

CHAPTER 33

ROCK CRUSHING, BLASTING, QUARRYING, ETC.

33.01 DEFINITIONS

The following definitions shall apply in the interpretations and enforcement of this chapter:

(a) **Blasting.**

The term "blasting" shall denote a method of loosening, moving or shattering masses of solid matter by use of explosive compounds to prepare stone for crushing, building stone or other purposes.

(b) **Person.**

The word "person" shall mean any individual, partner, corporation, company, trustee or association, together with the respective servants, agents and employees thereof.

(c) **Rock Crusher.**

A rock crusher shall mean any device, machine, apparatus or equipment used either individually or in conjunction with any other device, machine, apparatus or equipment for the purpose of crushing, grinding, breaking or pulverizing rock or stone to a size of ¼ inch larger. Not included are secondary operations which produce pulverized stone or products such as a agricultural lime.

(d) **Asphalt Batch Plant.**

The term "asphalt batch plant" shall mean any operation or activity involving the production of asphalt in any quantity.

(e) **Concrete Batch Plant.**

The term "concrete batch plant" shall mean any operation of activity involving the production of concrete in any quantity.

(f) **Limestone Quarry.**

The term "limestone quarry" shall mean activity or enterprise, the purpose of which is to remove limestone material from the earth by blasting and/or excavating including topsoil and overburden removal.

(g) **Gravel Pit.**

The term "gravel pit" shall mean any activity or enterprise, the purpose of which is to remove naturally occurring deposits of sand and gravel from the earth by excavating including topsoil and overburden removal.

(h) **Construction.**

The term "construction" shall mean any activity involving the construction of buildings, structures or underground utilities both public and private.

(i) **Site.**

The term "site" shall mean any separately described parcel of land with an individual tax key number or a separately identified project in a public road right-of-way.

(j) **Company.**

The term "company" shall mean a sole proprietor, a partnership or a corporation doing business under the laws of the State of Wisconsin.

33.02 OPERATION

No person or company shall conduct a limestone quarry or a gravel pit operation prior to the issuance of a conditional fee permit as required by Section 3.08(M) of the Town Zoning Ordinance nor shall any person or company conduct any blasting at a construction site prior to the issuance of a building or plumbing permit as required by Chapters 30 and 32 of the Town Code. All blasting within the town shall be performed according to the requirements of the Wisconsin Administrative Code and all subsequent amendments thereto.

33.03 PERMIT

It shall be unlawful for any person to operate a limestone quarry, a gravel pit, a rock crusher, an asphalt batch plant, a concrete batch plant, or to perform blasting at any site within the town for which a proper permit has not been issued by the town.

(a) Application

All applications for permits hereunder shall be made in writing upon the written form provided by the town and distributed by the Town Clerk, and shall be signed by the applicant and shall be filed with the Town Clerk. All permits shall be issued on an annual basis commencing on June 1 and ending on May 31 of the succeeding year. Applications for renewal of annual permits shall be filed with the Town Clerk no later than April 1.

(b) Annual Permit

Annual permit fees shall be set by resolution adopted by the Town Board from time to time and shall be submitted with any application for issuance of a permit.

(c) Temporary Permit

The Town Clerk may issue temporary permits which shall be for a duration of 30 days commencing on the day of issuance of the permit and expiring 30 days thereafter. No more than two (2) temporary permits shall be issued for any given site within the permit year. Temporary permit fees shall be set by resolution adopted by the Town Board from time to time and shall be submitted with any application for issuance of a permit.

33.04 BLASTING PROCEDURES AND CONTROLS

(a) Blasting Criteria

In all blasting operations the blasts shall be measured using either the velocity criteria (the vector sum particle shall not exceed 1.35 inches per second at the nearest building beyond the operator's property line) or the energy ration criteria.

(b) Measurement of Blasts

(1) Velocity Criteria.

A velocity seismograph such as the VME Velocity Recorder Model E or an approved equivalent shall be used for monitoring purposes. Every Blast shall be monitored in accordance with the provisions of subsection 33.04(a). The quarry operator shall maintain such records available for inspection by appropriate town officials upon reasonable notice. The quarry operator shall submit a certification of the seismograph and recalibration of the equipment to the town on an annual basis to insure the accuracy of the equipment.

(2) Energy Ratio Criteria.

Energy Ratio: the allowable vibration of any blast at the nearest residence shall not exceed an energy ratio of 0.5 based on the following formula:

Energy Ratio = $0.5 - 10.823 f A$ where f – frequency in cycles per second A = amplitude or displacement in inches. The maximum decibel allowed for all blasts is 125.

33.05 CONDITIONS OF OPERATION

(a) Hours of Rock Crushing, Drilling and Blasting

No rock crushing or drilling shall begin before 6:00 a.m. or continue after 6:00 p.m. on Monday through Friday. No rock crushing or drilling shall begin before 6:00 a.m. or continue after 3:00 p.m. on Saturday. No blasting shall begin before 11:00 a.m. or continue after 3:00 p.m. on Monday through Friday, and no blasting shall be done on Saturdays. None of these operations shall take place on Sundays or legal holidays.

(b) Fly-Rock

All blasting shall be performed in a manner to preclude the possibility of any material leaving the boundaries of the permitted site.

33.06 PENALTY

Any person who shall violate any provision of this chapter shall be subject to a penalty not less than \$100 nor more than \$10,000. In the event that convictions for the violation of provisions of this chapter establish a pattern of intentional, flagrant or continued violation of this chapter, the Town Board, after hearing, shall have the power to revoke any permit issued hereunder. A separate offense shall be deemed committed for each day on which a violation occurs or continues.

33.07 MINERAL EXTRACTION FUND

All mineral extraction permit fees shall be placed in a segregated fund entitled “Mineral Extraction Fund”. The monies in this fund, including interest earned on the fund, mineral extraction operations in the town. All costs incurred shall be charged to this fund and in addition the Town Clerk shall charge the Mineral Extraction Fund for the cost of all town employee labor including an overhead factor for their time spent related to the monitoring program. The balance of the fund shall be used, at the discretion of the Town Board, to pay the cost of correcting any mineral extraction problems they may deem appropriate.

REVISIONS TO MASTER CODE			
SECTION	R&R / CREATED	ORD WHICH UPDATED IT	UPDATED ON DATE
33.03(b)	R&R	04-17	2017-04-03
33.03(c)	R&R	04-17	2017-04-03