a new operation and is subject to the licensing requirements of this ordinance. If an Operator seeks to transfer operation of the nonmetallic mine to a new Operator after the effective of this Ordinance, the nonmetallic mine shall apply for and obtain a license under this Ordinance.

Section 4. Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, shall be liberally construed in favor of the Town, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

Section 5. Definitions

- (1) “Adjoining landowner” means the person who owns any property within 3 miles of the proposed mine site regardless of whether there is a residence or structure on the property.
- (2) “Buffer” means an undisturbed vegetated area measured from the nonmetallic mine site or processing facility border into the nonmetallic mine site or processing facility, in which no nonmetallic mining activities or structures, other than vegetated berms or roads, can occur.
- (3) “Dwelling” means a structure or part of a structure that is used or intended to be used and occupied for human habitation as a home or residence by one or more persons.
- (4) “Heavy vehicle” means any vehicle over 48,000 pounds.

(5) “Landowner” means the person who has title to the property in fee simple or who holds a land contract for the property.

(6) A “mine site” or “site” means property from which mineral aggregates or nonmetallic minerals will be extracted and/or processed for sale or use by the operator, including all contiguous lands to the nonmetallic mining operation under common ownership or control of the owner or operator and land on which any of the following is or will be located:

- (a) Structures.
- (b) Equipment.
- (c) Storage facilities.
- (d) Stockpiles.
- (e) Washing or screening facilities.
- (f) Dry-processing facilities.
- (g) Facilities for the loading and unloading of sand to and from trucks.
- (h) Private roads or haulage ways associated with a nonmetallic mining operation.

(7) “Nonmetallic minerals” means a product, commodity, or material consisting principally of naturally occurring, organic, inorganic, nonmetallic, non-renewable material. Nonmetallic minerals include, but are not limited to, stone, rock, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat, and talc.

(8) “Nonmetallic mining” means any or all of the following:

- (a) Any site preparation activities conducted on a proposed mining site by the landowner, mine operator, or any other person associated with the mining operation. Preparation activities include, but are not limited to, grading, boring, and exploratory boring.
- (b) 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.
- (c) 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.

- (d) Manufacturing processes aimed at producing nonmetallic products for sale or use by the operator.
 - (e) Stockpiling of nonmetallic products for sale or use off-site and stockpiling of waste materials.
 - (f) Transport of the extracted nonmetallic materials, finished products, or waste materials to or from the extraction site.
 - (g) Disposal of waste materials.
 - (h) Reclamation of the extraction site.
- (9) “Operation” means the temporary, active, or suspended use, management, or control of land, property, personnel, or equipment for the purposes of nonmetallic mining as defined under Section 5(8).
- (10) “Operator” means any person who is engaged in, or who has applied for a license to engage in nonmetallic mining, whether individually, jointly or through subsidiaries, agents, employees, contractors, or subcontractors.
- (11) “Operator’s license” or “license” means the license required of mining operators in this Ordinance to undertake nonmetallic mining in the Town of Round Lake.
- (12) “Town” means the Town of Round Lake.
- (13) “Town Board” means the Town Board of Supervisors of the Town of Round Lake.
- (14) “Waste material” means the non-marketable by-product that results directly from or is displaced by extraction or that is a by-product of a manufacturing process that is scheduled for disposal at the extraction site or some other site as part of a reclamation plan.

Section 6. Operator’s License Required

- (1) Operator’s License Requirement. No person shall operate a nonmetallic mining operation within the scope of this Ordinance in the Town of Round Lake without first obtaining an operator’s license from the Town Board.
- (2) Required Zoning. If town or county zoning regulations have been enacted, the property shall be appropriately zoned to allow for the proposed nonmetallic mining operation(s) and any conditional use permit approvals shall be obtained before the submission of a license application or mining agreement under this Ordinance.
- (3) Operator’s License Term.

- (a) An operator's license shall be granted for a period of no more than 5 years.
- (b) An operator's license may be renewed as set forth in Section 10, except that a temporary operator's license may not be renewed.

(4) Operator's License Amendment. If the Town has issued an operator's license, then the operator may request an amendment to that license during the license term, using the same process as the original license application.

(5) Operator's License Transfer. An operator's license may be transferred to a new operator with the permission of the Town Board, provided that the new operator provides financial assurances and other information as may be required by the Town, county, or state, and provided that the operational plan as submitted at the time of granting the license being transferred remains unchanged.

(6) Operator's License Revocation. An operator's license may be revoked under the procedures in Section 11.

Section 7. Operator's License Application Process

(1) Application Form. The application form for a license to mine in the Town of Round Lake shall be available from the Town Clerk.

(2) Application Submittal. The applicant shall submit 6 copies of the application and all required documentation required under Section 8 to the Town Clerk, as well as an electronic version of the application, accompanied by the required application fee of \$500 and the base administrative fee of \$3000 established for the administration of this Ordinance. The base administrative fee shall include necessary compensation to the Town for all legal services and expert consulting expenses, which may be reasonably incurred by the Town as part of its review and processing of the application, regardless of whether or not the application for a license to mine is subsequently approved by the Town. The fees shall be made payable to "Treasurer, Town of Round Lake." If the operator is the landowner, the application shall be signed by the operator. If the operator is not the landowner, the application shall be signed by the operator and the landowner.

(3) Completeness Determination by the Town Clerk. Within 30 days after receiving an application, the documentation required under Section 8, and the application fee, the Town Clerk shall make a preliminary determination as to whether the application form has been completed and all the required documentation has been submitted. Within 10 days of determining that an application form is incomplete or that the required documentation has not been submitted, the Town Clerk shall notify the applicant in writing and state the reasons for the determination. Within 30 days of receiving a revised application form or additional information or documentation, the Town Clerk shall make a preliminary determination as to whether the application form has been completed and all the required documentation has been submitted. Within 20 days of determining that the application form has been completed and that all required documentation has been

submitted, the Town Clerk shall forward the application to the Town Board, shall give public notice that a nonmetallic mining operator's license application has been received, and shall mail a copy of the public notice to all adjoining landowners to the proposed nonmetallic mining site. The public notice shall identify where the public may inspect and copy a physical version of the application, shall identify where the public may obtain an electronic version of the application, and shall include the date and time of the next regular meeting of the Town Board occurring at least 15 days after the Town Clerk gives public notice that a nonmetallic mining operator's license application has been received.

(4) Initial Review by the Town Board.

- (a) *Initial Review.* The Town Clerk shall forward the completed application and required documentation to the Town Board and place the application on the agenda for the next regular meeting of the Town Board occurring at least 15 days after the Town Clerk gives public notice that a nonmetallic mining operator's license application has been received. The Town Board shall review the application to determine if additional information or expertise is necessary to properly evaluate the application. If no additional information or expertise is deemed necessary, the Town Board shall schedule the application for a hearing under subsection (5).
- (b) *Additional Information.* The Town Board may request the applicant to submit additional information if the Town Board determines that the application is incomplete. The Town Board may also retain the services of an engineering firm or other qualified person with appropriate expertise ("retained expert") to review the application and report to the Town Board whether additional information is required for review of the application and to determine whether the application meets the standards of this Ordinance.
- (c) *Additional Fees.* If the Town Board determines that additional expertise is required, the Town Board shall authorize retaining the services of an engineering firm or other qualified person with appropriate expertise to advise the Town and shall give written notice to the applicant of the estimated additional administrative fee to be charged beyond the base administrative fee to cover the cost of the services of any such retained expert. The estimated additional fee shall be paid before the additional review is undertaken. If the amount of the final administrative fee exceeds the estimated fee, then the applicant shall pay the amount before review is undertaken; if the final administrative fee is less than the estimated amount, the overpayment shall be refunded to the applicant.
- (d) Once the applicant has submitted any additional information and has paid the additional administrative fee in the amount charged, the retained expert shall report to the Town Board on whether the application meets the requirements of this Ordinance.

(5) Public Hearing, Final Review, and Final Decision by the Town Board.

- (a) *Notice and Hearing.* Once the application is complete and any report by a retained expert has been received, the Town Clerk shall place the application on the agenda for the next regular meeting of the Town Board occurring at least 15 days thereafter. If a special meeting is warranted, the applicant shall pay the additional fees incurred for the special meeting. At the Town Board meeting, the Town Board shall set a date for a public hearing to occur within 45 days and the Town Clerk shall give public notice of that public hearing at least 15 days prior to the date scheduled for the hearing, with the notice mailed to all adjoining landowners. At the public hearing, the Town Board shall take public comment on the proposed license. Public comments may be restricted to three minutes if, in the judgment of hearing officer, such a restriction is necessary to maximize public participation, but every person who wishes to comment shall have the opportunity to do so, either by submitting verbal or written comments.
- (b) *Final Review by Town Board.* After the public hearing, the Town Board shall review the retained expert's report as well as the public comments made at the public hearing and then shall prepare a "Town Board Memorandum", which shall include the following:
- I. A written response to all public comments received during the public hearing.
 - II. A written explanation of how the proposed mining operation is, or is not, consistent with the purposes of this Ordinance, which include: protecting public health and safety, preserving the scenic beauty of the Town's landscapes and environment, preserving the rural character of the town, protecting the public from damage to both the quantity and quality of ground and surface waters, minimizing or preventing adverse impacts from on-site and off-site operations, and promoting the general welfare of the people and communities within the Town of Round Lake.
- (c) *Town Board Decision.* Following the public hearing and the preparation of the Town Board Memorandum, the Town Board shall set a date for the meeting at which time they shall make a final decision on the operator's license. If a special meeting is warranted, the applicant shall pay the additional fees incurred for the special meeting. The Town Board shall grant the license if it determines that the operation of the mine will be consistent with the minimum standards and the purposes of this Ordinance. If the Town Board denies the license, the applicant may request a hearing under the provisions of Section 11(3). The Town Board's final decision, which shall include a written statement on the reasoning for its decision, and the Town Board

Memorandum, shall be made available to the public immediately after the meeting at which the final decision is made.

Section 8. Operator's License Application

No application shall be deemed complete or available for review until each item of information listed below is submitted. Applicant is expected to prepare their own application document, which shall include all of the information required by this Section. All applicants for a nonmetallic mining license shall submit the following information:

(1) Ownership Information.

- (a) The name, address, phone number(s), and e-mail address of the operator of the nonmetallic mining operation.
- (b) The name, address, phone number(s), and e-mail address of all owners or lessors of the land on which the mining operation will occur.
- (c) If the operation is subject to a lease, a copy of a fully executed lease and/or agreement between the landowner and the operator who will engage in mining operations on the proposed site.
- (d) Information regarding any and all past or present notices of violation, citations, or other enforcement action taken against the operator of, or any individual affiliated with, the nonmetallic mining operation by any governmental body in any jurisdiction.

(2) Site Information and Maps.

- (a) A certified survey map(s) and parcel identification number(s) of the property on which the nonmetallic mining operation will be located, including all other properties owned or leased by the mine operator within the Town of Round Lake or adjacent municipalities that may serve as potential areas for future expansion.
- (b) An aerial photo of the proposed site at a scale of 1 inch equals 660 feet signed by both the operator and the landowner.
- (c) A topographic map of the mine site extending 1 mile beyond the site boundaries at contour intervals no wider than 10 feet showing the boundaries of the site, the location and total acreage of the site, and the name of all roads within 1 mile of the site.
- (d) The location within the site of all existing buildings and other structures, equipment, stockpiles, storage, and parking areas.

- (e) A map on which all the residential, agricultural, and municipal water wells within two miles of the boundaries of the site in all directions are marked and given a numerical identification of the location.
- (f) A map on which all community-oriented establishments, including but not limited to schools, hospitals, libraries, recreation centers, parks, and senior centers, within three miles of the boundaries of the site in all directions, or along a trucking route, are marked and given a numerical identification of the location.
- (g) A map on which all Tribal burial grounds and sacred sites that will be disturbed by mining activity are marked and given a numerical identification of the location. Tribal burial grounds and sacred sites shall be identified through an archeological survey, consultation with the Wisconsin State Historic Preservation Officer, consultation with any Tribal Historic Preservation Officer from all existing Tribes in the region, and through requested formal comment from existing Tribes in the region.
- (h) The location and name of all surface waters, including lakes, private or public ponds, streams (including intermittent streams and headwaters), drainage ditches, wetlands, drainage patterns, and other water features on the site and within 2 miles of the site. If the gradient of the groundwater flow is in the direction of a stream, then the applicant must supply data establishing the base-line flow of the stream at the time of license application.
- (i) A description of the current distribution of any and all wildlife and wildlife habitats on the site and within 1 mile of the site, including an assessment of any and all short-term or long-term impacts to said wildlife that may be caused by the mining operation and/or reclamation process.
- (j) A description of the current distribution of any endangered or threatened species under state or federal law on the mine site and within 1 mile of the site, including an assessment of impacts to said endangered or threatened species and/or their habitat.
- (k) A description of the distribution, depth, and type of topsoil on the site as well as the geological composition and depth and width of the nonmetallic deposit.
- (l) A map identifying the location of all other non-contiguous sites within the Town of Round Lake and adjacent areas, if any, which will contribute material to the facility for which the applicant seeks a license.

(3) Operation Plan.

- (a) Dates of the planned commencement and cessation of the operation, including whether or not intermittent periods of inactivity are expected.

- (b) Description of topsoil removal methods, including methods for storage and/or disposal of topsoil, subsoil, and other materials.
- (c) Description of mining methods, machinery, and equipment to be used for extraction and processing of the extracted material, and the sequence of operations, including whether or not blasting will be necessary. The county-approved Nonmetallic Mining Reclamation Permit for the proposed mine site shall be included with this information.
- (d) Expected maximum depth of the mine, including whether or not the operator expects to mine below the water table, and if so, any dewatering plans for the site.
- (e) Estimated volume of material to be extracted over the life of the mine and for the next calendar year.
- (f) The proposed location within the site of all buildings and other structures, equipment, stockpiles, storage, and parking areas.
- (g) Location of road access points. Identification of all proposed off-site trucking routes, together with the frequency of traffic and the common schedule of travel to be used for transporting extracted materials or products to or from the site.
- (h) A water budget, including an estimate of the amount of daily water use, water sources, and methods for disposing of water including methods used for infiltration and control of run-off.
- (i) Either a description of the methods that will be used to control fugitive dust at the site or submittal of the Wisconsin Department of Natural Resources-approved Fugitive Dust Plan.
- (j) A listing of any hazardous materials, including fuel supplies that will be stored on site and a description of measures to be used for securing and storing these materials.
- (k) A listing of all chemicals used in the manufacturing or processing operations or in controlling dust. The operator shall select products that limit the potential for groundwater or surface water pollution, as may be identified on recognized product lists available from the Wisconsin Department of Natural Resources, the United States Environmental Protection Agency, or other agencies.

(4) Additional Information.

- (a) An estimate of the net profits, based on sales of material to be extracted, for the first five years of operation.
- (b) An estimate of what the total cost of reclamation for the proposed mine site will be.
- (c) An estimate of the percentage of profits that will remain in/benefit the Town of Round Lake compared to the percentage of profits that will flow out of the Town to the city/State where the parent company is located.
- (d) An assessment of how the proposed mining operation is in accordance with the values and goals outlined in the Town's Comprehensive Plan.
- (e) An assessment of the impact of transportation to and from the proposed mine site along the proposed hauling routes, including the identification of any schools, hospitals, community centers, and busy intersections that are located along the hauling route.
- (f) An estimate of the number of jobs that will be created by the proposed operation and an estimate of the percentage/number of those jobs that will go to citizens of the Town of Round Lake.
- (g) An assessment of potential impacts (negative or positive) on other industries that exist in the Town of Round Lake, such as tourism, agriculture, etc.
- (h) A listing of all other licenses (county, state, federal, etc.) necessary for this project, including the status of each and a copy (if available).

(5) Information Required to Demonstrate Compliance with Minimum Standards.

For mining operations commencing after the effective date of this Ordinance, the operator shall provide the information necessary to demonstrate that the mining operation will comply with the minimum standards in Section 9, including, but not limited to:

- (a) A description of surface water runoff and erosion control practices that will be implemented at the mine site (including Wisconsin Pollutant Discharge Elimination System permits, if available).
- (b) A description of all processes occurring at the mine site that will cause emissions of particulate matter into the ambient air, including the best management practices (if any) that will be used to minimize emissions of particulate matter.
- (c) Information establishing site-specific baseline conditions as well as baseline conditions for ecological features within 1 miles of the site before mining operations commence. Ecological data required at the time of application

includes, but is not limited to, the following: stream temperature and chemistry; stream and spring base flow; existing surface water runoff conditions during precipitation events; surface and ground water quality for lead, arsenic, iron, nitrates, petroleum hydrocarbons, and any other toxic metal that may reasonably be believed to be present in the area or in the type of deposit from which the extraction will be made; and groundwater elevation across the site.

Section 9. Minimum Standards of Operation

The Town Board may grant a license to mine if the applicant can demonstrate that the following minimum standards of operation will be met:

(1) General Standards.

- (a) The operator shall demonstrate compliance with all of the other provisions of this Ordinance.
- (b) The operator shall have obtained a blasting license from the Town for any blasting operations, if required to do so.
- (c) The operator shall demonstrate that all other applicable federal, state, and local licenses and approvals required for the nonmetallic mining operation have been or will be obtained prior to commencement of operation.

(2) On-Site Standards.

- (a) The operator shall stake or otherwise mark the borders of the entire site and shall secure the site by fencing or other appropriate measures.
- (b) A minimum setback of 2000 feet from the edge of the property boundary on which the mining operation is located to a residence is required. However, the setback does not apply (i) to a residence that is occupied by someone who has sold or leased their land to the applicant on which the mining facility will be located nor (ii) to a residence that is occupied by someone who has leased lands for a mining operation, though not covered by the license application under current review.

(3) Standards Regarding Off-Site Impacts.

- (a) The operator shall undertake all measures necessary for the control of surface water runoff from nonmetallic mining operations in order to prevent pollution and erosion of sediment onto neighboring properties, or surface water and groundwater, and shall also comply with the standards for erosion control under NR 216 and NR 151 as applicable.

- (b) In the event that the mine site contains areas adjacent to the nonmetallic mining operation that are being used for agriculture, commercial, or residential purposes, the operator shall undertake all measures necessary to prevent surface water runoff from those areas from entering mining operations.
- (c) The operator shall provide a 15-foot setback from the outside edge of a roadside ditch and, where necessary, along the property lines of adjoining landowners. This 15-foot area shall be vegetated to minimize sediment-laden runoff from entering the ditch or onto neighboring land. No part of any berm shall be located within this 15-foot area. The setback area may be used by equipment for repair or maintenance of the berm or to remove erosive soils deposited in the setback area. This 15-foot setback is in addition to any buffer that is set by Sawyer County in its regulation of the operation.
- (d) The operator shall screen the mining operations from public view to the maximum extent practicable through the use of berms, additional setbacks or other measures.
- (e) The operator shall limit normal hours of operation to weekdays and to 10 hours a day or during daylight hours, whichever is shorter, and not before 7:00 am or after 6:00 pm to minimize off-site impacts to residents. Additionally, the operator shall limit normal hours of operation to 1250 hours per year. The operator may submit a plan for extended hours as a special exception, if it can demonstrate that additional hours are necessary for the mining operation and it would be consistent with public health, safety, and welfare.
- (f) Operation of heavy vehicles entering or leaving the nonmetallic mining site or processing facility shall be limited to the normal hours of operation in par. (e).
- (g) In accordance with designated transportation periods and routes established by the Town Board, the operator shall ensure that trucks from the mining site shall not interfere with the safety of children being taken to or returned from school, or the safety of residents and commuters at times when traffic volume from commuters going to and from work is highest.
- (h) Regardless of the actual monthly production of the nonmetallic mine, the operator shall cover all trucks hauling sand with secured tarps, and utilize all relevant dust control measures specified in Wis. Admin. Code § NR 415.075.
- (i) The operator shall limit night lighting on site, to that which is minimally necessary for security. Every effort consistent with the legal requirements for safety shall be made to minimize illumination of the night sky and neighboring properties. At a minimum such measures shall include the following: (1) The use of full cutoff shrouds on all lights; (2) Portable lighting shall be used only as necessary to illuminate temporary work areas; (3) The

use of berms of sufficient height coupled with other methods of visual screening to block light from neighboring properties; and (4) The design and location of access roads to minimize lights from traffic and operations to neighboring properties.

(j) The operator shall control off-site noise levels to the maximum extent practicable to avoid adverse impacts to neighboring landowners. The noise levels at the boundaries of the mining or processing site shall not exceed 60 db. The noise levels at the boundaries of any school or medical facility shall not exceed 50 db. Decibels shall be based on dbA, which is the unit of sound level expressed in decibels (db) and A-weighted as described in ANSI s. 1.4, 1983, and shall be measured in accordance with accepted protocols. The use and regulation of compression release engine brakes, commonly known as jake-brakes, is prohibited within the Township except for emergencies.

I. At the operator's expense, noise levels shall be monitored at the nonmetallic mine site or processing facility property boundary by an independent testing company approved by the Town Board. The tests shall occur for a 10-day period at least once per quarter for the first year of operation. If noise complaints are received or decibel levels exceeded, then monitoring will be extended beyond the first year. The monitoring results shall be reported to the Town Board within 30 days of the last test result.

(k) *Ambient Air Monitoring.*

I. The operator shall utilize all relevant dust control measures specified in Wis. Admin. Code § NR 415.075

II. If an applicant is applying for an operator's license for a mining operation or a processing plant, the operator shall be required to monitor the ambient level of airborne particulate matter of 2.5 microns in size (PM2.5), 10 microns in size (PM10) and Total Suspended Particulates (TSP) as measured by the method described in Appendices L and B, respectively, of 40 CFR part 50 or a method approved in writing by the Town. The monitoring program will be implemented and carried out by an independent expert chosen by the Town Board. The type and number of monitors needed, the location of the monitors, and frequency and duration of the monitoring program shall be determined by agreement of the operator, the Town Board and its consultant. At a minimum monitoring must be sufficient in number, location, and frequency (at least every 1-3 days) to measure: (1) emissions flowing in the four most dominant wind directions; (2) emissions that are representative of the mine operating at full capacity; and (3) emissions that occur during a variety of weather patterns (i.e.

low/high winds, precipitation, etc.). All costs associated with monitoring shall be borne by the operator.

III. The monitoring shall be conducted for the first three years of operation under a new operator's license and for the first three years following the expansion of any nonmetallic mining operation licensed under this Ordinance. Monitoring shall be conducted during the first year of an operator's license renewal.

IV. If at any point the daily averages measured by the ambient air monitors show an exceedance of the 24-hour National Ambient Air Quality Standards for PM2.5, PM10, or TSP, then the operator shall report the exceedance(s) to the Town Boards and consider additional best management practices to minimize PM2.5, PM10, or TSP emissions.

V. If after three years the ambient air quality data shows an exceedance of the annual National Ambient Air Quality Standards for PM2.5, PM10, or TSP, then the operator shall implement additional best management practices to minimize PM2.5, PM10, or TSP emissions in order to be in compliance with EPA and WDNR air quality regulations and the operator shall continue the ambient air quality monitoring program until compliance is achieved.

VI. If after three years the ambient air quality data from the mining operation shows no exceedances of the 24-hour or annual National Ambient Air Quality Standards, then the mining operation may end its ambient air quality monitoring program.

VII. The independent expert in charge of the monitoring program shall compile a summary of monitoring results reports within 10 days of the end of each month that shall be available to the Town Board.

(l) In order to minimize the emission of dust at an off-site facility, stockpiling of product shall be fully enclosed in a structure.

(4) Standards Regarding Groundwater and Surface Water.

(a) *Impacts to Groundwater Quality.*

I. Sentinel wells (i.e. a groundwater monitoring network) on the extraction site shall be placed to monitor depth to groundwater table, groundwater gradient, and groundwater quality. Base-line data, established in Section 8(5)(c), shall be collected prior to the onset of mining must be included in the application materials. Quarterly samples shall be taken of water quality for chemicals used in on-site mining operations, as well as for lead, arsenic, iron, iron bacteria, and

turbidity, and for nitrates and other contaminants associated with any activity other than mining that continues to be conducted on the property on which the mine site is located or on lands adjacent to the mining operation. An annual report of the analytical results shall be provided to the Town. All private wells within 1/2 mile of the mine in the down-gradient direction of the groundwater flow shall be tested for these same contaminants every three years of operation. If a sentinel well shows some contamination of groundwater supply that may be due to the mining operation, and no private wells exist within 1/2 mile down gradient of the sentinel well, then private wells shall be sampled within 1 mile down gradient of the sentinel well. A private well or wells up to 1 mile in any direction from the mine site shall be sampled at any time the Town requests a sampling, with the results of the sampling provided to the Town and well-owner(s). All costs associated with groundwater monitoring and private well testing shall be borne by the operator of the mine.

II. Mining operations shall not cause an exceedance of groundwater quality standards in Wis. Admin. Code Ch. NR 140.

III. All wash plant settling ponds shall be lined with at least 5 feet of clay meeting the technical standards contained in Wis. Admin. Code § NR 504.06(2) for clay liners.

(b) *Impacts to Groundwater Quantity.*

I. Mining operations shall not extract materials at a depth below the point that is 10 feet above the groundwater table.

II. Mining operations shall not cause a significant reduction in the quantity of groundwater available for reasonable use by current users within 1/2 mile of the mine site. A significant reduction is a drop in the water table that results in a substantial adverse impact on a private well including but not limited to the inability of a well to provide water on a continuous basis.

III. Mining operations shall not cause changes to subsurface hydrological connectivity, which affect groundwater movement and discharge patterns.

(c) *Impacts to Surface Water Quality.* Mining operations shall not cause degradation of the quality of surface waters within 2 miles of the site. Prohibited degradation is any degradation resulting in harmful effects to surface waters, which include, but are not limited to, fluctuations in stream temperatures, increased volumes of suspended and dissolved solids, damage to aquatic and riparian habitat quality, and negative impacts on tourism and

recreation that is dependent on the current quality of the surface waters of concern.

- (d) *Impacts to Surface Water Base Flow.* Mining operations shall not cause a lowering of the groundwater table that results in adverse effects on surface waters within 1 mile of the mine site, including, but not limited to, a reduction of water in springs, streams and tributaries to or below base flows established prior to the beginning of mining operation.
- (e) *Impacts to Surface Water Use.* Mining operations shall not cause a lowering of the groundwater table that results in adverse effects on surface waters, which serve as a critical source of water for agricultural or municipal functions such as fire protection within 1 mile of the mine site. Adverse effects include but are not limited to a reduction of water in streams and tributaries to or below base flows established prior to the beginning of mining operation.

(5) Hazardous Materials.

- (a) All hazardous chemicals shall be stored, used, and disposed of in accordance with applicable state and federal law.
- (b) The operator shall not dispose of waste materials containing any hazardous chemicals in toxic amounts, or residuals declared to be hazardous by a government agency in toxic amounts.
- (c) The operator shall have a plan for responding to spills of any hazardous materials on the site.

(6) Control of Waste Material. The amount of waste material (non-marketable fines) returned to a mine site as part of the reclamation process shall not exceed the site-specific ratio of waste to target material of the extracted raw material as determined prior to the processing of the raw material. A processing facility shall keep records of the tonnage of raw material drawn from each raw material source. The tonnage of waste byproduct that is returned to each mine reclamation site shall not exceed the tonnage of waste contained in the raw material received at the processing facility from that site.

(7) Special Conditions. The Town Board can impose requirements in addition to or exceeding the minimum standards if it has evidence that the public health, safety, and welfare will not be adequately protected without the imposition of additional measures.

Section 10. Annual Report and Operator's License Renewal

(1) Annual Report.

- (a) No later than March 1 of each calendar year, an operator shall submit an annual report to the Town Board for all active and intermittent mining sites for which the operator has a license in the Town of Round Lake.
- (b) The annual report shall include the following information:
 - I. An identification of the operator and location of the mining site;
 - II. A map or drawing accurately showing the area of excavation, the un-reclaimed area and any reclaimed area including a calculation of the number of acres for each type;
 - III. A description of activities and operations on the site for the previous calendar year;
 - IV. A description of activities and operations on the site anticipated for the following calendar year;
 - V. A written report demonstrating how the operator has been in compliance with all terms and conditions of its license and this Ordinance. The report shall also include any groundwater, surface water, and other monitoring results; and
 - VI. A summary of all areas of non-compliance, and a plan for bringing non-compliant areas into compliance.

(2) Operator's License Renewal.

- (a) The operator shall make a written request to the Town Clerk for a renewal of the license to operate the mine no later than three months before the license will expire. The application shall be accompanied by the payment of both the renewal application fee of \$125 and the base administrative fee of \$750.
- (b) The Town Clerk shall review the renewal application within 30 days of receipt to make a preliminary determination as to whether the application is complete and upon a determination that it is complete shall forward it to the Town Board.
- (c) The Town Board shall review the application to determine if additional information or expertise is necessary to properly evaluate the application. The Town shall retain an engineer or other qualified person with appropriate expertise to inspect the mine site unless the site is reported as being inactive during the past year, in which case a member of the Town Board may be assigned to inspect the site. If no additional information or expertise is deemed necessary, then the Town Board shall schedule the application for a decision under pars. (f)-(g).

- (d) *Additional fees.* If the Town Board determines that additional expertise is required, then the Town Board shall authorize hiring an engineer or other qualified person with appropriate expertise to advise the Town and shall give written notice to the applicant of the additional administrative fee to be charged beyond the base administrative fee to cover the cost of additional review by retained expert. The additional fee shall be paid before the additional review is undertaken.
- (e) Once the applicant has submitted any additional information and has paid the additional administrative fee in the amount charged, the retained expert shall report to the Town Board on whether the renewal application meets the requirements of this Chapter. The Town Clerk shall place the request on the agenda of the next regular meeting or a special meeting of the Town Board prior to the expiration of the license.
- (f) The Town Board may grant the request for renewal if it finds:
 - I. There have been no material violations of the Ordinance or the operator's license, which have not been appropriately remedied; and
 - II. The operator has not received multiple or recurring citations or orders for violations of the operator's license or this Ordinance; and
 - III. All applicable fees have been paid and financial responsibility requirements have been met.
- (g) If the Town Board denies the request for renewal, then the Town Board shall notify the operator in writing, which shall state the reasons for the denial, and provide the operator with an opportunity for a hearing.

Section 11. Inspection, Enforcement, Procedures and Penalties

(1) Inspection. The Town Board, or other authorized representative of the Town, shall perform an annual inspection in order to inspect all operations to ensure compliance with the minimum standards under this Ordinance upon showing proper identification and upon providing notice at least 24 hours in advance.

- (a) If upon inspection of the mine site, or upon notification from a citizen of the Town, or at any other time, a member of the Town Board has concerns about the condition of the mine and/or the mining operation's compliance with this Ordinance, then a designated representative of the mining operation must be available at all times to answer questions and/or address concerns and complaints.

- (b) In addition to an annual inspection pursuant to Section 11(1), the Town Board or other authorized representative of the Town, may make inspections or undertake other investigations to determine the condition of a nonmetallic mine site or processing facility in the Town of Round Lake in order to safeguard the health and safety of the public and determine compliance with the minimum standards under this Ordinance upon showing proper identification, and upon providing notice at least 24 hours in advance.

(2) Violations. The following are violations under this Ordinance:

- (a) Engaging in nonmetallic mining without an operator's license granted by the Town Board.
- (b) Failure to comply with the minimum standards and other terms of this Ordinance.
- (c) Making an incorrect or false statement in the information and documentation submitted during the licensing process or during inspection of the operation by the Town or its duly appointed representative.
- (d) Failure to file in a timely manner the annual operational report under Section 10(1).
- (e) Failure to take appropriate action in response to a notice of violation, citation, request for additional financial assurance under Section 12 or other order issued by the Town.
- (f) Repeated failure to respond in a timely manner to questions, concerns, or comments brought to the attention of the operator or its representative by a member of the Town Board relating to the mining operation's compliance with this Ordinance.

(3) Hearings.

- (a) Any person affected by a notice and order issued in connection with the enforcement of this Ordinance under sub. (4), or upon denial of an application for a license or license renewal, may request and shall be granted a hearing on the matter before the Town Board, provided such person shall file with the Town Clerk, a written petition requesting the hearing and setting forth the person's name, address, telephone number, and a brief statement of the grounds for the hearing or for the mitigation of the order. Such petition shall be filed within 30 days of the date the notice and order are served or within 30 days upon denial of an application for a license or license renewal. Upon receipt of the petition, the Town Clerk shall set a time and place for a hearing before the Town Board and shall give the petitioner and adjacent landowners

written notice thereof at least 15 days before the hearing. The hearing shall be scheduled to occur within 60 days of the Town Clerk receiving the petition.

- (b) After the hearing, the Town Board by a majority vote, shall sustain, modify or withdraw the notice under sub. (4), or grant or deny the license or license renewal, depending on its findings as to whether the provisions of this Ordinance have been complied with, and the petitioner shall be notified within 10 days in writing of such findings.
- (c) The proceedings of the hearing, including the findings and decision of the Town Board and the reason(s) therefore shall be summarized in writing and entered as a matter of public record in the office of the Town Clerk. Such record shall also include a copy of every notice and order issued in connection with the case.

(4) Remedies.

The Town Board may take any appropriate action or proceeding against any person in violation of this Ordinance, including the following:

- (a) Issue a stop work order.
- (b) Issue a notice of violation and order that specifies the action to be taken to remedy a situation and specifies the date on which remediation must be completed.
- (c) Refer the matter to legal counsel for consideration and commencement of legal action including the assessment of penalties under sub. (6) and injunctive relief.
- (d) Suspend or revoke the operator's license under sub. (5).

(5) Operator's License Suspension or Revocation.

- (a) After giving notice and a hearing, the Town Board may suspend or revoke an operator's license for a violation under sub. (2).
- (b) An operator's license may be revoked, if the Town finds that mining operations have been abandoned.

- I. An operation may be considered "abandoned" if no significant mining operation has occurred for more than 365 consecutive calendar days.
- II. Prior to a finding of abandonment, the Town Board must provide notice to the operator of the pending revocation of the operator's license and offer the operator the opportunity to request a hearing on

the matter before the Town Board. The operator shall have this opportunity only if, within 30 days of the Town Clerk's mailing of the registered notice of intent to revoke, the operator provides a written request for the hearing and includes an explanation for the cessation of the mining operation and a plan and a date for restarting of the operation. If the Town receives no such request within the 30-day period, then the Town shall notify the applicant that the operator's license has been revoked.

- III. Upon receipt of a request for a hearing with the requisite documents, the Town Clerk shall set a time and place for the hearing before the Town Board and shall give the petitioner and adjacent landowners written notice thereof at least 15 days before the hearing. The hearing shall be scheduled to occur within 60 days of the Town Clerk receiving the request. After the hearing, the procedures stated in Section 11(3)(b) and (c) shall apply.
- IV. A restart of the operation after a finding of abandonment is a violation of this Ordinance and subject to the penalties as provided in this Ordinance.
- V. The Town shall inform the County Land Conservation Department of a finding of abandonment and request that the County order reclamation to begin.

(6) Penalties.

- (a) Any person or entity who is adjudicated for a violation shall pay a forfeiture of not less than \$500 per violation nor more than \$5000 per violation and/or be subject to injunctive relief. Each day a violation exists is a separate violation.
- (b) Any person or entity adjudicated for violation of this Ordinance shall pay court costs and reasonable attorney's fees. The remedies provided herein shall not be exclusive of other remedies.

(7) Non-Waiver. A failure by the Town to take action on any past violation(s) shall not constitute a waiver of the Town's right to take action on any present violation(s).

Section 12. Financial Assurance

(1) Financial assurance shall be provided to the Town as a condition of license approval in the amount necessary for the following:

- (a) Road repair. An amount necessary for the repair and maintenance of the Town roads used for truck traffic transporting materials to or from the mining site.

(b) Water supply. An amount necessary to provide an alternative water supply to potentially affected residences or agricultural operations within 1 mile of the mining site or such other area shown to be impacted by the operator's operations.

(c) Property value. An amount necessary to guarantee fair-market value for nearby properties if sold during the operational lifetime of the mine.

(2) The form of financial assurance made to the Town of Round Lake shall be in the form of cash, insurance, or bond.

(3) In the event the Town determines that the amount of financial assurance must be increased to meet specific road repair or water supply needs, or the amount available has been utilized, the Town shall notify the operator of the additional amount needed and the basis for the request. The operator shall have 30 days to provide the increased amount.

(4) Prior to the commencement of operation, the operator shall also provide to the Town proof that it has provided the financial assurance for reclamation required under Wisconsin law.

Section 13. Damages to Private Water Supply

(1) A property owner within 1 mile of the mine site may seek remedies under subs. (2) – (5) for any of the following damages to private water supply:

(a) A preventative action limit or enforcement standard is exceeded in a private water supply well on the owner's property.

(b) A substantial adverse impact on the quantity of water from a private well on the owner's property occurs, including but not limited to the inability of any such well to provide water on a continuous basis.

(c) A lowering of surface waters which serve as a source of water for personal, agricultural or municipal functions on the owner's property to levels below base flow levels for more than 5 days.

(2) Any property owner under sub. (1) seeking a remedy under this Section shall simultaneously file a notice with the Town and the mine operator of the occurrence of the event under sub. (1) explaining the nature and extent of the problem.

(3) Within 24 hours of receipt of such notice under sub. (2), the Town may use funds provided under Section 12 to provide an adequate interim water supply. The Town shall also use funds under Section 12 to indemnify the Town for any claims filed under Wis. Stat. § 281.77(4). An interim water supply shall continue until the Town has approved the report or plan under sub. (4).

(4) Within 20 days of receipt of notice under sub. (2), the mine operator shall provide to the property owner and to the Town a report that demonstrates that the impact to the property owner was not attributable to the mining operation or presents a plan for a permanent alternative water supply to be paid for by the operator.

(5) The Town shall in consultation with the property owner review the report or plan and approve or deny such plan. If the Town determines that the mine operator was not the cause of the damage to the private water supply, then the operator may elect to be reimbursed by the property owners for the costs of supplying water during a period not exceeding one year.

(6) A property owner beyond 1 mile of the mine site may apply to the Town for use of funds under Section 12 to remedy damages to a private water supply identified in sub. (1), provided that the property owner can demonstrate to the Town that the damage to the private water supply was caused by the mining operation. If the Town determines that the damage was caused by the mining operation, then the property owner can utilize the remedies in subs. (2) – (4).

Section 14. Severability and Abrogation

(1) Severability.

(a) Should any section, clause, provision, or portion of this Ordinance be adjudged unconstitutional or invalid, unlawful, or unenforceable by a final order of a court of competent jurisdiction including all applicable appeals, the remainder of this Ordinance shall remain in full force and effect.

(b) If any application of this Ordinance to a particular parcel of land is adjudged unconstitutional or invalid by a final order of a court of competent jurisdiction including all applicable appeals, such judgment shall not be applicable to any other parcel of land not specifically included in said judgment.

(2) Abrogation. This Ordinance is not intended to repeal, annul, or interfere with any easements, covenants, deed restrictions, or agreements created prior to the effective date of this Ordinance.

Section 15. Developer's Agreement

(1) Purpose. This section provides a procedure for modifying provisions of this Ordinance in voluntary agreement between the Town and the mining operator where that may be necessary to adapt some provisions to the special circumstances of the mining operation for which a license application is being made, provided that this agreement provides protections for the public that are at least as protective as the minimum standards of this Ordinance.

(2) In exchange for greater flexibility that adapt the regulations and standards of this Ordinance to circumstance that are unique to the proposed mining operation, a Developer's Agreement may require additional or different standards, requirements, levels of review, monitoring and compliance mechanisms and measures to mitigate or compensate for impacts as determined in the sole discretion of the Town Board.

(3) Application for a Developer's Agreement.

- (a) The application requirements, approval requirements and procedures in Section 7 apply to an application for approval of a Developer's Agreement, except that the standard for granting the application is set forth in sub. (4).
- (b) The application shall include all of the information and other materials required in Section 8.
- (c) The application shall describe all ways in which the proposed Developer's Agreement will deviate from the otherwise applicable regulations in this Ordinance, including, but not limited to, the term of the approval, the process for inspection and review of operations, and the minimum standards of operation.
- (d) The application shall provide a written justification for any proposed deviations from the otherwise applicable regulations in this Ordinance which may include provisions to minimize, mitigate or compensate for potential impacts to public health, safety, and welfare including impacts to property value.

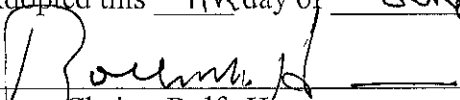
(4) Decision by the Town Board.

- (a) The Town Board shall review the application in accordance with the procedures for review of a mining operator's license application.
- (b) The Town Board may review the application, any retained experts' reports, and public comments made and information provided at the public hearing, and any other information the Town Board deems appropriate. The Town Board may, in its sole discretion, approve the Developer's Agreement in the exercise of its police powers.
- (c) If the Developer's Agreement is approved, then all standards in this Ordinance that are not expressly modified in such approval shall apply to said Developer's Agreement.
- (d) The Town Board may condition its approval on the operator entering into such agreements and providing such financial assurance as the Town Board deems appropriate to promote the public health, safety and general welfare.

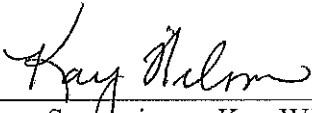
Section 17. Effective Date

Following passage by the Town Board, this Ordinance shall take effect the day after the date of publication or posting as provided by Wis. Stat. § 60.80.

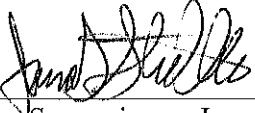
Adopted this 9th day of June, 2022 by the Town Board of Supervisors.



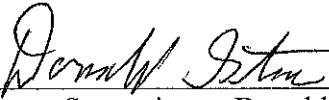
Town Chair – Rolfe Hanson



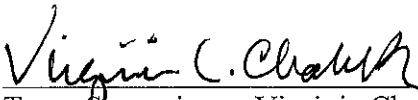
Town Supervisor – Kay Wilson



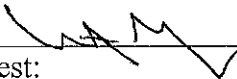
Town Supervisor – James Strandlund



Town Supervisor – Donald Stover



Town Supervisor – Virginia Chabek



Attest:
Town Clerk – Kathy McCoy

THE TOWN OF ROUND LAKE
SAWYER COUNTY, WISCONSIN

ORDINANCE NO. 2022-04

AMENDMENT TO TOWN OF ROUND LAKE NON-METALLIC MINING LICENSING
ORDINANCE NO. 2022-04.

The Town of Round Lake, Sawyer County, Wisconsin do ordain as follows:

Section 1. Amendment

Section 9(2)(b) of the Town of Round Lake Non-metallic Mining Licensing Ordinance No. 2022-04 is hereby amended to read:

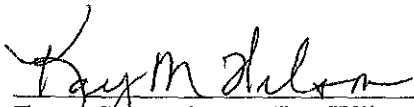
- (b) A minimum setback of ~~2000~~3000 feet from the edge of the property boundary on which the mining operation is located to a residence is required. However, the setback does not apply (i) to a residence that is occupied by someone who has sold or leased their land to the applicant on which the mining facility will be located nor (ii) to a residence that is occupied by someone who has leased lands for a mining operation, though not covered by the license application under current review.

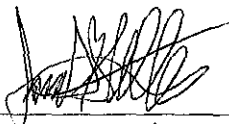
Section 2. Effective Date

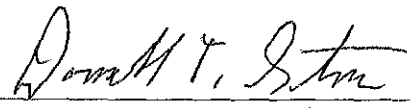
Following passage by the Town Board, this Ordinance shall take effect the day after the date of publication or posting as provided by Wis. Stat. § 60.80.

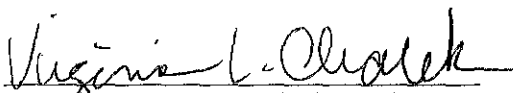
Adopted this 11 day of August, 2022 by the Town Board of Supervisors.

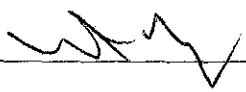

Town Chair – Rolfe Hanson


Town Supervisor – Kay Wilson


Town Supervisor – James Strandlund


Town Supervisor – Donald Stover


Town Supervisor – Virginia Chabek


Attest:
Town Clerk – Kathy McCoy

Town of Round Lake Nonmetallic Mining Licensing Ordinance No. 2022-04

The following notes identify specific sections of the Town of Round Lake Nonmetallic Mining Licensing Ordinance No. 2022-04 that have been raised for possible review or clarification. Each item references the ordinance section under discussion, summarizes the current structure, and notes comparison points with Sawyer County ordinance provisions or Wisconsin Statutes and Administrative Code where applicable.

Nonmetallic mining operations are also regulated at the state level under Wis. Stat. § 295.12 and Wisconsin Administrative Code NR 135 (Nonmetallic Mining Reclamation), which primarily address reclamation standards and financial assurance.

Section 6 — License Administration Provisions

Section 6, Subsection 4 — Application and Fee Exemptions

Topic: Ability to waive or modify application requirements and fee requirements.

Summary:

The ordinance requires application and fee submission for licensing and related actions and does not currently include express language allowing exemptions or waivers due to circumstances.

Review Consideration:

As written, the ordinance may not allow flexibility where:

- Activity is limited in scope or duration
- There is no material operational change
- Another regulatory review process already applies
- Public or governmental projects are involved

County Comparison:

Sawyer County mineral extraction provisions rely on conditional use permits and case-by-case conditioning authority. They do not include a direct fee-waiver framework, but allow scaled review based on project scope.

Section 6, Subsection 5 — Change of Ownership

Topic: Requirement to resubmit a license application upon ownership transfer.

Summary:

A change in ownership triggers a requirement for resubmission or new application even if the mining operation itself does not change.

Review Consideration:

This requirement may apply even when:

- The operational footprint remains unchanged
- Reclamation plans remain unchanged
- Only ownership or corporate structure changes

County Comparison:

Sawyer County ordinance Section 6.24 allows conditional use permits to be amended to reflect ownership or management changes rather than automatically requiring full reapplication.

Section 8 — Application Content Requirements**Section 8(4) Net Profit and Local Profit Retention Estimates**

Topic: Requirement to submit estimated net profits and percentage retained locally.

Summary:

Applicants must provide estimated net profits and estimate the percentage of profits retained locally versus leaving the area.

Review Consideration:

Profit projections are business estimates that may change with market conditions and may not directly relate to land use compatibility, reclamation compliance, or environmental protection standards.

County Comparison:

Sawyer County Section 6.24 requires ownership, operations plan, and reclamation plan data, but does not require profit projections.

State Comparison:

State nonmetallic mining statutes and NR 135 do not require submission of profit estimates. No state comparison applies beyond reclamation and financial assurance requirements.

Section 8(5)(c) Groundwater and Environmental Baseline Information

Topic: Baseline groundwater and related environmental data submission.

Summary:

The ordinance requires baseline groundwater and related testing information as part of the application.

Review Consideration:

Questions may arise where an operation:

- Does not excavate below groundwater
- Does not use wash plants
- Does not process with water systems

County Comparison:

Sawyer County ordinance Section 6.24 allows environmental and stormwater requirements to scale with operational risk and reclamation review findings.

State Comparison:

NR 135 focuses on reclamation outcomes and site stabilization. Additional DNR permits may apply where groundwater is affected. Requirements are generally risk-based rather than universal.

Section 9 — Operational Standards

Section 9(2)(b) Setback from Residences

Topic: Minimum setback distance from residences.

Summary:

Requires a 3,000-foot setback from the edge of the property boundary on which the mining operation is located to a residence.

Review Consideration:

The setback is measured from the parcel boundary rather than the active mining or processing boundary. This may produce different results depending on parcel size.

County Comparison:

Sawyer County Section 6.23(2) requires a 1,000-foot setback for asphalt plants, hot mix plants, and rock crushers from residences and lodging uses, measured from facility location, with specified exemptions.

State Comparison:

No specific statewide setback distance standard exists in Wis. Stat. § 295.12 or NR 135.

Section 9(3)(j) Noise Standards

Topic: Decibel limits and monitoring requirements.

Summary:

The ordinance establishes fixed decibel limits at property boundaries and sensitive receptors and requires periodic independent monitoring.

Review Consideration:

Questions may arise regarding:

- Achievability of listed decibel levels
- Measurement methodology
- Peak versus average readings
- Time-of-day variation

County Comparison:

Sawyer County ordinance requires compliance with applicable pollution standards but does not list specific decibel thresholds in ordinance text.

State Comparison:

Noise may be regulated through general nuisance and environmental standards, but there is no single NR 135 decibel table requirement. No direct numeric state comparison applies.

Section 9(4)(a) Groundwater Monitoring During Operations

Topic: Ongoing groundwater monitoring requirements.

Summary:

Requires ongoing groundwater monitoring and sampling during operations.

Review Consideration:

Applicability may vary depending on whether the operation:

- Intersects groundwater
- Uses process water
- Alters drainage patterns

County Comparison:

Sawyer County ordinance allows groundwater and stormwater monitoring requirements based on site-specific risk and reclamation review.

State Comparison:

NR 135 and related DNR programs apply where groundwater is affected. Monitoring is generally tied to operational impact.

Section 11 — Inspections, Compliance, and Enforcement**Section 11 — Technical Compliance Determinations**

Topic: Determinations regarding best management practices, erosion control, and technical standards.

Summary:

The ordinance assigns inspection and compliance determinations to the Town, including evaluation of best management practices, erosion control measures, and other technical standards associated with nonmetallic mining operations.

Review Consideration:

Technical determinations may involve engineering, hydrology, or reclamation expertise. Consideration may be given to whether the ordinance should clarify inspection expectations, such as specifying that inspections occur in response to complaints, reported issues, or other identified concerns, rather than requiring routine or scheduled inspections in all cases. Consideration should also be given to whether qualified professionals or third-party consultants are necessary to support technical review and ensure accurate compliance determinations.

Section 11(5)(b) Abandonment After Inactivity

Topic: License status after 365 days without significant mining activity.

Summary:

Operations inactive for 365 consecutive days may be treated as abandoned.

Review Consideration:

Mining operations may pause due to market or staging conditions without intent to abandon.

Section 12 — Property Protection Provisions

Section 12, Subsection C — Fair Market Value Purchase Requirement

Topic: Requirement that operators pay fair market value if a nearby residential owner elects to sell.

Summary:

Requires compensation based on fair market value if a residential property owner chooses to sell.

Review Consideration:

Implementation questions include:

- Method for determining fair market value
- Appraisal standards and selection
- Dispute resolution process
- Demonstrating that mining activity is the direct cause of any value difference
- Market variability unrelated to mining activity

Section 15 — Developer's Agreement

Topic: Requirement for a formal agreement between the operator and the Town prior to issuance of a mining license.

Summary:

This section requires the operator to enter into a Developer's Agreement with the Town of Round Lake as part of the licensing process. The agreement is intended to outline the specific terms, conditions, and operational requirements associated with the nonmetallic mining activity, including compliance with the ordinance, site-specific conditions, and any additional requirements imposed by the Town Board.

Review Consideration:

The Developer's Agreement functions as a binding contract and may include provisions that go beyond the ordinance itself. Considerations may include:

- Scope and enforceability of additional conditions beyond ordinance standards
- Clarity and consistency of terms between the agreement and the ordinance
- Long-term obligations and how amendments or changes are handled
- Potential duplication of requirements already addressed through licensing, CUPs, or state regulations
- Interpretation of the requirement that any deviations must be "at least as protective" as ordinance minimum standards, including how equivalency is determined and documented
- Risk that flexibility in allowing modified standards could lead to inconsistent application or challenges if protections are perceived to be less than ordinance minimums

66.0441

66.0441 Quarries extracting certain nonmetallic minerals.**(1) CONSTRUCTION.**

- (a) Nothing in this section may be construed to affect the authority of a political subdivision to regulate land use for a purpose other than quarry operations.
- (b) Subject to pars. (c) and (d), nothing in this section may be construed to exempt a quarry from a regulation of general applicability placed by a political subdivision that applies to other property in the political subdivision that is not a quarry unless the regulation is inconsistent with this section.
- (c) Nothing in this section may be construed to exempt a quarry from the application, outside of a nonmetallic mining licensing permit, of a requirement imposed by a political subdivision under ch. 349, a regulation of general applicability placed by a political subdivision that regulates access to property from roads for which the political subdivision is the maintaining authority, or a restriction on the use of roads for which the political subdivision is the maintaining authority.
- (d) Nothing in this section may be construed to exempt a quarry from a restriction placed by a political subdivision regulating a nonconforming use under s. 59.69 (10), 60.61 (5), or 62.23 (7).

(2) DEFINITIONS. In this section:

- (a) "Active quarry" means a quarry that has operated during the preceding 12-month period.
- (am) "Conditional use permit" means a form of approval, including a special exception or other special zoning permission, granted by a political subdivision pursuant to a zoning ordinance for the operation of a quarry.
- (b) "Nonmetallic mining licensing ordinance" means an ordinance that is enacted by a political subdivision specifically regulating the operation of a quarry and that is not enacted pursuant to zoning authority.
- (c) "Nonmetallic mining licensing permit" means a form of approval that is granted by a political subdivision pursuant to a nonmetallic mining licensing ordinance and that is specifically related to the operation of a quarry.
- (d) "Permit" means a form of approval granted by a political subdivision for the operation of a quarry.
- (e) "Political subdivision" means a city, village, town, or county.
- (f) "Public works project" means a federal, state, county, or municipal project that involves the construction, maintenance, or repair of a public transportation facility or other public infrastructure and in which nonmetallic minerals are used.
- (g) "Quarry" means the surface area from which nonmetallic minerals, including soil, clay, sand, gravel, and construction aggregate, that are used primarily for a public works project or a private construction or transportation project are extracted and processed.
- (h) "Quarry operations" means the extraction and processing of minerals at a quarry and all related activities, including blasting, vehicle and equipment access to the quarry, and loading and hauling of material to and from the quarry.

(2m) EFFECTIVE DATES OF CERTAIN ORDINANCES. For purposes of sub. (3) (a) 3., the date on which a town or county enacts a zoning ordinance that requires a conditional use permit for a quarry operator to conduct quarry operations is the date the ordinance becomes effective, except as follows:

- (a) If a town that previously did not have a general zoning ordinance enacts a general zoning ordinance requiring a conditional use permit to conduct quarry operations and the town ceases to be covered by a county general zoning ordinance that required a conditional use permit to conduct quarry operations, a conditional use permit for a quarry in effect at the time of the transition from county zoning to town zoning shall continue in effect and the conditional use permit shall be treated as if it was originally issued by the town. For purposes of a conditional use permit subject to this paragraph, the date of the adoption of the town ordinance shall be deemed to be the date the conditional use permit was issued by the county but only with respect to requirements that were included in the county ordinance on the date the conditional use permit was issued and that were adopted in the town ordinance.
- (b) If a town that has a general zoning ordinance requiring a conditional use permit to conduct quarry operations repeals its zoning ordinance and becomes subject to a county general zoning ordinance under s. 59.69 (5) (c) and the county zoning ordinance requires a conditional use permit to conduct quarry operations, a conditional use permit for a quarry in effect at the time of the transition from town zoning to county zoning shall continue in effect and the conditional use permit shall be treated as if it was originally issued by the county. For purposes of a conditional use permit subject to this paragraph, the date of the adoption of the county ordinance shall be deemed to be the date the conditional use permit was issued by the town but only with respect to requirements that were included in the town ordinance on the date the conditional use permit was issued and that were adopted in the county ordinance.

(3) LIMITATIONS ON LOCAL REGULATION.

(a) Permits.

1. In this paragraph, "substantial evidence" means facts and information, other than merely personal preference or speculation, directly pertaining to the requirements that an applicant must meet to obtain a nonmetallic mining licensing permit and that a reasonable person would accept in support of a conclusion.
2. Consistent with the requirements and limitations in this subsection, except as provided in subd. 3., a political subdivision may require a quarry operator to obtain a conditional use permit or nonmetallic mining licensing permit to conduct quarry operations.
3. A political subdivision may not require a quarry operator of an active quarry to obtain a conditional use permit or nonmetallic mining licensing permit to conduct quarry operations unless prior to the establishment of quarry operations the political subdivision enacts an ordinance that requires the permit. A political subdivision that requires a quarry operator to obtain a nonmetallic mining licensing permit under this subdivision may not impose a requirement in the nonmetallic mining licensing permit pertaining to any matter regulated by an applicable zoning ordinance or addressed through conditions imposed or agreed to in a previously issued and effective conditional use permit. Any requirement imposed in a nonmetallic mining licensing permit shall be related to the purpose of the ordinance requiring the nonmetallic mining licensing permit and shall be based on substantial evidence. The duration of a nonmetallic mining licensing permit may not be shorter than 5 years.

(b) Applicability of local limit. If a political subdivision enacts a nonmetallic mining licensing ordinance requirement regulating the operation of a quarry that was not in effect when quarry operations began at an active quarry, the ordinance requirement does not apply to that quarry or to land that is contiguous to the land on which the quarry is located, if the contiguous land has remained continuously under common ownership, leasehold, or control with land on which the quarry is located from the time the ordinance was enacted; can be shown to have been intended for quarry operations prior to the enactment of the ordinance; and is located in the same political subdivision.

(c) Hours of operation. A political subdivision may not limit the times, including days of the week, that quarry operations may occur if the materials produced by the quarry will be used in a public works project that requires construction work to be performed during the night or an emergency repair.

(d) Blasting.

1. In this paragraph, "affected area" means an area within a certain radius of a blasting site that may be affected by a blasting operation, as determined using a formula established by the department of safety and professional services by rule that takes into account a scaled-distance factor and the weight of explosives to be used.
2. Except as provided under subds. 3. and 4. and s. 101.02 (7y), a political subdivision may not limit blasting at a quarry.
3. A political subdivision may require the operator of a quarry to do any of the following:
 - a. Before beginning a blasting operation at the quarry, provide notice of the blasting operation to each political subdivision in which any part of the quarry is located and to owners of dwellings or other structures within the affected area.
 - b. Before beginning a blasting operation at the quarry, cause a 3rd party to conduct a building survey of any dwellings or other structures within the affected area.
 - c. Before beginning a blasting operation at the quarry, cause a 3rd party to conduct a survey of and test any wells within the affected area.
 - d. Provide evidence of insurance to each political subdivision in which any part of the quarry is located.
 - e. Provide copies of blasting logs to each political subdivision in which any part of the quarry is located.
 - f. Provide maps of the affected area to each political subdivision in which any part of the quarry is located.
 - g. Provide copies of any reports submitted to the department of safety and professional services relating to blasting at the quarry.
4. A political subdivision may suspend a permit for a violation of the requirements under s. 101.15 relating to blasting and rules promulgated by the department of safety and professional services under s. 101.15 (2) (e) relating to blasting only if the department of safety and professional services determines that a violation of the requirements or rules has occurred and only for the duration of the violation as determined by the department of safety and professional services.
5. Nothing in this section exempts a quarry operator from applicable limitations on the time of day during which blasting activities may be conducted that are imposed by rules promulgated by the department of safety and professional services.

(e) Quarry permit requirements.

1. A political subdivision may not add a condition to a permit during the duration of the permit unless the permit holder consents.
2. If a political subdivision requires a quarry to comply with another political subdivision's ordinance as a condition for obtaining a permit, the political subdivision that grants the permit may not require the

quarry operator to comply with a provision of the other political subdivision's ordinance that is enacted after the permit is granted and while the permit is in effect.

3.

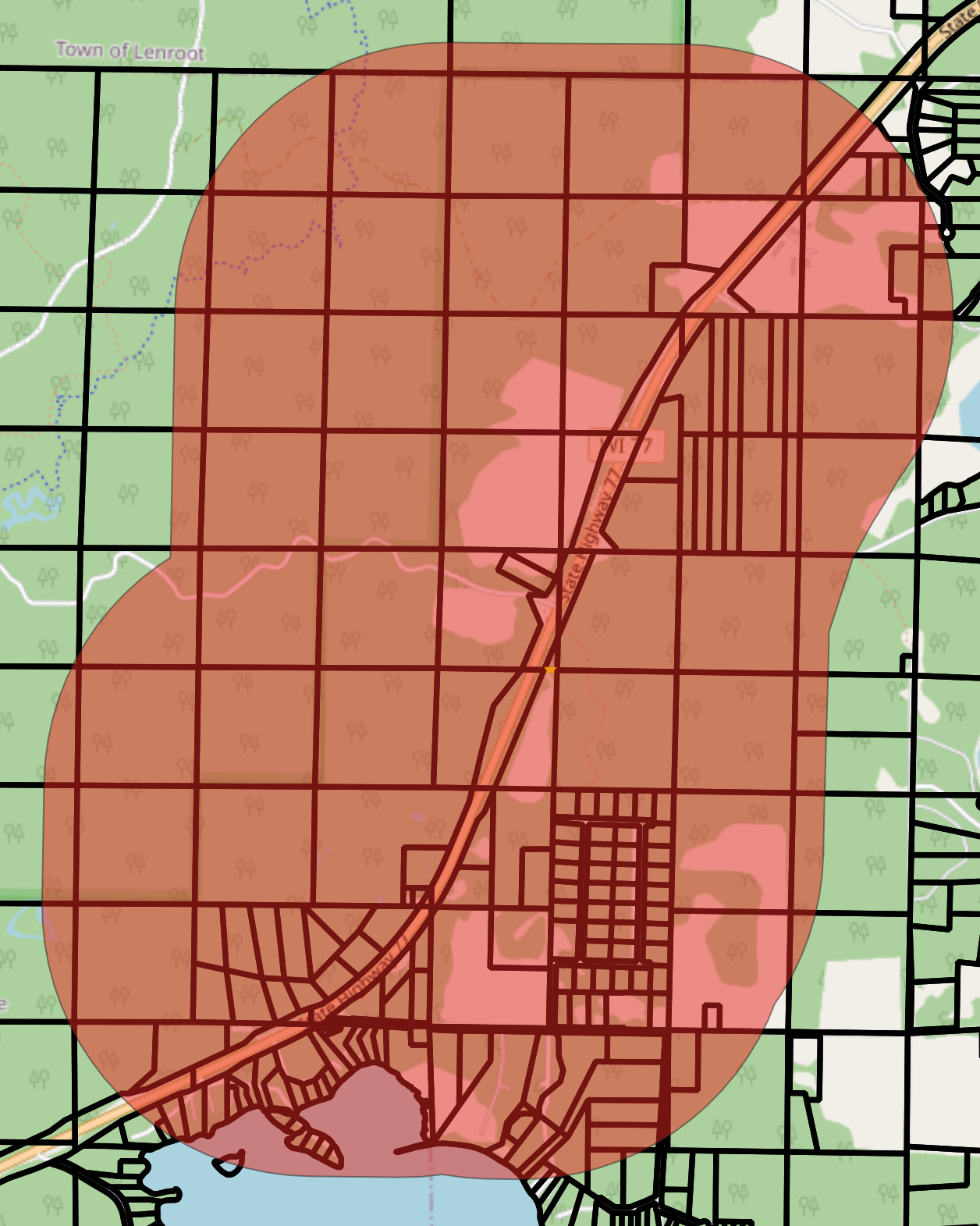
- a. A town may not require, as a condition for granting a permit to a quarry operator, that the quarry operator satisfy a condition that a county requires in order to grant a permit that is imposed by a county ordinance enacted after the county grants a permit to the quarry operator.
- b. A county may not require, as a condition for granting a permit to a quarry operator, that the quarry operator satisfy a condition that a town requires in order to grant a permit that is imposed by a town ordinance enacted after the town grants a permit to the quarry operator.

History: 2023 a. 12.

Menu

2023-24 Wisconsin Statutes updated through 2025 Wis. Act 87 and through all Supreme Court Orders and Controlled Substances Board Orders filed before and in effect on March 1, 2026. Published and certified under s. 35.18. Changes effective after March 1, 2026, are designated by NOTES. (Published 3-1-26)

Town of Lenroot





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ADAM VOSKUIL

Delivered via electronic mail

February 7, 2024

Town of Round Lake Board of Supervisors
c/o Town Chair Rolfe Hanson
10625N County Road A
Hayward, WI 54843
rhanson@townofroundlakewi.org

RE: County Compliance with the Town's Non-metallic Mining Ordinance

Chair Hanson:

Please find enclosed the requested memorandum analyzing whether the Town of Round Lake's recently enacted non-metallic mining licensing ordinance applies to property that Sawyer County owns within the Town.

As indicated in the Contract for Legal Services, all legal opinions are based on MEA's best professional judgment and the facts as MEA understands them, but that should not be considered as a guarantee that such opinions will withstand legal challenge.

If you have any questions or concerns, I am happy to schedule a meeting to discuss. The resolution of any outstanding questions or concerns will conclude MEA's representation of the Town of Round Lake in this matter. Ry Carpenter, MEA's Administrative Manager, will then follow up with a representation close out letter and bill.

Sincerely,

Rob Lee, *Staff Attorney*
(608) 251-5047 x. 8
rlee@midwestadvocates.org

Adam Voskuil, *Staff Attorney*
(608) 251-5047 x. 7
avoskuil@midwestadvocates.org

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612 W MAIN STREET, SUITE 302 P 608.251.5047
MADISON, WISCONSIN 53703 F 608.268.0205

**COUNTY COMPLIANCE WITH THE TOWN OF ROUND LAKE'S
NON-METALLIC MINING LICENSING ORDINANCE**

QUESTION PRESENTED

Whether the Town of Round Lake's recently enacted non-metallic mining licensing ordinance applies to property that Sawyer County owns within the Town?

SHORT ANSWER

Likely yes. Sawyer County is likely required to comply with the Town's recently enacted non-metallic mining licensing ordinance ("the Ordinance") before constructing and operating a new non-metallic mine within the Town. Wisconsin statute does empower counties to zone and rezone property counties own within towns without those towns' approval¹ and regardless of whether such zoning or rezoning conflicts with any zoning ordinances enacted by those towns.² However, the Wisconsin Supreme Court has held zoning ordinances and licensing ordinances to be functionally distinct.³ Further, Wisconsin statute provides that the licensing power towns exercise pursuant to those towns' village powers "shall be limited only by express language."⁴

Midwest Environmental Advocates ("MEA") found no statute or binding legal precedent that would exempt counties from needing to comply with the duly enacted non-metallic mining licensing ordinances of towns. Accordingly, Sawyer County is likely similar to any other landowner within the Town of Round Lake that, in addition to obtaining a conditional use permit from Sawyer County itself, must apply for and receive a license from the Town before constructing and operating a new non-metallic mine. Ultimately, it appears that this exact question under this specific factual scenario would be a question of first impression for Wisconsin courts, which could reach a different conclusion if Sawyer County were able to point to express statutory language providing that it does not have to comply with the Ordinance. Finally, although the Ordinance likely applies to Sawyer County, 2023 Wisconsin Act 12 may functionally limit the ability of the Town to implement portions of the Ordinance.

LEGAL FRAMEWORK

Wisconsin towns, if duly authorized pursuant to Paragraph 60.10(2)(c) of the Wisconsin Statutes, "may exercise powers relating to villages and conferred on village boards under ch. 61, except those powers which conflict with statutes relating to towns and town boards."⁵ Under Subsection 61.34(1) of the Wisconsin Statutes, villages, and thus towns with village powers, are granted general police powers and may generally exercise those police powers through licensing ordinances:

¹ Wis. Stat. § 59.69(9)(a). All citations are to the 2021-22 version of the Wisconsin Statutes unless otherwise noted.

² *Town of Ringle v. Cty. of Marathon*, 104 Wis. 2d 297, 308, 311 N.W.2d 595 (1981).

³ *Zwiefelhofer v. Town of Cooks Valley*, 2012 WI 7, 338 Wis. 2d 488, 809 N.W.2d 362.

⁴ Wis. Stat. § 61.34(1).

⁵ Wis. Stat. § 60.22(3).

[T]he village board shall have the management and control of the village property, finances, highways, streets, navigable waters, and the public service, and shall have power to act for the government and good order of the village, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment, and other necessary or convenient means.⁶

Importantly, these powers are only limited “as otherwise provided by law” and can only be limited by “express language.”⁷

Although towns also generally have the authority to enact zoning ordinances pursuant to village powers,⁸ that authority is expressly limited in Section 59.69 of the Wisconsin Statutes, which governs countywide zoning and, depending on the circumstances, may preempt town zoning ordinances. For example, Subsection 59.69(5) of the Wisconsin Statutes sets forth the procedure for adopting a countywide zoning ordinance, which towns may approve. Once approved, towns in counties other than Dane County are generally prohibited from withdrawing from countywide zoning and enacting their own ordinances.⁹ That said, towns do have some power to disapprove amendments to a countywide zoning ordinance after approving the previous version of the ordinance.¹⁰

In addition, Wisconsin counties have unilateral authority to zone and rezone property they own within the borders of towns without the approval of those towns.¹¹ This is the case even if such zoning would contradict an applicable town zoning ordinance.¹² The only procedure counties have to follow to zone and rezone property they own within the borders of towns is to notify those affected towns, issue a public notice, and hold a public hearing.¹³

These constraints on the zoning powers of towns have led towns to enact ordinances regulating activities such as non-metallic mining pursuant their non-zoning police powers under Section 61.34. In *Zwiefelhofer v. Town of Cooks Valley*, a town nonmetallic mining licensing ordinance (the “Cooks Valley Ordinance”) was challenged as an invalid zoning ordinance because county board approval had not been obtained.¹⁴ The Cooks Valley Ordinance referred to the license as a conditional use permit,¹⁵ which shall be granted with or without conditions if the town board determines that the application is complete; “the mine is in the best interest of the citizens of

⁶ Wis. Stat. § 61.34(1) (emphasis added).

⁷ *Id.*

⁸ See Wis. Stat. § 61.35.

⁹ Wis. Stat. §§ 60.22(34), .62(3)(a).

¹⁰ Wis. Stat. § 59.69(5)(e).

¹¹ Wis. Stat. § 59.69(9)(a).

¹² *Town of Ringle*, 104 Wis. 2d 297.

¹³ Wis. Stat. § 59.69(9)(a).

¹⁴ *Zwiefelhofer*, 2012 WI 7, ¶2.

¹⁵ *Id.* ¶¶67-68.

the Town, and will be consistent with the protection of public health, safety and general welfare”; and the applicant has received any required federal, state, and county permits.¹⁶

The Wisconsin Supreme Court held that, even though the Cooks Valley Ordinance “regulates the use of land in a potentially dramatic way,”¹⁷ it was not a zoning ordinance because “the fundamental differences between the Cooks Valley Ordinance and the traditional characteristics and purposes of zoning ordinances overwhelm the similarities.”¹⁸ The Court found that:

The Ordinance does not confine nonmetallic mining to any particular area in the Town; no parts of the Town are foreclosed to nonmetallic mining. The Ordinance does not directly affect where an activity may take place; it governs how an activity must be conducted and incidentally limits where it may be conducted. The Ordinance does not automatically permit or prohibit any land use; it operates entirely on a case-by-case basis. The Ordinance does not comprehensively address a wide range of potential classes of land use; it speaks only to a single, specific land use.¹⁹

The only similarities between the Cooks Valley Ordinance and traditional zoning ordinances were that the Cooks Valley Ordinance provided for a “[c]onditional allowance of land use and exemption of preexisting land uses.”²⁰ The *Zwiefelhofer* Court acknowledged that conditional use permits are “commonly associated with conditionally allowed uses in the zoning context,”²¹ but distinguished the conditional use permits in the Cooks Valley Ordinance on the grounds that they “operate[] exclusively on a case-by-case basis.”²² Traditional zoning ordinances, on the other hand, employ conditional use permitting schemes in the context of uses that are permitted as of right within certain zones.²³ The Court also pointed out that “no rule exists that a non-zoning police power cannot exempt preexisting uses.”²⁴

¹⁶ *Id.* ¶17.

¹⁷ *Id.* ¶73.

¹⁸ *Id.* ¶80. The Wisconsin Supreme Court identified six characteristics of a traditional zoning ordinance: (1) the division of a geographic area into multiple zones or districts; (2) the allowance and disallowance of certain uses by landowners within established districts or zones; (3) an aim to control where a use takes place, as opposed to how that use takes place; (4) the classification of uses in general terms and the attempt to comprehensively address all possible uses in a geographic area; (5) a fixed, forward-looking determination about what uses will be permitted, as opposed to case-by-case, ad hoc determinations; and (6) permission for existing uses to continue despite their failure to conform to the ordinance. *Town of Trempealeau v. Klein*, 2015 WI App 75, ¶15, 365 Wis. 2d 195, 870 N.W.2d 247 (unpublished opinion) (citing *Zwiefelhofer*, 2012 WI 7, ¶¶36-42).

¹⁹ *Zwiefelhofer*, 2012 WI 7, ¶72.

²⁰ *Id.* ¶73.

²¹ *Id.* ¶67.

²² *Id.* ¶66.

²³ *Id.* Recent legislation restricts the ability of local governments to enact conditional use permitting schemes pursuant to their zoning power. 2017 Wis. Act 67. Under Act 67, applications for a conditional use permit must be granted if the applicant “agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the city zoning board.” Any such conditions must be based on “substantial evidence,” which is defined as “fact and information, other than merely personal preferences or speculation . . . that reasonable persons would accept.” Finally, permit conditions must be “reasonable and, to the extent practicable, measurable.” Wis. Stat. § 62.23(7)(de).

²⁴ *Zwiefelhofer*, 2012 WI 7, ¶70.

In its discussion of the purposes of the Cooks Valley Ordinance, the *Zwiefelhofer* Court rejected broad formulations of purpose such as “to promote the welfare of the community as a whole” or “to regulate the growth and development of the city in an orderly manner”²⁵ because those formulations “are not helpful in distinguishing a zoning ordinance from an ordinance enacted pursuant to non-zoning police power.”²⁶ Instead, the Court opted for the specific formulation “to separate incompatible land uses,” and found that the Cooks Valley Ordinance was not “even loosely similar to zoning.”²⁷ Thus, in certain instances towns may enact licensing ordinances that regulate land use without complying with the procedural requirements for zoning ordinances.

The analysis in *Zwiefelhofer* may also change depending on whether a town has approved a countywide zoning ordinance. There, the town had not approved the countywide zoning ordinance.²⁸ In *Adams Outdoor Advertising, L.P. v. County of Dane*, however, the Wisconsin Court of Appeals found the Town of Madison’s approval of Dane County’s countywide zoning ordinance to be relevant in resolving a dispute over which entities’ billboard ordinance applied to certain areas within the town.²⁹ The Town of Madison had enacted an ordinance regulating billboards pursuant to Subsection 60.23(29) of the Wisconsin Statutes, but Dane County, in which the Town of Madison is located, had also enacted a zoning ordinance regulating the location of billboards pursuant to its general zoning power under Section 59.69 of the Wisconsin Statutes.³⁰ The Court of Appeals held that since the Town of Madison had approved Dane County’s countywide zoning ordinance, the Town of Madison’s billboard ordinance did not supersede the countywide zoning ordinance’s regulation of billboards, and “that both the County and the Town share regulatory authority over billboards located on property that abuts the subject highway maintained by the Town.”³¹

Finally, on June 20, 2023, the Wisconsin Legislature enacted a new law, 2023 Wisconsin Act 12, which contains express language limiting the ability of Wisconsin municipalities, including towns, to regulate “quarries”, i.e., non-metallic mines, through licensing ordinances if those mines are also regulated through a conditional use permit at the county level. More specifically, Act 12 amended Chapter 66 of the Wisconsin Statutes to state:

A political subdivision that requires a quarry operator to obtain a nonmetallic licensing permit under this subdivision may not impose a requirement in the nonmetallic mining licensing permit pertaining to any matter regulated by an applicable zoning ordinance or addressed through conditions imposed or agreed to in a previously issued and effective conditional use permit. Any requirement imposed in a nonmetallic mining licensing ordinance shall be related to the

²⁵ *Id.* ¶¶45-46.

²⁶ *Id.* ¶77.

²⁷ *Id.* ¶78.

²⁸ *Zwiefelhofer*, 2012 WI 7, ¶29.

²⁹ 2012 WI App 28, 340 Wis. 2d 175, 811 N.W.2d 421.

³⁰ *Id.* ¶1.

³¹ *Id.* ¶19.

purpose of the ordinance requiring the nonmetallic mining licensing permit and shall be based on substantial evidence. The duration of a nonmetallic mining licensing permit may not be shorter than 5 years.³²

Act 12 also prohibits Wisconsin municipalities from limiting “the times, including days of the week, that quarry operations may occur if the materials produced by the quarry will be used in a public works project that requires construction work to be performed during the night or an emergency repair.”³³ Further, Act 12 states that, except as expressly provided in Subdivisions 66.0441(3)-(4) and Subsection 101.02(7y) of the Wisconsin Statutes, Wisconsin municipalities may not limit blasting at a quarry.³⁴ Other various, minor limitations on the authority of Wisconsin towns are imposed by Act 12 as well.³⁵

ANALYSIS

Sawyer County and any of its agents (e.g., a third-party contractor operating the mine) are likely required to comply with the Ordinance before constructing and operating a new non-metallic mine within the Town, even on property Sawyer County owns. The Town clearly has the authority to enact the Ordinance pursuant to its duly authorized village powers, which the Wisconsin Supreme Court made abundantly clear in *Zwiefelhofer*, and, other than 2023 Wisconsin Act 12, MEA can find no express statutory language limiting the authority of Wisconsin towns from applying a licensing ordinance to projects involving county-owned lands within those towns.³⁶

In searching for such express statutory language, MEA reviewed Chapters 59, 60, 61, 62, 66, 82, 83, 84, and 86 of the Wisconsin Statutes.³⁷ Chapters 59, 60, 61, 62, and 66 all govern the powers and organization of Wisconsin municipalities. The only provisions in those statutory chapters that constitute “express language” limiting the power of Wisconsin towns to exercise their licensing authority on county-owned lands comes from Act 12, addressed further below.

Chapters 82, 83, 84, 85 and 86 all regulate the construction and maintenance of highways at the municipal and state levels. Although those statutory chapters contain provisions related to non-metallic mining, like the requirement that towns provide materials for highway improvement projects under their jurisdiction,³⁸ and the provision empowering counties to condemn lands for

³² Wis. Stat. § 66.0441(3)(a)3. “Substantial evidence” means “facts and information, other than merely personal preference or speculation, directly pertaining to the requirements that an applicant must meet to obtain a nonmetallic mining licensing permit and that a reasonable person would accept in support of a conclusion.” Wis. Stat. § 66.0441(3)(a)1.

³³ Wis. Stat. § 66.0441(3)(c).

³⁴ Wis. Stat. § 66.0441(3)(d)2.

³⁵ See, e.g., Wis. Stat. § 66.0441(3)(e)1-3 (limiting, among other things, the power of towns to impose conditions included in a county ordinance that are enacted by the county after the county grants a permit).

³⁶ See Wis. Stat. § 61.34(1).

³⁷ MEA also reviewed Chapter 295 of the Wisconsin Statutes. That statutory chapter deals with reclamation of non-metallic mining, i.e., restoring the land after mining operations have been complete, and does not impact the ability of Wisconsin towns to license non-metallic mines on the front end.

³⁸ Wis. Stat. § 82.03(1)(a).

non-metallic mines,³⁹ no provision within those chapters relates to the operation of a non-metallic mines, much less expressly limits the power of Wisconsin towns to exercise their licensing authority via village powers over non-metallic mines.

Without express statutory language prohibiting Wisconsin towns from applying licensing ordinances to projects involving county-owned lands within those towns, MEA is of the opinion that Sawyer County and the Town have concurrent jurisdiction over property that Sawyer County owns within the Town. Sawyer County, on the one hand, has the exclusive power to zone and rezone property that it owns within the Town, and the Town has no ability to object to or override the County's exercise of that power.⁴⁰ The Town, on the other hand, retains the ability to exercise its distinct licensing authority over that same property.⁴¹

This opinion is sound in MEA's view, even considering that the Town has approved Sawyer County's countywide zoning ordinance just like the town in *Adams Outdoor Advertising*. As an initial matter, unlike other zoning changes that affect the Town, the Town has no ability to object to or override the County's exercise of its zoning power over property that the County owns within the Town. This is distinguishable from *Adams Outdoor Advertising*, which did not involve county-owned land and where the town had some ability to object to the specific county zoning ordinance in question. Further, the result in *Adams Outdoor Advertising* was not to deprive the town of its ability to enforce its billboard ordinance, but simply to hold that both the county and the town had concurrent jurisdiction. In other words, both the county ordinance and town ordinance applied to the property in question.

That the County and Town have concurrent jurisdiction over property the County owns within the Town also makes practical sense in the specific context of the Ordinance, which not only establishes standards for the operation of a non-metallic mine, but also requires the operators of those mines to obtain a license. MEA assumes that, despite owning the property on which a non-metallic mine would be located, Sawyer County staff would not be directly responsible for the day-to-day operations of the mine. Instead, MEA assumes it is possible that Sawyer County would contract with a third-party to be responsible for the day-to-day operations of the mine, or even lease the property to a third-party to operate the mine.⁴² Such a situation would resemble nearby mines already operating, such as the "Mrotek Pit", which is owned and operated by different entities, and the Town has a substantial interest in the proper operation of any non-metallic mine no matter who the owner may be. The only ability the Town has to directly protect that interest, even when it comes to mines on county-owned land, is through implementation of and adherence to its licensing ordinance.

This analysis must be modified, however, in consideration of Act 12, which does contain express language limiting the authority of Wisconsin towns to apply duly enacted non-metallic licensing

³⁹ Wis. Stat. § 83.07(1).

⁴⁰ Wis. Stat. § 59.69(9)(a).

⁴¹ See Wis. Stat. § 61.34. See also *Zwiefelhofer*, 2012 WI 7.

⁴² See Wis. Stat. § 59.52(6)(c). See also Wis. Att'y Gen. Op. 1-20, available at https://docs.legis.wisconsin.gov/misc/oag/recent/oag_1_20.pdf.

ordinances. While Act 12 does not generally prohibit the Town from implementing the Ordinance, the Town may be functionally prohibited from implementing portions of the Ordinance. The Town cannot impose a requirement a non-metallic mining license that (1) relates to any matter regulated by an applicable zoning ordinance; or (2) is addressed through conditions imposed or agreed to in a previously issued and effective conditional use permit.⁴³ As such, the Town's authority to impose specific conditions from the Ordinance depends not only on Sawyer County's Zoning Ordinance, but also on the conditions included in yet-to-be issued permits.⁴⁴ Any provisions in the Town's Ordinance that relate, for example, to hours of operation or blasting, need to be evaluated in the context of Act 12 as well.

CONCLUSION

MEA has found no statute or binding legal precedent that would exempt counties from complying with the duly enacted non-metallic mining licensing ordinances of towns. Accordingly, Sawyer County, including any entity it might contract with or lease its property to for the purposes of operating a non-metallic mine, is likely similar to any other landowner within the Town of Round Lake for the purposes of the Ordinance. In addition to obtaining a conditional use permit from Sawyer County itself, it must apply for and receive a license from the Town before constructing and operating a new non-metallic mine. That said, it appears that this exact question under this specific factual scenario would be a question of first impression for Wisconsin courts, and it is important for the Town of Round Lake to understand that Wisconsin courts could reach a different conclusion. Finally, even though Sawyer County likely must comply with the Ordinance, Act 12 may functionally prohibit the Town from implementing portions of the Ordinance.

⁴³ 66.0441(3)(a)3.

⁴⁴ The interplay between Sawyer County's Zoning Ordinance, the Town of Round Lake's Non-metallic Mining Licensing Ordinance, and hypothetical future permit conditions are outside the scope of this memorandum.

Town of Round Lake, Sawyer County Wisconsin

Ordinance 2026-01

1.01 Title. Recycling Ordinance for the Town of Round Lake, Sawyer County WI. Repealing, recreating, and combining: Ordinance NO., 9405 (26) and Ordinance NO. 9406, and Ordinance 2019-01

1.02 Purpose. The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, and to protect the public health and safety of the occupants of the Town of Round Lake by providing certain recyclable material waste and other material collection, storage, treatment, processing, and disposal regulations as provided in s. 287.11, Wis. Stats. , and Chapter NR 544, Wis. Administrative Code.

1.03 Statutory Authority. This ordinance is adopted as authorized under s. 287.09(3)(b), Wis. Stats. , and under Chapter 60, Chapter 66 Wi. Stats. And their successor chapters and provisions, and pursuant to its enactment of village powers under Chapter 61, WI. Stats., to enact and enforce this ordinance.

1.04 Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

1.05 Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.

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

1.07 Applicability. The Requirements of this ordinance apply to persons within the Town of Round Lake who are occupants of single family and two to four (2-4) units, multi-family dwellings and non-residential facilities and property. For this ordinance occupant residing in Mobile Home Parks located in the Town shall be considered occupants of single family residences.

1.08 Administration. The provisions of this ordinance shall be administered by the Town Board of the Town of Round Lake or its designee.

1.09 Effective. The provisions of this ordinance shall take effect on April 9, 2026.

1.10 Definitions. For the purpose of this ordinance:

- 1) "Bi-metal container" means a container for carbonated or malt a beverage that is made primarily of a combination of steel and aluminum.
- 2) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
- 3) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
 - a) Is designed for serving food or beverages.
 - b) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
 - c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- 4) "Glass Container" means a glass bottle, jar or other packaging container used to contain a product that is the subject of a retail sale and does not include ceramic cups, dishes, oven ware, plate glass, safety and window glass, heat resistant glass such as Pyrex, lead based glass such as crystal, or TV tubes.
- 5) "HDPE" means high density polyethylene, labeled by the SPI code # 2.
- 6) "LDP E" means low density polyethylene, labeled by the SPI code #4.
- 7) "Magazines" means magazines and other materials printed on similar paper.
- 8) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.
- 9) "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.
- 10) "Newspaper" means a newspaper and other materials printed on newsprint.
- 11) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and government facilities and properties. This term does not include multiple family dwellings.
- 12) "Office paper" means high grade printing and writing papers from offices in nonresidential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- 13) "Other resins or multiple resins" mean plastic resins labeled by the SPI code # 7.
- 14) "Person" includes any individual, corporation, partnership, association, local government unit, as defined in s. 66.0131 (l)(a), Wis. Stats., state agency or authority or federal agency.
- 15) "PETE" or "PET" means polyethylene terephthalate, labeled by the SPI code # 1.
- 16) "Plastic container" means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.

- 17) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 291.01 (7) Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 289.01 (17)., Wis. Stats.
- 18) "PP" means polypropylene, labeled by the SPI code # 5.
- 19) "PS" means polystyrene, labeled by the SPI code # 6.
- 20) "PVC" means polyvinyl chloride, labeled by the SPI code # 3.
- 21) "Recyclable materials" includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, ps and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.
- 22) "Solid waste" has the meaning specified in s. 289.01 (33), Wis. Stats.
- 23) "Solid waste facility" has the meaning specified in s. 289.01 (35), Wis. Stats.
- 24) "Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.
- 25) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- 26) "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.
- 27) Contaminated (wastes and recyclable materials) means wastes and residuals from wastes or recyclable materials that are contaminated with hazardous wastes, hazardous substances, toxic wastes or other non-collecting wastes, as noted in this ordinance, or that have been determined by the Town Board of the Town to be mixed or contaminated with wastes and other materials that make the recyclable material unacceptable for collection by the Town, its agents or its contractor(s).

1.11 Separation of Recyclable Materials. Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste:

- 1) Lead acid batteries
- 2) Major appliances
- 3) Waste oil
- 4) Yard waste
- 5) Aluminum containers
- 6) Bi-metal containers
- 7) Corrugated paper or other container board
- 8) Foam polystyrene packaging
- 9) Glass containers
- 10) Magazines
- 11) Newspaper
- 12) Office paper

- 13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, ps, and other resins or multiple resins
- 14) Steel containers
- 15) Waste tires

1.12 Separation Requirements Exempted. The separation requirements of s. 1.11 do not apply to the following:

- 1.) Occupants of single family and 2-to-4-unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in s. 1.11 from solid waste in as pure a form as is technically feasible.
- 2.) Solid waste which is burned as a supplement fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplement fuel. A recyclable material specified in s. 1.1 (5) through (15) for which a variance has been granted by the Department of Natural Resources under s. 287.11 (2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

1.13 Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with s. 1.11 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

1.14 Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste. Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

- 1.) Lead acid batteries shall be taken by the occupant to any vendor that sells batteries or will accept batteries within the State of Wisconsin or, if provided by the Town to a Town collection facility: or contract with a hauler for private collection. They shall be separated from solid waste.
- 2.) Major appliances shall be taken by the occupant to any vendor that will accept major appliances within the State of Wisconsin or, if provided by the Town to a Town collection facility: or contract with a hauler for private collection. They shall be separated from solid waste.
- 3.) Waste oil shall be taken by the occupant to any vendor that will accept waste oil within the State of Wisconsin or, if provided by the Town to a Town collection facility: or contract with a hauler for private collection. They shall be separated from solid waste.

4.) Yard waste may be managed on site; or if provided by the Town, taken to a Town compost facility or occupant can contract with a hauler for private collection. Composting is encouraged and instructions can be obtained from the Town Board designee. It shall be separated from solid waste.

1.15 Preparation and Collection of Recyclable Materials. Except as otherwise directed by the Town Board of the Town of Round Lake, occupants of single family and 2-to-4-unit residences, multiple-family dwellings and non-residential facilities and properties shall do the following for the preparation and collection of the separated materials specified in s. 1.11 (5) through (15):

- 1.) Aluminum containers. All aluminum food and beverage containers shall be emptied and rinsed clean. These containers shall be placed by the occupants in authorized containers for recyclable material collection.
- 2.) Bi-metal steel/tin food and beverage containers. Occupants shall empty, and rinse clean containers. These containers shall be placed by the occupants in authorized containers for recyclable material collection.
- 3.) Corrugated paper or other container board shall be flattened for collection. Only clean corrugated cardboard shall be accepted (no food residue). These containers shall be placed by the occupants in authorized containers for recyclable material collection.
- 4.) Foam polystyrene packaging and containers shall be free of all debris and placed in authorized containers for collection.
- 5.) Glass containers. Occupants shall empty and rinse glass containers. All rings, caps, and lids must be removed. Occupants shall not break the glass for collection. Container glass shall be placed in authorized containers for collection.
- 6.) Magazines shall be dry and free of debris and placed in authorized containers for collection.
- 7.) Newspaper shall be dry and free of debris and placed in authorized containers for collection.
- 8.) Office paper shall be clean, dry, and free of debris and placed in authorized containers for collection.
- 9.) Rigid plastic containers: PETE code 1 and HDPE Code 2, PVC code 3, PS Code 6, PP Code 5, LDPE Code 4, other resins or multiple resins including # 7, which will be emptied and rinsed clean and have the rings, caps, and lids removed by the occupants. They shall be placed in authorized containers for collection.

10.) Steel containers Occupants shall empty, and rinse clean containers. These containers shall be placed by the occupants in authorized containers for recyclable material collection.

1 1.) Waste tires shall be taken by the occupant to any vendor who will accept them or contract with a hauler for private collection or, if provided by the Town, taken to a collection facility. They shall be separated from solid waste.

1.16 Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.

- 1) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in s. 1.11(5) through (15):
 - a) Provide adequate, separate containers for the recycling program established in compliance with the ordinance. The number of recycling containers shall equal or be greater than the number of trash containers and at least one of the following shall be met:
 - i. The minimum total volume of recycling container space is equal to 20 gallons per week per dwelling unit.
 - ii. The ratio of trash container volume to recycling container volume is at most 2:1.
 - iii. An alternative method that does not result in the overflow of a recycling container during the time period between collection of materials and delivery to a recycling facility.
 - b) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
 - c) Provide for the collection of materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
 - d) Notify tenants which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, and locations of drop-off collection sites to recycle materials not collected on-site.
- 2) The requirements specified in 1) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in s. 1.11(5) through (15) from solid waste in as pure a form as is technically feasible.

1.17 Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.

- 1) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in s. 1.11(5) through (15):
 - (a) Provide adequate, separate containers for the recycling program established under this section. The total volume of recycling containers shall be sufficient to avoid overflow during the time period between collection of materials and delivery to a recycling facility.
 - (b) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
 - (c) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.

- (d) Notify users, tenants and occupants which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, and locations of drop-off collection sites to recycle materials not collected on-site.
- 2) The requirements specified in 1) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in s. 1.11 (5) through (15) from solid waste in as pure a form as is technically feasible.

1.18 Prohibitions on Disposal of Recyclable Materials Separated for Recycling. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in s. 1.11 (5) through (15) that have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

1.19 Regulating Provisions

The Town Board shall:

- (a) Establish and publish the rules and regulations for eligible occupants for recyclable material collection by the Town or its collector including the times and dates for the collection and locations established for collection.
 - (b) Provide the name, address and phone number of the person from the Town to receive complaints or inquires.
 - (c) Provide the requirements for proper separation, proper placement and proper containment of the recyclable material for collection.
 - (d) Provide the reasons for possible refusal for collection of recyclable material.
 - (e) Provide other information deemed relevant to eligible occupants by the Town Board.
- 1.) The Town Board may establish fees for occupants for the payment of collection services for recyclables.
 - 2.) The Town Board of the Town of Round Lake reserves the right to designate additional solid waste materials as recyclable or currently collected materials as no longer recyclable in accordance with state law and to either add or delete them for any collection services provided by the Town or its contractors. The Town shall provide notice to occupants and contractors of this declaration by methods determined by Town Board.
 - 3.) The Town Board of the Town shall be responsible to provide and maintain by employee, agency contract or other means the necessary equipment and personnel to implement any recyclable material collection, processing and marketing service of the Town established by this ordinance and by the Town Board.
 - 4.) Persons in the Town:

- (a.) Shall comply properly with the recyclable material and location collections rules and regulations in the Town as established by this ordinance and as established by the Town Board for regular and special recyclable material collection service.
- (b.) Shall not deposit for collection any solid waste, recyclable materials, other wastes or other materials at any closed recyclable material collection facility other than the times and dates the facility is open for the deposit of such materials.
- (c.) All receptacles and containers of waste and recyclable materials shall be placed on private property for collection and not placed on any Town highway or right of way.
- (d.) The owner or occupant at each residence is responsible for all waste and recyclable materials until it is picked up by the owner's private contracted collector hired to perform such service.
- (e.) All receptacles and containers of waste and recyclable materials shall not be placed for pick up more than 24 hours before such service is completed.
- (f.) No persons , unless provided with written permission by the Town Board shall deposit or place for recyclable materials collection by the Town or its contractor at any location in the Town, any recyclable materials, wastes, or other materials where these recyclable materials, wastes, or other materials have been generated from sources outside the Town of Round Lake.
- (g.) No person shall litter, dispose, discharge, or dump any recyclable material in any road, highway, road right-of-way, waters, street, alley or other public land or location, within the Town of Round Lake unless provide written permission by the Town Board or authorized under this ordinance.
- (h.) No person, unless under contract with the Town, or a private licensed hauler, or unless provided written permission by the Town Board, shall collect nor remove any recyclable material that has been deposited or placed for recyclable material collection by the any occupant of the town at the curb or roadside, any recyclable material collection container at collection locations or at any other locations in the Town approved by the Town Board for recyclable material collections. This provision shall not apply to any occupant who has placed recyclable material for collection and then withdraws it from collection prior to collection.
- (i.) Any recyclable material, waste or other material not rejected, unless previously rejected, by the Town, its employs, agents or by any of its contractors in its recyclable material collection any Town recyclable material collection facility upon its placement by an occupant in the recyclable material collection bins or containers, shall become the property of the Town, unless the Town has a contract to the contrary with its contractors. The recyclable material waste or other material deposited for collection at any curbside or roadside collection locations shall upon its collection by a contractor or licensed hauler in the Town , become the property of the contractor or collector unless the Town has a contract to the contrary with its contractor or hauler.
- (j) No person, unless exempt under this ordinance, in the Town shall place or deposit for the regular recyclable materials collection service of the Town any

recyclable material at any facility or property in the Town, nor shall any person collect, including the Town, its agent or its contractor(s) any recyclable material for transport from any person in the Town where the recyclable materials have not been properly separated from the solid waste and from other materials and where the recyclable materials have not been properly contained as determined by the Town Board as required under this ordinance. (k) No person shall deposit or place for recyclable material collection by the town or its contractor or licensed hauler, unless provided written permission by the Town Board, any recyclable material collection at any location in the town except at locations next to the Town right-a-way on the premises owned or occupied by that person. No person shall deposit or place these materials on the traveled portion of the roadways within the Town. No person shall place or deposit for recyclable materials collection, any recyclable material for collection by Licensed Hauler in the town unless in compliance with these provisions.

1.20 Improper Transportation. It shall be unlawful to transport any refuse, waste, recyclable materials, or Yard Waste in any vehicle where its permits the contents to blow, sift, leak, or fall there from. If spillage does occur the person shall immediately return spilled materials to the collection vehicle and shall properly clean, or have cleaned, the area of spillage. The person shall immediately notify the Town of Round Lake of any spillage, the date and the location of the spillage and identify the refuse or materials contained in the spillage.

1.21 Enforcement.

- 1) For the purpose of ascertaining compliance with NR 544 Wis. Adm. Code or its successor chapter, the provisions of this ordinance, any authorized Town Board Member, authorized employee or authorized representative of the Town of Round Lake, Sawyer County, WI. , may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple family dwellings and non-residential facilities and properties, and any records relating to recycling activities which shall be kept confidential when necessary to protect proprietary information . No person shall refuse access to any Town Board Member, authorized employee or authorized representative of the Town of Round Lake, Sawyer County, WI. who requests access for purpose of inspection, and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.
- 2) Any person who violates a provision of this ordinance may be issued a citation by the Town Chairperson or his or her designee to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same, or any other matter, and shall not preclude the issuance of a citation under this paragraph.
- 3) Penalties for violating this ordinance may be assessed as follows:

- a.) Any person who violates s. 1.18 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2,000 for a third or subsequent violation.
- b.) Any person who violates a provision of this ordinance, except s 1.19 may be required to forfeit not less than \$50 or more than \$ 1,000 for each violation.

This Ordinance shall be effective upon passage and publication as provided by law and shall repeal and replace all previous recycling ordinances heretofore enacted by the Town of Round Lake.

Jim Strandlund, Chairperson

Kay Wilson, Supervisor

Darin Jensen, Supervisor

Marvin Scott Verbeck, Supervisor

Dan Palmer, Supervisor

I hereby certify that the above ordinance was adopted by the Town Board of The Town of Round Lake on April 9, 2026

Frank Leuschen III, Town Clerk

Town of Round Lake, Sawyer County Wisconsin

Ordinance 2019 -01

1.01 Title. Recycling Ordinance for the Town of Round Lake, Sawyer County WI. Repelling, recreating, and combining: Ordinance NO., 9405 (26) and Ordinance NO. 9406

1.02 Purpose. The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, and to protect the public health and safety of the occupants of the Town of Round Lake by providing certain recyclable material waste and other material collection, storage, treatment, processing, and disposal regulations as provided in s. 287.11, Wis. Stats. , and Chapter NR 544, Wis. Administrative Code.

1.03 Statutory Authority. This ordinance is adopted as authorized under s. 287.09(3)(b), Wis. Stats. , and under Chapter 60, Chapter 66 Wi. Stats. And their succor chapters and provisions, and pursuant to its enactment of village powers under Chapter 61, WI. Stats., to enact and enforce this ordinance.

1.04 Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

1.05 Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis.

Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.

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

1.07 Applicability. The Requirements of this ordinance apply to persons within the Town of Round Lake who are occupants of single family and two to four (2-4) units, multi-family dwellings and non-residential facilities and property. For this ordinance occupant residing in Mobile Home Parks located in the Town shall be considered occupants of single family residences.

1.08 Administration. The provisions of this ordinance shall be administered by the Town Board of the Town of Round Lake or its designee.

1.09 Effective. The provisions of this ordinance shall take effect on May 1, 2019.

1.10 Definitions. For the purpose of this ordinance:

- 1) "Bi-metal container" means a container for carbonated or malt a beverage that is made primarily of a combination of steel and aluminum.
- 2) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
- 3) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
 - a) Is designed for serving food or beverages.
 - b) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
 - c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- 4) "Glass Container" means a glass bottle, jar or other packaging container used to contain a product that is the subject of a retail sale and does not include ceramic cups, dishes, oven ware, plate glass, safety and window glass, heat resistant glass such as Pyrex, lead based glass such as crystal, or TV tubes.
- 5) "HDPE" means high density polyethylene, labeled by the SPI code # 2.
- 6) "LDP E" means low density polyethylene, labeled by the SPI code #4.
- 7) "Magazines" means magazines and other materials printed on similar paper.
- 8) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.
- 9) "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.
- 10) "Newspaper" means a newspaper and other materials printed on newsprint.
- 11) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and government facilities and properties. This term does not include multiple family dwellings.
- 12) "Office paper" means high grade printing and writing papers from offices in nonresidential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- 13) "Other resins or multiple resins" mean plastic resins labeled by the SPI code # 7.
- 14) "Person" includes any individual, corporation, partnership, association, local government unit, as defined in s. 66.0131 (l)(a), Wis. Stats., state agency or authority or federal agency.
- 15) "PETE" or "PET" means polyethylene terephthalate, labeled by the SPI code # 1.
- 16) "Plastic container" means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.

- 17) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 291.01 (7) Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 289.01 (17)., Wis. Stats.
- 18) "PP" means polypropylene, labeled by the SPI code # 5.
- 19) "PS" means polystyrene, labeled by the SPI code # 6.
- 20) "PVC" means polyvinyl chloride, labeled by the SPI code # 3.
- 21) "Recyclable materials" includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, ps and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.
- 22) "Solid waste" has the meaning specified in s. 289.01 (33), Wis. Stats.
- 23) "Solid waste facility" has the meaning specified in s. 289.01 (35), Wis. Stats.
- 24) "Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.
- 25) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- 26) "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.
- 27) Contaminated (wastes and recyclable materials) means wastes and residuals from wastes or recyclable materials that are contaminated with hazardous wastes, hazardous substances, toxic wastes or other non-collecting wastes, as noted in this ordinance, or that have been determined by the Town Board of the Town to be mixed or contaminated with wastes and other materials that make the recyclable material unacceptable for collection by the Town, its agents or its contractor(s).

1.11 Separation of Recyclable Materials. Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste:

- 1) Lead acid batteries
- 2) Major appliances
- 3) Waste oil
- 4) Yard waste
- 5) Aluminum containers
- 6) Bi-metal containers
- 7) Corrugated paper or other container board
- 8) Foam polystyrene packaging
- 9) Glass containers
- 10) Magazines
- 11) Newspaper
- 12) Office paper

- 13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, ps, and other resins or multiple resins
- 14) Steel containers
- 15) Waste tires

1.12 Separation Requirements Exempted. The separation requirements of s. 1.11 do not apply to the following:

- 1 .) Occupants of single family and 2-to-4-unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in s. 1.11 from solid waste in as pure a form as is technically feasible.
- 2.) Solid waste which is burned as a supplement fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplement fuel.
- 3.) A recyclable material specified in s. 1.1 (5) through (15) for which a variance has been granted by the Department of Natural Resources under s. 287.11 (2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

1.13 Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with s. 1.11 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

1.14 Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste. Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

- 1.) Lead acid batteries shall be taken by the occupant to any vendor that sells batteries or will accept batteries within the State of Wisconsin or, if provided by the Town to a Town collection facility: or contract with a hauler for private collection. They shall be separated from solid waste.
- 2.) Major appliances shall be taken by the occupant to any vendor that will accept major appliances within the State of Wisconsin or, if provided by the Town to a Town collection facility: or contract with a hauler for private collection. They shall be separated from solid waste.
- 3.) Waste oil shall be taken by the occupant to any vendor that will accept waste oil within the State of Wisconsin or, if provided by the Town to a Town

collection facility: or contract with a hauler for private collection. They shall be separated from solid waste.

4.) Yard waste may be managed on site; or if provided by the Town, taken to a Town compost facility or occupant can contract with a hauler for private collection. Composting is encouraged and instructions can be obtained from the Town Board designee. It shall be separated from solid waste.

1.15 Preparation and Collection of Recyclable Materials. Except as otherwise directed by the Town Board of the Town of Round Lake, occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall do the following for the preparation and collection of the separated materials specified in s. 1.11 (5) through (15):

1.) Aluminum containers. All aluminum food and beverage containers shall be emptied and rinsed clean. These containers shall be placed by the occupants in authorized containers for recyclable material collection.

2.) Bi-metal steel/tin food and beverage containers. Occupants shall empty, and rinse clean containers. These containers shall be placed by the occupants in authorized containers for recyclable material collection.

3.) Corrugated paper or other container board shall be flattened for collection. Only clean corrugated cardboard shall be accepted (no food residue). These containers shall be placed by the occupants in authorized containers for recyclable material collection.

4.) Foam polystyrene packaging and containers shall be free of all debris and placed in authorized containers for collection.

5.) Glass containers. Occupants shall empty and rinse glass containers. All rings, caps, and lids must be removed. Occupants shall not break the glass for collection. Container glass shall be placed in authorized containers for collection.

6.) Magazines shall be dry and free of debris and placed in authorized containers for collection.

7.) Newspaper shall be dry and free of debris and placed in authorized containers for collection.

8.) Office paper shall be clean, dry, and free of debris and placed in authorized containers for collection.

9.) Rigid plastic containers: PETE code 1 and HDPE Code 2, PVC code 3, PS Code6, PP Code 5, LDPE Code 4, other resins or multiple resins including # 7, which be emptied and rinsed clean and have the rings, caps, and lids

removed by the occupants. They shall be placed in authorized containers for collection.

10.) Steel containers Occupants shall empty, and rinse clean containers. These containers shall be placed by the occupants in authorized containers for recyclable material collection.

1 1.) Waste tires shall be taken by the occupant to any vendor who will accept them or contract with a hauler for private collection or, if provided by the Town, taken to a collection facility. They shall be separated from solid waste.

1.16

Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.

- 1) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in s. 1.11(5) through (15):
 - a) Provide adequate, separate containers for the recycling program established in compliance with the ordinance. The number of recycling containers shall equal or be greater than the number of trash containers and at least one of the following shall be met:
 - i. The minimum total volume of recycling container space is equal to 20 gallons per week per dwelling unit.
 - ii. The ratio of trash container volume to recycling container volume is at most 2:1.
 - iii. An alternative method that does not result in the overflow of a recycling container during the time period between collection of materials and delivery to a recycling facility.
 - b) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
 - c) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
 - d) Notify tenants which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, and locations of drop-off collection sites to recycle materials not collected on-site.
- 2) The requirements specified in 1) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in s. 1.11(5) through (15) from solid waste in as pure a form as is technically feasible.

1.17 Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.

- 1) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in s. 1.11(5) through (15):
 - (a) Provide adequate, separate containers for the recycling program established under this section. The total volume of recycling containers shall be sufficient to avoid overflow during the time period between collection of materials and delivery to a recycling facility.

- (b) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
 - (c) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
 - (d) Notify users, tenants and occupants which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, and locations of drop-off collection sites to recycle materials not collected on-site.
- 2) The requirements specified in 1) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in s. 1.11 (5) through (15) from solid waste in as pure a form as is technically feasible.

1.18*Prohibitions on Disposal of Recyclable Materials Separated for Recycling. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in s. 1.11 (5) through (15) that have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

1.19 Regulating Provisions

- 1.) The Town Board shall:
 - (a) Establish and publish the rules and regulations for eligible occupants for recyclable material collection by the Town or its collector including the times and dates for the collection and locations established for collection.
 - (b) Provide the name, address and phone number of the person from the Town to receive complaints or inquires.
 - (c) Provide the requirements for proper separation, proper placement and proper containment of the recyclable material for collection.
 - (d) Provide the reasons for possible refusal for collection of recyclable material.
 - (e) Provide other information deemed relevant to eligible occupants by the Town Board.
- 2.) The Town Board may establish fees for occupants for the payment of collection services for recyclables.
- 3.) The Town Board of the Town of Round Lake reserves the right to designate additional solid waste materials as recyclable or currently collected materials as no longer recyclable in accordance with state law and to either add or delete them for any collection services provided by the Town or its contractors. The Town shall provide notice to occupants and contractors of this declaration by methods determined by Town Board.
- 4.) The Town Board of the Town shall be responsible to provide and maintain by employee, agency contract or other means the necessary equipment and personnel to implement any recyclable material collection, processing and marketing service of the Town established by this ordinance and by the Town Board.

5.) Persons in the Town:

- (a.) Shall comply properly with the recyclable material and location collections rules and regulations in the Town as established by this ordinance and as established by the Town Board for regular and special recyclable material collection service.
- (b.) Shall not deposit for collection any solid waste, recyclable materials, other wastes or other materials at any closed recyclable material collection facility other than the times and dates the facility is open for the deposit of such materials.
- (c.) All receptacles and containers of waste and recyclable materials shall be placed on private property for collection and not placed on any Town highway or right of way.
- (d.) The owner or occupant at each residence is responsible for all waste and recyclable materials until it is picked up by the owner's private contracted collector hired to perform such service.
- (e.) All receptacles and containers of waste and recyclable materials shall not be placed for pick up more than 24 hours before such service is completed.
- (f.) No persons , unless provided written permission by the Town Board shall deposit or place for recyclable materials collection by the Town or its contractor at any location in the Town, any recyclable materials, wastes, or other materials where these recyclable materials, wastes, or other materials have been generated from sources outside the Town of Round Lake.
- (g.) No person shall litter, dispose, discharge, or dump any recyclable material in any road, highway, road right-of-way, waters, street, alley or other public land or location, within the Town of Round Lake unless provide written permission by the Town Board or authorized under this ordinance.
- (h.) No person, unless under contract with the Town, or a private licensed hauler, or unless provided written permission by the Town Board, shall collect nor remove any recyclable material that has been deposited or placed for recyclable material collection by the any occupant of the town at the curb or roadside, any recyclable material collection container at collection locations or at any other locations in the Town approved by the Town Board for recyclable material collections. This provision shall not apply to any occupant who has placed recyclable material for collection and then withdraws it from collection prior to collection.
- (i.) Any recyclable material, waste or other material not rejected, unless previously rejected, by the Town, its employs, agents or by any of its contractors in its recyclable material collection any Town recyclable material collection facility upon its placement by an occupant in the recyclable material collection bins or containers, shall become the property of the Town, unless the Town has a contract to the contrary with its contractors. The recyclable material waste or other material deposited for collection at any curbside or roadside collection locations shall upon its collection by an contractor or licensed hauler in the Town , become the property of the contractor or collector unless the Town has a contract to the contrary with its contractor or hauler.

(j) No person, unless exempt under this ordinance, in the Town shall place or deposit for the regular recyclable materials collection service of the Town any recyclable material at any facility or property in the Town, nor shall any person collect, including the Town, its agent or its contractor(s) any recyclable material for transport from any person in the Town where the recyclable materials have not been properly separated from the solid waste and from other materials and where the recyclable materials have not been properly contained as determined by the Town Board as required under this ordinance. (k) No person shall deposit or place for recyclable material collection by the town or its contractor or licensed hauler, unless provided written permission by the Town Board, any recyclable material collection at any location in the town except at locations next to the Town right-a-way on the premises owned or occupied by that person. No person shall deposit or place these materials on the traveled portion of the roadways within the Town. No person shall place or deposit for recyclable materials collection, any recyclable material for collection by Licensed Hauler in the town unless in compliance with these provisions.

1.

1.18 Prohibitions on Disposal of Recyclable Materials Separated for Recycling. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in s. 1.11 (5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

1.20 Improper Transportation. It shall be unlawful to transport any refuse, waste, recyclable materials, or Yard Waste in any vehicle where its permits the contents to blow, sift, leak, or fall there from. If spillage does occur the person shall immediately return spilled materials to the collection vehicle and shall properly clean, or have cleaned, the area of spillage. The person shall immediately notify the Town of Round Lake of any spillage, the date and the location of the spillage and identify the refuse or materials contained in the spillage.

1.21 Enforcement.

l) For the purpose of ascertaining compliance with NR 544 Wis. Adm. Code or its successor chapter, the provisions of this ordinance, any authorized Town Board Member, authorized employee or authorized representative of the Town of Round Lake, Sawyer County, WI. , may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple family dwellings and non-residential facilities and properties, and any records relating to recycling activities which shall be kept confidential when necessary to protect proprietary information . No person shall refuse access to any Town Board Member, authorized employee or authorized representative of the Town of Round Lake, Sawyer County, WI. who requests access for purpose of inspection, and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.

- 2) Any person who violates a provision of this ordinance may be issued a citation by the Town Chairperson or his or her designee to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same, or any other matter, and shall not preclude the issuance of a citation under this paragraph.
- 3) Penalties for violating this ordinance may be assessed as follows:
 - a.) Any person who violates s. 1.18 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2,000 for a third or subsequent violation.
 - b.) Any person who violates a provision of this ordinance, except s 1.19 may be required to forfeit not less than \$50 or more than \$ 1,000 for each violation.

This Ordinance shall be effective upon passage and publication as provided by law and shall repeal and replace ~~train vehicle route ordinances heretofore ena~~ all all-te route ordinances heretofore enacted by the Town of Round Lake.
 Rolfe Hanson,

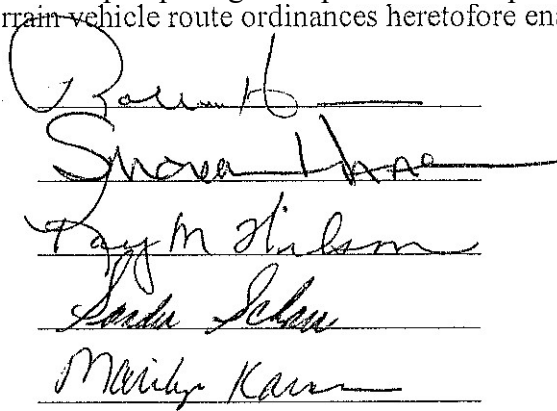
Chairperson Sharon

Haak, Supervisor Kay

Wilson, Supervisor

Sandra Schara, Supervisor

Marilyn Karns, Supervisor



I hereby certify that the above ordinance was adopted by the Town Board of the Town of Round Lake on the 11 day of April, 2019.

 Kathy McCoy
 Clerk Kathy McCoy, Town

Proposed Amendment to Sawyer County Zoning Ordinance for Data Centers

Sawyer County Code of Ordinances – Appendix D

Section 2.0 Definitions

- (23) *Data Center*: A physical facility used to house computing infrastructure, storage systems, networking equipment, and associated components to store, manage, and deliver digital data and applications.

Section 17.7 - I-1: Industrial - One District

B) *Uses authorized by Conditional Use.*

- 13) *Data Center*; provided that there are at least 160 acres of contiguous land and prohibited within the Shoreline District. A minimum of 160 acres is due to the following:
- a) Adequate separation distances between mechanical equipment and neighboring residences to mitigate noise, vibration, and light impacts associated with 24-hour operations.
 - b) Accommodate required electrical substations, transmission interconnection facilities, and associated utility corridors.
 - c) Allow on-site stormwater infiltration and groundwater protection measures due to the large amount of impervious surface.
 - d) Security perimeters and emergency response access around critical infrastructure.
 - e) Allow for vegetative buffers, berms, and screening sufficient to maintain rural character and minimize visual impacts.
 - f) Ensure adequate setbacks from adjacent properties, public roads, and environmentally sensitive areas.
 - g) Prevent piecemeal expansion and land use conflicts with agricultural and residential uses.

Town of Round Lake

By action of the Town Board, the proposed amendments to Sawyer County Code of Ordinances for Data Centers, Sawyer County Code of Ordinance - Appendix D, Section 2.0 Definitions and Section 17.7 (I-1) Industrial – One District is hereby:

Approved _____

Denied _____

*Please check mark box above as the majority decision of the Town Board

James Strandlund, Chairman

Daniel Palmer, Supervisor

Marvin Scott Verbeck, Supervisor

Kay Wilson, Supervisor

Darin Jensen, Supervisor

Please Provide Additional Comments for Your Decision:

Dated this _____ day of _____, 20_____

Frank Leuschen III, Clerk



SAWYER COUNTY ZONING & CONSERVATION DEPARTMENT

10610 MAIN STREET SUITE 49 • HAYWARD, WISCONSIN 54843 • Phone (715) 634-8288

Email: Jay.kozlowski@sawyercountygov.org

Summary To Towns for Proposed Ordinance Amendment for “data centers” in Industrial-One (I-1) Zone District

The proposed ordinance amendment relates to the regulation of “data centers.” These types of facilities have become an increasing topic of discussion across Wisconsin, particularly with several large-scale developments being proposed or constructed in communities such as Port Washington, Menominee, and Beaver Dam.


At both the state and local level, regulatory language for data centers is currently limited. Sawyer County does not presently have a formal definition or specific ordinance provisions addressing these types of facilities. This lack of clarity creates the potential for a developer to propose a data center under an existing use category, such as “Communication Utility,” which is currently allowed by Conditional Use Permit in the A-1 and A-2 zoning districts.

To address this gap, the proposed amendment establishes a clear definition of “data center” and assigns it to a specific zoning classification. Under this proposal, data centers would only be allowed as a Conditional Use Permit within the Industrial-One (I-1) zoning district. In addition, the ordinance outlines criteria requiring a minimum of 160 contiguous acres to be eligible for consideration, reflecting the scale and potential impacts of these facilities.

By limiting this use to the I-1 district, any proposed data center development would likely require a rezoning process. This process would include review and approval by the Town Board, Zoning Committee, and County Board, in addition to the Conditional Use Permit process. The intent is to ensure a high level of scrutiny and local input before any such development could proceed. The goal of this amendment is to provide a reasonable level of local control and establish safeguards while state-level regulations continue to evolve. It is anticipated that these requirements would make it more difficult for large-scale data center developments to occur without thorough review and community consideration.

It is important to note that while this ordinance would apply under County Zoning jurisdiction, it would not extend to our incorporated City and Villages. The potential for these types of facilities to annex into a different municipality is another concern which has been already seen throughout the State. As a next step, consideration should be given to coordinating with those municipalities to encourage the adoption of similar or additional data center regulations.

Thank you for your time and consideration,



Jay Kozlowski

Sawyer County Zoning & Conservation Administrator

Proposed Amendment to Sawyer County Zoning Ordinance for Apartment(s)

Sawyer County Code of Ordinances – Appendix D

Section 2.0 Definitions

- (7) *Apartment*: A self-contained dwelling unit within a building that houses multiple units, intended for use by one family and providing facilities for living, cooking, sleeping, and sanitation. The rental of an apartment unit must be greater than 30 consecutive days.

Section 17.6 - C-1: Commercial - One District

B) *Uses authorized by Conditional Use.*

- 13) Apartments; provided that each apartment unit contains a minimum of 10,000 sq ft of land area within the Commercial-One District. Prohibited within the Shoreland District.

Town of Round Lake

By action of the Town Board, the proposed Sawyer County Code of Ordinances – Appendix D, Section 2.0 Definitions and Section 17.6 (B) – C-1 Commercial – One District Uses authorized by Conditional Use for apartments is hereby:

Approved _____

Denied _____

*Please check mark box above as the majority decision of the Town Board

James Strandlund, Chairman

Daniel Palmer, Supervisor

Marvin Scott Verbeck, Supervisor

Kay Wilson, Supervisor

Darin Jensen, Supervisor

Please Provide Additional Comments for Your Decision:

Dated this _____ day of _____, 20_____

Frank Leuschen III, Clerk



SAWYER COUNTY ZONING & CONSERVATION DEPARTMENT

10610 MAIN STREET SUITE 49 • HAYWARD, WISCONSIN 54843 • Phone (715) 634-8288

Email: Jay.kozlowski@sawyercountygov.org

Summary To Towns for Proposed Ordinance Amendment for “apartment(s)” in Commercial-One (C-1) Zone District

I am writing to provide a summary of proposed amendments to the C-1 zoning district regulations. The proposed ordinance language would craft conditional use permit allowance for apartment(s) in a commercial zone district.

The proposed amendment would modify the existing C-1 zoning district to have apartments as a use authorized by a conditional use process. This change is intended to better align Zoning regulations with current community needs and development trends. This process would still require approval of a conditional use permit and would also require that each apartment unit has a minimum of 10,000 sq ft of land area associated with the property. This is to ensure that there is enough land area on the property for the size of the building, parking, and sewer systems.

Sawyer County, like many rural and small-town communities, is experiencing a growing need for diverse and attainable housing options. Allowing apartments in C-1 districts would increase the availability of workforce and long-term housing. It would also encourage efficient land use by integrating residential and commercial development. Additionally, it could help stabilize and grow the local population and economy.

In conclusion, this amendment is intended to provide flexibility in land use while addressing the increasing demand for housing in Sawyer County. It represents a balanced approach to growth that supports both economic development and community needs. There is still additional ordinance amendment language that is anticipated coming up focused around other multi-dwelling development and multi-family dwellings with work that a previous Ad-Hoc Committee had developed. However, that language is part of a much larger and complicated amendment process that is to be addressed with a potential comprehensive Zoning Ordinance re-write.

Thank you for your time and consideration,



Jay Kozlowski

Sawyer County Zoning & Conservation Administrator

Section 1. Purpose, Intent and Authority

A. The purpose of this ordinance is to establish clear, consistent, and enforceable standards for the siting, development, operation, and decommissioning of solar energy systems and battery energy storage systems in Sawyer County

B. The intent of this ordinance is to adopt and incorporate the requirements and standards set forth in Wis. Stat. § 66.0401 and Wis. Stat. § 66.0403, to preserve and protect the public health or safety while ensuring that the ordinance restrictions do not significantly increase the cost of the system, do not significantly decrease the system's efficiency, and the ordinance restrictions allow for an alternative system of comparable cost and efficiency. The ordinance is intended to require a case by case approach regulatory scheme, thereby allowing uniform development while also considering the particular characteristics of a proposed solar energy system.

C. The ordinance prioritizes regulation of community-scale, mid-scale, and large-scale solar energy systems while maintaining streamlined allowances for personal-use (accessory) solar energy systems.

D. This ordinance is adopted pursuant to Sawyer County's zoning authority under Wis. Stat. §§ 59.69, 66.0401, and 66.0403, and are intended to protect public health, safety, welfare, agricultural resources, natural resources, infrastructure, and community character, while allowing responsible renewable energy development, as more particularly described in this ordinance.

Section 2. Applicability

This ordinance applies to all Solar Energy Systems and Battery Energy Storage Systems (BESS) located within Sawyer County, subject to applicable state and federal law. Where state or federal law preempts county regulation, such law shall control. This ordinance shall not apply to solar energy systems lawfully installed prior to the effective date of this ordinance, except for decommissioning and safety provisions.

Section 3. Definitions

A. For purposes of this ordinance, the following terms shall have the meanings indicated. Where terms are not defined herein, they shall be interpreted consistently with common usage, other provisions of the Sawyer County Zoning Ordinance, and applicable Wisconsin Statutes.

1. **Abandonment:** The cessation of operation of a solar energy system for a continuous period of twelve (12) months or more.

2. **Accessory Solar Energy System:** A solar energy system that is clearly incidental and subordinate to a permitted principal use on the same parcel, is designed primarily to offset on-site electricity consumption, and is not intended for commercial use, energy sales, or off-site distribution as its main function. An accessory solar energy system shall have a maximum nameplate capacity of less than fifty (50) kilowatts, shall not be established on a parcel without an existing principal structure, and shall not be operated as a principal use, community-scale, mid-scale, or large-scale solar energy system.

3. **Agrioltaics:** The co-location of solar energy generation with agricultural activities, including but not limited to crop production, grazing, pollinator habitat, apiaries, or other agricultural uses compatible with solar infrastructure.

4. **Battery Energy Storage System (or BESS):** One or more devices, systems, or facilities that store electrical energy for later use through chemical, mechanical, or other means. A Battery Energy Storage System may be integrated co-located with a solar energy system or developed as a standalone facility and shall be regulated as a principal use.

5. **Community-Scale Solar Energy System:** A solar energy system occupying less than twenty (20) acres, regulated as a principal use, and designed primarily to provide electricity to a defined local community, development, group of subscribers, public facility, or cooperative within Sawyer County. Community-scale solar energy systems are not intended primarily for wholesale electric generation.

6. **Decommissioning:** The removal of all solar energy system components and restoration of the site to a condition compatible with surrounding land uses.

7. **Floodplain:** Any area designated as a floodplain pursuant to county, state, or federal regulation.

8. **Glare:** The reflection of sunlight from solar panels that causes visual discomfort or impairment to motorists, pilots, or neighboring properties.

9. **Ground-Mounted Accessory Solar Energy System:** An accessory solar energy system mounted on the ground or on poles and serving a principal use on the same parcel.

10. **Large-Scale Solar Energy System:** A solar energy system with a nameplate capacity greater than one hundred (100) megawatts.

11. **Mid-Scale Solar Energy System:** A ground-mounted solar energy system that occupies more than one (1) acre of land or has a nameplate capacity greater than fifty (50) kilowatts, but does not meet the definition of a Large-Scale Solar Energy System.

12. **PSCW:** The Public Service Commission of Wisconsin.

13. **Roof-Mounted Accessory Solar Energy System:** An accessory solar energy system mounted on a roof that is not a structural component of the building and does not increase the height of the structure.

14. **Solar Array / Collector:** One or more photovoltaic panels and related mounting structures used to collect solar energy.

15. **Solar Energy System:** Equipment that directly converts and then transfers solar energy into useable forms of thermal or electrical energy. A solar energy system includes solar collectors, frames, supports, mounting hardware, battery storage equipment, convertors, or invertors.

16. **Viewshed:** The area visible from a particular vantage point, including public roadways and residential properties.

Section 4. Use and Permit Requirements

A. Accessory Solar Energy Systems

- A. Roof-mounted accessory solar energy systems are permitted in all zoning districts and do not require a county permit, provided the system is not a structural component and does not increase building height. If the roof-mounted array is a structural component or does increase the building height a Land Use Permit is required.

B. Ground-mounted accessory solar energy systems are permitted in all zoning districts as accessory structures and require a Land Use Permit with applicable setbacks per accessory structures of that zone district. Accessory structures are not allowed on vacant property unless the requirements under Sawyer County Code of Ordinance – Appendix D - Section 4.26 can be met.

B. Community-Scale Solar Energy Systems

Community-Scale Solar Energy Systems are principal uses and may be permitted only by conditional use permit in all zoning districts to account for the unique impacts of the particular Community-Scale Solar Energy System being proposed and shall be determined upon the merits of the application for the proposed Community-Scale Solar Energy System and other evidence presented to the County Zoning Committee for consideration. Community-Scale Solar Energy Systems shall be less than 20 acres in size.

C. Mid-Scale Solar Energy Systems

1. Mid-Scale Solar Energy Systems are permitted as a conditional use and require issuance of a conditional use permit in the following zoning districts: (a) Agricultural-One (A-1); (b) Agricultural-Two (A-2); (c) Commercial-One (C-1); and (d) Industrial-One (I-1).

2. A conditional use permit shall be required to account for the unique impacts of the particular Mid-Scale Solar Energy System being proposed and shall be determined upon the merits of each application for the proposed Mid-Scale Solar Energy System and other evidence presented to the County Zoning Committee for consideration.

D. Large-Scale Solar Energy Systems

1. Large-Scale Solar Energy Systems are permitted in the following zoning districts and upon issuance of a certificate of public convenience and necessity under Wis. Stat. §196.491 by the PSCW: (a) Agricultural-One (A-1); (b) Agricultural-Two (A-2); (c) Commercial-One (C-1); and (d) Industrial-One (I-1).

E. Battery Energy Storage Systems (BESS)

2. Battery Energy Storage Systems are permitted as a conditional use and require issuance of a conditional use permit in the following zoning districts: (a) Agricultural-One (A-1);

(b) Agricultural-Two (A-2); (c) Commercial-One (C-1); (d) Industrial-One (I-1); and (e) Forestry-One (F-1).

3. A conditional use permit shall be required to account for the unique impacts of the particular Battery Energy Storage Systems being proposed and shall be determined upon the merits of the application for the proposed Battery Energy Storage Systems and other evidence presented to the County Zoning Committee for consideration.

Section 5. General Standards for Solar Energy Systems and Battery Energy Storage Systems.

- A. A Solar Energy System and Battery Energy Storage System shall comply with applicable building, electrical, fire, and safety codes.
- B. A Solar Energy System and Battery Energy Storage System shall not be located within regulated floodplains or designated wetlands.
- C. A Solar energy system shall be designed to minimize glare impacts on adjacent properties and public roadways.
- D. Emergency access and system labeling shall be provided as required by applicable law and industry standards for a Solar Energy System and Battery Energy Storage System.
- E. Coordination with electric utilities shall be required prior to interconnection of any Solar Energy System or Battery Energy Storage System.
- F. Facility identification signage with fire identification number for a Solar Energy System or Battery Energy Storage System is required with 24/7 emergency contact information.
- G. An owner or operator of a Solar Energy System or Battery Energy Storage System shall compensate the County for any damage, destruction or other expenses incurred as a result of the construction, operation or decommissioning of a Solar Energy System or Battery Energy Storage System.
- H. The County shall not be responsible or have any obligation for the performance, coordination, oversight, accounting or other involvement with any portion or all of the construction, maintenance, operation or decommissioning or any portion or all of the Solar Energy System or Battery Energy Storage System. If the County is ordered to

participate in any portion of the Solar Energy System or Battery Energy Storage System construction, maintenance, operation or decommissioning, whether by court order, the PSCW, or other applicable law, or the County otherwise incurs any costs or expenses associated with any part of the solar energy system or Battery Energy Storage System construction, maintenance, operation or decommissioning, the owner shall reimburse the County for all the County's actual costs and expenses incurred. In the event the County incurs costs or expenses relating to the decommissioning of the Solar Energy System or Battery Energy Storage System, the amount owed pursuant to this Section _____ shall be offset by any amounts actually received by the County from the financial assurance described in Section _____.

Section 6. Requirements and Design Standards for Community-Scale and Mid-Scale Solar Energy Systems

- A. **Setbacks:** The project boundary shall be a minimum 250 feet from residential dwellings, 150 feet from public road rights-of-way, and a minimum of 20' from adjacent property lines. The perimeter fencing is the outer extension of the project boundary.
- B. **Height:** Maximum array height of eighteen (18) feet at maximum tilt.
- C. **Fencing:** Perimeter fencing shall be required and shall utilize wildlife-friendly designs.
- D. **Screening and Visual Impacts:**
 - 1. Visual screening shall be required where a Community-Scale Solar Energy System or Mid-Scale Solar Energy Storage System is visible from a public roadway or any property containing a residence.
 - 2. Screening may include vegetative buffers, fencing, berms, architectural treatments, or a combination thereof, as approved by the County Zoning Committee.
- E. **Fire Safety and Emergency Access**
 - 1. Any Community-Scale Solar Energy System or Mid-Scale Solar Energy Storage System shall comply with all applicable state and local fire codes, building codes, and manufacturer safety standards.
 - 2. Site plans shall clearly identify emergency access routes, fire apparatus access, and

required clearances.

3. The applicant shall provide documentation demonstrating coordination with local emergency responders prior to final approval of the conditional use permit.

F. Emergency Response Plan

1. An Emergency Response Plan shall be submitted as part of the conditional use permit application for any Community-Scale Solar Energy System or Mid-Scale Solar Energy Storage System.

2. The Emergency Response Plan shall include, at a minimum:

- a. Identification of potential hazards associated with the Community-Scale Solar Energy System or Mid-Scale Solar Energy Storage System.
- b. Emergency shutdown and isolation procedures.
- c. Fire suppression, containment, and mitigation measures.
- d. On-site and off-site emergency contact information.
- e. Procedures for coordination with local emergency responders.

3. The Emergency Response Plan shall be updated as necessary to reflect material changes to the facility or applicable safety standards.

G. Noise: Any Community-Scale Solar Energy System or Mid-Scale Solar Energy Storage System shall comply with best practices based on current industry noise standards. Any cooling, ventilation, or operational noise shall be mitigated to prevent adverse impacts on neighboring properties.

H. Lighting: Lighting associated with any Community-Scale Solar Energy System, Mid-Scale Solar Energy System shall be limited to safety and security purposes. All lighting shall be fully shielded and directed downward to minimize off-site impacts.

Section 6A. Requirements and Design Standards for Battery Energy Storage Systems (BESS)

A. Applicability:

The standards of this section apply to all Battery Energy Storage Systems permitted as a conditional use, whether developed as a standalone facility or integrated with a solar energy system.

B. Setbacks:

1. Minimum five hundred (500) feet from residential dwellings.
2. Minimum one hundred (100) feet from public road rights-of-way.
3. Minimum fifty (50) feet from boundary of the solar energy project site, unless increased as a condition of approval of a conditional use permit.

C. Location Restrictions. Battery Energy Storage Systems shall not be located within:

1. Regulated floodplains
2. Designated wetlands

D. Height: The maximum height of any Battery Energy Storage System structure shall not exceed twenty (20) feet, unless increased as a condition of approval of a conditional use permit.

E. Screening and Visual Impacts:

1. Visual screening shall be required where a Battery Energy Storage System is visible from public roadways or properties containing a residence.
2. Screening may include vegetative buffers, fencing, berms, architectural treatments, or a combination thereof, as approved by the Zoning Committee.

F. Fire Safety and Emergency Access:

1. Battery Energy Storage Systems shall comply with all applicable state and local fire codes, building codes, and manufacturer safety standards.
2. Site plans shall clearly identify emergency access routes, fire apparatus access, and required clearances.
3. The applicant shall provide documentation demonstrating coordination with local emergency responders prior to final approval of the conditional use permit.

G. Emergency Response Plan:

1. An Emergency Response Plan shall be submitted as part of the conditional use permit application.
2. The Emergency Response Plan shall include, at a minimum, all of the following:
 - a. Identification of potential hazards associated with the Battery Energy Storage System.
 - b. Emergency shutdown and isolation procedures.

- c. Fire suppression, containment, and mitigation measures.
 - d. On-site and off-site emergency contact information.
 - e. Procedures for coordination with local emergency responders.
3. The Emergency Response Plan shall be updated as necessary to reflect material changes to the facility or applicable safety standards.

H. Noise:

Battery Energy Storage Systems shall comply with best practices based on current industry noise standards. Any cooling, ventilation, or operational noise shall be mitigated to prevent adverse impacts on neighboring properties.

I. Lighting:

Lighting associated with Battery Energy Storage Systems shall be limited to safety and security purposes. All lighting shall be fully shielded and directed downward to minimize off-site impacts.

Section 7. Agricultural and Rural Land Protections

- A. A site and soil assessment identifying prime farmland soils shall be required for community-scale, mid-scale, and large-scale solar energy systems.
- B. Use of prime farmland soils shall be avoided or minimized where feasible.
- C. Optional mitigation measures may include agrivoltaics, conservation easements, interim land use designation, or equivalent measures approved by the County Zoning Committee.
- D. Drainage infrastructure shall be identified and protected. Damaged systems shall be repaired at the solar energy system's owner's expense.
- E. Sites shall be maintained in perennial vegetative cover throughout operation.

Section 8. Application and Review Procedures and Requirements

- A. All applications regulated by this ordinance may be subject to additional conditions and restrictions, which shall be determined on a case-by-case basis taking into consideration the

particular facts set forth in the application. In addition, any additional conditions or restrictions shall satisfy one of the following conditions:

1. Serves to preserve or protect public health or safety.
2. Does not significantly increase the cost of the system or significantly decrease its efficiency,
3. Allows for an alternative system of comparable cost and efficiency.

B. Conditional Use Permit Requirements.

1. Any Community-Scale Solar Energy System requires a conditional use permit prior to installation, construction, or expansion to address the proposed system's unique and particular impacts.
2. Any Mid-Scale Solar Energy System requires a conditional use permit prior to installation, construction, or expansion to address the proposed system's unique and particular impacts.
3. Any Battery Energy Storage System not associated with a Large Scale Solar Energy System shall –require a conditional use permit prior to installation, construction, or expansion.
4. Each conditional use permit for a Mid-Scale Solar Energy System, a Community-Scale Energy System, or a Solar Energy System and Battery Energy Storage System may require a conditional use agreement between the owner, operator and the County to memorialize the terms and conditions of the conditional use permit approval.

C. Application Requirements. An application for a Conditional Use Permit for a Mid-Scale Solar Energy, Community-Scale Solar Energy System, and Battery Energy Storage System shall include the following:

1. Site plan with all existing and proposed improvements, structures, topography, fencing, utilities, components, wetlands, waterways, drainage features, floodplain, roads, access points, and setbacks.
2. Proposed construction transportation routes and equipment.
3. Drainage plan addressing maintenance and repairs.
4. Construction schedule with major milestones.

5. **Vegetation management plan.**
6. **Grading plan.**
7. **Decommissioning plan with financial assurance and recycling/disposal methods.**
8. **Lighting plan.**
9. **Erosion control and stormwater management plan.**
10. **Screening plan.**
11. **Airport notification documentation.**
12. **Fencing plan meeting wildlife-friendly standards.**
13. **Insurance.**
14. **Additional documentation as required by the Zoning Administrator or Zoning Committee to address the unique and particular components, features, and impacts of the proposed Mid-Scale Solar Energy System, Community-Scale Solar Energy System, or Battery Energy Storage System.**

D. Conditional Use Permit Review Criteria

1. In addition to general conditional use permit review standards, the County Zoning Committee shall consider the following criteria when considering an application for a Mid-Scale Solar Energy System, Community-Scale Solar Energy System, or Battery Energy Storage System.

- a. **Dual land use and agrivoltaics where feasible.**
- b. **Preservation of prime agricultural soils and impacts on the County Farmland Preservation Plan.**
- c. **Preservation of environmental features and protection of natural resources such as water quality, air quality, and potential contamination considerations.**
- d. **Construction standards and mitigation of impacts.**
- e. **Road protection and maintenance.**
- f. **Construction-phase financial assurance.**

g. Adequacy of decommissioning and restoration plans.

2. Battery Energy Storage Systems (BESS) – Additional Review Criteria. For Conditional Use Permit applications involving a Battery Energy Storage System, the Zoning Committee shall additionally consider the following:

- a. Whether the proposed location, setbacks, and site design adequately protect adjacent residential property owners, public roadways, and adjacent land uses.**
- b. Whether the proposed Battery Energy Storage System complies with applicable state and local fire codes, building codes, manufacturer safety standards, and standards set forth by the Public Service Commission of Wisconsin and the National Fire Protection Association.**
- c. Whether the submitted Emergency Response Plan provides reasonable and adequate procedures for emergency shutdown, fire suppression, hazard mitigation, and coordination with local emergency responders.**
- d. Whether proposed screening, lighting, and noise mitigation measures are sufficient to minimize visual, noise, and operational impacts on neighboring properties.**
- e. Whether the proposed decommissioning plan and financial assurance adequately provide for the safe removal, disposal, or recycling of battery components at the end of the facility’s useful life.**

E. Local Operating Agreement for Large Scale Solar Energy System. Prior to the start of construction of a Large Scale Solar Energy System, the owner, operator, and County shall enter into a mutually-agreeable Local Operating Agreement to address mitigation of the unique and particular impacts the Large Scale Solar Energy System may have on surrounding properties and the community, such as road use, emergency response, and decommissioning. Prior to being effective, the Local Operating Agreement shall be reviewed by the County Zoning Committee with a recommendation to the Sawyer County Board of Supervisors and approved by the Sawyer County Board of Supervisors.

Section 9. Decommissioning and Financial Assurance

- A. A decommissioning plan with timeline is required for a Battery Energy Storage System-, Community Scale Solar Energy System or Mid-Scale Solar Energy System.-
- B. Decommissioning is required upon abandonment or cessation of any operations for twelve (12) months.
- C. All equipment and infrastructure shall be removed from the project site and the entire solar energy system site restored as required by the conditional use permit or joint development agreement. All solar equipment must be decommissioned and disposed of in accordance with applicable Federal, State, and local laws, regulations, orders, directives and rules.
- D. Under no circumstances shall any portion of the solar energy system, facilities, or equipment be buried on or adjacent to the project site as part of the decommissioning.
- E. Financial assurance shall be provided prior to construction. The decommissioning cost estimate shall be prepared by a qualified, independent professional, including but not limited to a Wisconsin-licensed professional engineer, certified professional estimator, or other individual with demonstrated experience in utility-scale solar or battery energy storage system decommissioning. The estimate shall include all costs associated with removal of facilities, site restoration, disposal or recycling of materials, and any related labor, equipment, and transportation costs. The Zoning Administrator may retain, at the applicant's expense, an independent third-party professional to review the decommissioning cost estimate for reasonableness and completeness and reviewed.
- F. Financial assurance for decommissioning shall be reviewed and, if necessary, updated at least once every five (5) years, or more frequently if required by the County Zoning Administrator due to:
 - 1. Changes in project scope or size;
 - 2. Material changes in decommissioning methodology;
 - 3. Inflation or demonstrated increases in decommissioning costs; or
 - 4. Modifications to applicable state or federal requirements.

G. **Insufficient Financial Assurance.** If the County determines that financial assurance is insufficient to cover the updated decommissioning cost estimate, the owner or operator shall, within ninety (90) days of written notice, provide additional financial assurance in an amount sufficient to cover the revised estimate. Failure to provide updated financial assurance within the required timeframe shall constitute a violation of this ordinance and may result in enforcement action under Section 10. Sawyer County shall not be responsible for any decommissioning costs exceeding the amount of financial assurance provided.

Section 10. Enforcement

Violations of this ordinance or permit conditions shall be enforced under the Sawyer County Code of Ordinances. Adoption of this chapter in no way precludes the adoption of any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation for a violation of this chapter in no way precludes the proceeding under any other law or ordinance relating to the same or any other matter.

Section 11. Severability

If any provision of this ordinance is held invalid, such invalidity shall not affect other provisions.

Section 12. Effective Date

This ordinance shall take effect upon adoption and publication as provided by law.



SAWYER COUNTY ZONING & CONSERVATION DEPARTMENT

10610 MAIN STREET SUITE 49 • HAYWARD, WISCONSIN 54843 • Phone (715) 634-8288

Email: Jay.kozlowski@sawyercountygov.org

Summary to Towns for Proposed Solar Energy System Ordinance

Back in August of 2025, The Sawyer County Board of Supervisors passed a moratorium on all Solar Energy Facilities and Solar Farms. This moratorium was originally passed because there are no current ordinances in place that regulate these larger types of solar facilities and Sawyer County did see a request for a 20-acre panel array which was ultimately withdrawn. Over the last 7 months The Sawyer County Zoning Committee, Legal Counsel, and myself have been developing a Solar Energy System Ordinance for Sawyer County. Below is a summary of the proposed Sawyer County Solar Energy Systems Ordinance (Version 3.1), which establishes a comprehensive regulatory framework for solar energy development and battery energy storage systems (BESS) within the County.

Purpose and Intent

The ordinance is designed to create clear, consistent, and enforceable standards for the siting, construction, operation, and decommissioning of solar energy systems. It aligns with Wisconsin Statutes and aims to protect public health, safety, natural resources, and community character while allowing responsible renewable energy development. The ordinance emphasizes a case-by-case review process to ensure flexibility while maintaining uniform standards.

Applicability

The ordinance applies to all solar energy systems and battery storage systems in Sawyer County. State and federal laws will supersede where applicable.

System Classifications

The ordinance establishes four primary categories of solar development:

- **Accessory (Personal Use):** Small-scale systems (under 50 kW) intended to serve on-site energy needs. Allowed in all zoning districts as a permitted use with minimal permitting. This is to remain as the same current process in which personal use solar is allowed as an “accessory structure” with County issued Land Use Permit.
- **Community-Scale:** Projects under 20 acres serving local users, requiring a conditional use permit (CUP).
- **Mid-Scale:** Larger systems (over 1 acre or 50 kW), allowed in agricultural, commercial, and industrial districts with a CUP.



- **Large-Scale:** Utility-scale systems (over 100 MW), permitted in select districts with state approval. The Public Service Commission (PSC) for the State of Wisconsin currently regulates Large-Scale Facilities by State Law.

Battery Energy Storage Systems (BESS) are regulated as principal uses and generally require a conditional use permit.

Permitting and Review Process

Community-scale, mid-scale, and BESS projects require conditional use permits to address site-specific impacts. Applications must include detailed plans such as site design, drainage, vegetation management, emergency response, decommissioning, and financial assurance. The County Zoning Committee evaluates each application based on criteria including land use compatibility, environmental protection, agricultural impacts, and infrastructure considerations.

Design and Operational Standards

The ordinance establishes requirements for:

- Setbacks from residences, roads, and property lines
- Height limitations
- Wildlife-friendly fencing
- Visual screening and landscaping
- Noise and lighting controls
- Emergency access and coordination with local responders

Additionally, more stringent standards apply to battery storage systems, including larger setbacks and enhanced safety planning.

Agricultural and Environmental Protections

To protect rural character and farmland, the ordinance requires:

- Identification and consideration of prime agricultural soils
- Avoidance or mitigation of impacts to farmland where feasible
- Maintenance of vegetative ground cover
- Protection and repair of drainage systems

Agrioltaics and dual-use practices are encouraged where appropriate.



Decommissioning, Financial Assurance, and Enforcement

All applicable systems must submit a decommissioning plan and provide financial assurance prior to construction. Systems must be removed and sites restored after cessation of use, with strict prohibitions on burying equipment. Financial guarantees are reviewed periodically to ensure adequate coverage, and the County is protected from associated costs. The ordinance also includes enforcement provisions for violations and maintains standard legal safeguards

Large-Scale Project Coordination

Large-scale systems require a Local Operating Agreement between the developer and the County to address impacts such as road use, emergency services, and long-term responsibilities.

Conclusion

This ordinance provides a balanced approach to managing solar energy development in Sawyer County. It supports renewable energy growth while ensuring local control, protecting agricultural and natural resources, and addressing community concerns through a structured and transparent review process.

Please feel free to reach out to me if you have any additional questions or concerns at this time.

Thank you for your time and consideration,

Jay Kozlowski

Sawyer County Zoning & Conservation Administrator

Town of Round Lake

By action of the Town Board, the proposed Sawyer County Solar Energy Systems Ordinance is hereby:

Approved _____ Denied _____

*Please check mark box above as the majority decision of the Town Board

James Strandlund, Chairman

Daniel Palmer, Supervisor

Marvin Scott Verbeck, Supervisor

Kay Wilson, Supervisor

Darin Jensen, Supervisor

Please Provide Additional Comments for Your Decision:

Dated this _____ day of _____, 20_____

Frank Leuschen III, Clerk

Town of Round Lake Ordinance 2026-02
AN ORDINANCE PROVIDING FOR THE REGULATION OF JUNK

This Town Board of the Town of Round Lake, Clark County, Wisconsin to ordain as follows:

ARTICLE 1. A Town of Round Lake Ordinance is hereby created to read as follows:

Section 1. Ordinance Title. "The Regulation of Junk in the Town of Round Lake"

Section 2. Definitions.

(a) "Junk" means any old or scrap metal, metal alloy, synthetic material or waste. Junk includes any air conditioner, clothes dryer or washer, dishwasher, fan, furnace, refrigerator, stove, water heater or softener, and any other appliance, which is located outside of a dwelling or other enclosed structure, and is incapable of being used for its designed purpose or has not been used for said purpose for a period of at least 30 days.

(b) "Junk farm machinery" means any combine, harvester, hay bailer, manure spreader, plow, portable storage tank, wagon or wagon frame, and other pieces of equipment, and their components, commonly found in agricultural use, which are inoperable, and stored outside of a for a period of at least 90 days. Property in the area zoned Agricultural is exempt from this category.

(c) "Junk vehicle" means any all-terrain vehicle (ATV), utility terrain vehicle (UTV), motor vehicle [as defined in s. 340.01 (35), Stats.], motorcycle, camping trailer, travel trailer, motor home, snowmobile, trailer, truck or truck body, and similar pieces of equipment which are junked, dismantled, disassembled, inoperable, abandoned, or wrecked, and are incapable of being legally operated on a public highway due to missing or inoperative parts, flat or removed tires, or other defects including lack of a valid registration, and which are stored outside of a garage or similar enclosed structure for a period of at least 30 days. (Subject to 175.25, Wis. Stats)

(d) "Solid waste" has the meaning specified in s. , 289.01 (33), Stats.

Section 3. Accumulation of Junk Prohibited.

(a) No person shall allow any material described in (2)(a)-(2)(d), to accumulate on their property in an unenclosed or unscreened manner, or in a manner which tends to create a safety, sanitary or health hazard, tends to create a rodent or varmint attraction. Junk farm machinery is exempt from this provision on property zoned as Agricultural.

(b) The safe and healthy accumulation of any material described in (2)(a)-(1)(d), which is out of the public view; and is in compliance with all other state, county and town regulations are not prohibited by this ordinance.

Section 4. Notice of Violation.

If, following an inspection, the Building Inspector, Board Chairman or the Board Designee determines that there are grounds to believe that there has been a violation of any provisions of this Ordinance, notice of such violation shall be given to the owner(s) or occupant(s). The notice of violation shall:

- (a) Be in writing;
- (b) Indicate the nature of the alleged violation(s);
- (c) Indicate the time for the correction or abatement of the alleged violation and/or submission of a plan to correct the alleged violation, which time shall not be more than 30 days;
- (d) Be served upon the owner or occupant in the following manner:
 - 1. Hand delivered to the owner or occupant by the Building Inspector, Board Chairman or the Board Designee; or
 - 2. Sent by certified mail to the owner's or occupant's last known address, as said address appears on the tax rolls. The certified mail receipt and an affidavit of mailing shall be sufficient evidence of service, which service shall be deemed effective within 10 business days of the date of mailing.
- (e) Advise the owner or occupant of the right to request, within 10 business days of the date of service, a hearing before the Town Board and further advise the owner/occupant that the owner/occupant's failure to make such a request shall result in the notice of violation being deemed an Order of Violation. Such hearing, if timely requested, shall be held at the next regular Board meeting, or at a special meeting, with notice of the hearing date mailed to the owner/occupant's last known address at least 10 days before the hearing.
- (f) At such hearing, the owner or occupant shall have an opportunity to present information and witnesses to the Town Board in order to show cause why such notice of violation should not be issued or should be modified. Upon hearing from the owner or occupant, and from the official who issued the notice of violation the Town Board may act to uphold, reverse or amend the notice of violation. Such action shall be considered a final decision of the Board and constitute an Order of Violation.

Section 5. Noncompliance - Remedy of Defects; Abatement

- (a) The owner or occupant of the premises shall have the time specified in the order of violation to remedy the violations.
- (b) The Building Inspector, Board Chairman or the Board Designee shall, in their discretion, have the ability to extend the time for corrections if the circumstances warrant an extension and the owner or occupant is making a good faith effort to correct the violations.
- (c) If the owner or occupant, after order of violation, fails to timely remediation, a citation will be issued. Fines related to the violation shall be not less than \$500.00, nor more than \$1,000.00, and each day that the violation(s) covered by an Order of Violation remain unremedied may be treated as a separate violation for which a citation can be issued.

(d) In addition to issuing citations, if the owner or occupant, after Order of Violation, fails or refuses to timely remedy the violations, then the Town, at its sole option, may cause such work to be done. Prior to commencing such work, the Building Inspector, Board Chairman or the Board Designee shall do the following:

1. Provide notice to the owner or occupant that the Town will abate the violations along with an estimate of the approximate dates and times during which abatement will occur; and, 2. Have the Town Clerk certify the approximate cost for any such work done, including reasonable costs for administration and Inspection fees (collectively, "costs of abatement"), and provide notice of same to the owner or occupant.
3. Owner or occupant will have 30 additional days to address the violation before the work would commence.

(e) Following such notice per Section 5(d) above, the owner and/or occupant shall give the persons designated by the Town full access to the land and the exterior of the buildings and structures to abate the violations. Failure of an owner or occupant to permit such access shall constitute a violation of this Ordinance, and may also result in the Town obtaining an injunction from Clark County Circuit Court. Reasonable costs of obtaining the injunction and court costs shall be added as administration to the costs of abatement and notice of the additional costs shall be provided to the owner or occupant.

(f) If the owner or occupant fails to pay the costs of abatement within 30 days of the notice from the Town Clerk, interest shall accrue against the balance due at the rate of 1% per month and the total balance due shall become a lien and/or special tax against real estate on the next tax roll in accordance with law.

ARTICLE 2. The provisions of this ordinance shall be deemed severable, and it is expressly declared that the Town would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provisions to other persons and/or circumstances shall not be deemed affected.

ARTICLE 3. All other Town of Round Lake ordinances that are in direct conflict with this Ordinance are hereby repealed.

ARTICLE 4. Effective Date. This ordinance becomes effective on _____ and publication as required by law.

Adopted this _____, 2025.

Town Clerk