

7.10 RESOURCE EXTRACTION

- (1) **Purpose.** The purpose of this ordinance is to regulate resource extraction sites within the Town of Greenville, with the intent that the property may later be re-used for other permissible uses and structures as possible, and further to regulate the activity at the resource extraction sites so that it is in conformity with the harmony and peaceful enjoyment of their respective property by other citizens of the Town of Greenville.
- (2) **Existing Operations.** The requirements of this Ordinance shall apply to all existing resource extraction sites as well as any future resource extraction sites in the Town of Greenville.
- (3) **Permits.**
 - (a) Each resource extraction site shall hold a resource extraction permit from the Town of Greenville. The Town Board of the Town of Greenville shall establish the fee for such permit. The fees shall be established by the Town Board prior to January 1. The permit shall be issued from July 1 of one year to June 30 of the next year by the Town Clerk of the Town of Greenville upon approval of the Greenville Town Board prior to the person conducting and maintaining a resource extraction operation.
 - (b) No person shall be issued or re-issued a resource extraction permit in the Town of Greenville if the applicant for the resource extraction permit:
 - (1) Fails to meet or comply with the reclamation standards established in the **Town of Greenville Ordinance for Non-Metallic Mining Reclamation.**
 - (2) Fails to develop and submit to the Town Board a resource extraction operation plan and fails upon operation to comply with the plan.
 - (3) Fails to develop and submit to the Town Board a resource extraction reclamation plan, as required in the **Town of Greenville Ordinance for Non-Metallic Mining Reclamation,** and fails upon operation to comply with the plan.

- (4) Fails to submit and maintain the financial assurance requested by the Town Board.
- (5) Fails to install and maintain adequate fire safety equipment at the resource extraction operation as determined by the Fire Inspector.
- (6) Fails to install and maintain adequate sanitary facilities at the resource extraction operation as determined by the Town Board.
- (7) Fails to comply with the operational hours for operation of the resource extraction operation.
- (8) Fails to meet the Town building code for resource extraction site.
- (9) Fails to install, provide and maintain adequate and necessary physical structures, equipment and operational controls as determined by this ordinance to prevent public nuisances and to protect the public health and safety to persons residing near the resource extraction operation or persons entering the resource extraction operation, including public nuisances associated with noise, dust, odors, fires, explosions, water pollution, air pollution and erosion.
- (10) Fails to maintain adequate public liability insurance for the resource extraction site as determined by the Town Board.
- (11) Fails to comply with the Town of Greenville Zoning Ordinances and applicable Outagamie Zoning Ordinances.
- (12) Fails to provide and maintain adequate security and operations personnel at the resource extraction site to prevent trespassing on to the resource extraction as determined by the Town of Greenville.

- (13) Fails to install and maintain adequate physical structures and operational controls to prevent trespassing, littering, discharging of waste and to prevent private nuisances on private and public lands adjacent to the resource extraction site.
 - (14) Fails to provide adequate sanitary personnel at the resource extraction operation as determined by the Town of Greenville, fails to maintain adequate sanitary facilities at the resource extraction site and fails to keep the resource extraction site free of trash, papers, standing water, noxious weeds and other debris during and after daily operations at the resource extraction site.
 - (15) Fails to allow physical access to the resource extraction site by the Town of Greenville or designee for the inspection purposes upon twenty four (24) hours notice to the applicant or permittee.
 - (16) Hours of operation shall be 6:30 a.m. to 6:30 p.m. Monday through Friday and 6:00 a.m. - 3:30 p.m. Saturday.
 - (17) Noise levels shall be no more than 60 decibels for more than one (1) hour, to be measured at one hundred (100) feet from owners property line.
- (4) **Application.** The application and permit shall designate the premises to be used by the permitted person for the resource extraction operation. The permit may not be amended if the person changes premises in the Town of Greenville for the resource extraction site. The application for permit shall contain:
- (a) The name, address, phone and fax numbers of the property owner and name of the responsible party.
 - (b) Tax key number for each parcel.

- (c) Resource extraction operations plan/reclamation plan
 - (d) Financial assurance in an amount determined by the Town Board.
 - (e) Proof of liability insurance coverage
 - (f) Security plan for the site
- (5) **Exemptions.** Persons will be exempt from this permit requirement if they excavate or grade solely for domestic use at a residence, grading conducted for farming, preparing a construction site or restoring land following a flood or natural disaster, any activities conducted at a solid or hazardous waste disposal facility site required to prepare, operate or close a solid waste disposal facility, but a resource extraction reclamation ordinance may apply to activities related to solid or hazardous waste disposal which are conducted at a facility such as activities to obtain resource extraction to be used for lining, capping, covering or constructing berms, dikes or roads for the solid waste facility or the hazardous waste facility.
- (6) **Area and Setback Requirement.**
- The parcel shall consist of a minimum of five acres with dimensions sufficient to adequately accommodate the proposed uses with minimum adverse affects on adjacent lands. No operations shall be permitted within 100 feet of any exterior boundary of the tract or within 250 feet of any building intended for human occupancy existing at the time of permit application. For operations involving blasting, processing, or manufacturing, the Town Board may increase required setbacks as a condition of approval.
- (7) **Location.** Location shall be appropriate to existing development, and development that may reasonably be expected within the time period specified herein for permits. The site shall be so located as to make it unnecessary to conduct trucking operations on any platted street in a residential subdivision.

- (8) **Penalty.** Any person violating this ordinance shall be subject to a penalty form \$50.00 to \$500.00. For the hours of operation, each additional hour or part thereof shall be considered a separate offense.