

**Resolution in Opposition to SB 632 and AB 816  
Relating to Regulation of Nonmetallic Mining**

Whereas, for over 100 years Wisconsin has empowered town boards, when duly authorized by vote of the town electors at a town meeting of the electors to exercise village powers, to regulate various activities for the public health, safety, welfare and convenience of the public;

Whereas, the Wisconsin Supreme Court in February, 2012 in the case of Zwiefelhofer v. Town of Cooks Valley, 338 Wis. 2d 488, upheld the right of the town to adopt regulatory requirements to regulate nonmetallic mining by means of a town ordinance enacted under village powers;

Whereas, some towns have enacted regulatory ordinances as an exercise of "police powers" under the village powers authority in the past two years to regulate nonmetallic mines, in particular industrial frac sand mines and processing plants, to protect the public health, safety, welfare and convenience of their town;

Whereas, SB 632 and AB 816 have been introduced in the Wisconsin State legislature to limit town, village, city and county authority to regulate existing nonmetallic mines, or the expansion thereof, by prohibiting local units of government's ability to exercise zoning ordinances or "police type" licensing ordinances to protect the public health, safety, welfare and convenience of the public;

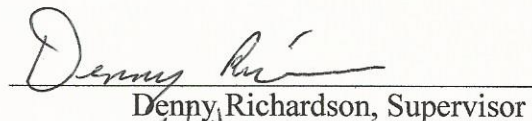
Whereas SB 632 and AB 816 will make any existing zoning ordinance, or police type licensing ordinance to regulate nonmetallic mining invalid if the mining operation was active 365 days before the effective date of the local ordinance;

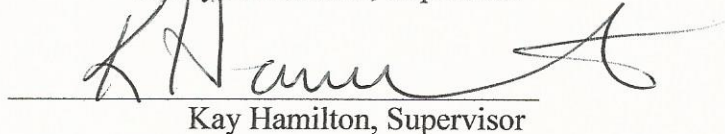
Now Therefore, Be It Resolved by the Town Board of the Town of Frankfort, Pepin County, that the Town Board opposes the passage of SB 632 and AB 816 which would prohibit local governments from regulating existing or expanding nonmetallic mining through the use of zoning or "police power type" ordinances enacted under village powers in an effort to protect the public health, safety, welfare and convenience of town residents and result in other limitations on local control.

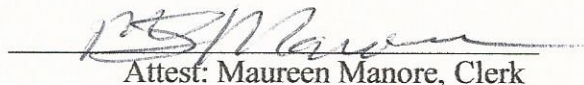
Adopted this 1st day of March, 2014.

  
Bryce Black, Chairman

*absent*  
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Donna Juleff, Supervisor

  
Denny Richardson, Supervisor

  
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Kay Hamilton, Supervisor

  
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Attest: Maureen Manore, Clerk