

TOWN OF BROTHERTOWN
CALUMET COUNTY, WISCONSIN

ORDINANCE NO. 2001-01

**AN ORDINANCE TO CREATE SECTION 11.0381 OF THE TOWN OF
BROTHERTOWN ZONING ORDINANCE TO PROVIDE STANDARDS PERTAINING
TO A PRE-EXISTING MINERAL EXTRACTION OPERATION**

The Town Board of the Town of Brothertown do ordain as follows:

SECTION 1. CREATION. Section 11.0381 of the Town Ordinances is hereby created as follows:

Section 11.0381 Pre-Existing Operations Determined after April 3, 2004:

Notwithstanding the provisions of Section 11.038, commencing April 3, 2004, a mineral extraction site shall be deemed to be in active operation only if, during each of the three immediately prior twelve month periods, at least ten (10) tons of minerals have been extracted from the site. The owner of the site shall have the burden to prove this condition and shall provide to the Town Board evidence sufficient to support that condition. Such evidence may be in the form of sales receipts, invoices, or other business records. The determination of compliance with this condition shall be made by the Town Board.

SECTION 2. EFFECTIVE DATE. This amendment is effective upon adoption by the Town Board and approval of the Calumet County Board as required by statute.

SECTION 3. APPLICABILITY. This ordinance shall apply to any application for approval of a proposed quarry or other mineral extraction site, which application is initially filed on or after April 3, 2004.

SECTION 4. SEVERABILITY. The provisions of this ordinance are severable. If any provision of this ordinance is invalid or if the application of any provision to a person or

circumstance is invalid, such invalidity shall not affect the provisions of the applications of such or the remaining provisions which can be given effect without the invalid provisions or invalid application.

Adopted this 3rd day of April, 2001.

TOWN OF BROTHERTOWN TOWN BOARD

By: *Jeanold Puetz*
Jeanold Puetz, Chairperson

ATTEST:

By: *Darlene Steffes*
Darlene Steffes, Clerk

Approved by the Calumet County Board of Supervisors on May 15, 2001.

CALUMET COUNTY BOARD OF SUPERVISORS

By: *Merlin Gentz*
Merlin Gentz, County Board Chair

Effective Date of Ordinance: 5-15-2001

Date of Application of Ordinance: 2-14-01