

TOWN OF NORRIE

METALLIC MINING ORDINANCE 2018.06

A. Purpose and Intent.

The purpose of this section is to regulate, metallic mineral mining in The Town of Norrie and to promote the public health, safety, and general welfare and accomplish the purposes under Stats. 59.69(1), including but not limited to the protection of water, groundwater, forest and other natural resources, and the protection of property values and the property tax base. In addition, it is the purpose of this section to coordinate the requirements of this section with other applicable state and federal requirements. It is not the intent of Town of Norrie to duplicate or supersede the regulatory authority of the Wisconsin Department of Natural Resources (WI DNR) or other state or federal government agencies. Furthermore, it is the intent of Marathon County to require applicant to provide copies of the information submitted by the applicant to the WI DNR or other state or federal government agencies for the purposes of permitting. It is also the intent of Marathon County to require the applicant to pay all costs including but not limited to the review, permitting and monitoring of metallic mining.

B. Authority. This Chapter is adopted under authority of the powers set forth in Stats. 59.01, 59.03, 59.04, 59.51, 59.54(6), 59.57, 59.69, 59.70, 92.07, and 293.

C. Interpretation/Severability. Where provisions of this section of the Town of Norrie impose requirements or procedures that differ from other provisions in this ordinance, the provisions of this section shall govern. Should any portion of this section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected.

D. Conditional Use Permit Required.

1. The requirements of this section apply to any and all operators of metallic mining sites within town that have adopted a Metallic Mining ordinance and commencing operation or expansion of an existing metallic mine effective upon passage and publication according to law.

2. No person or business entity may commence construction of a metallic mine or conduct metallic mining in the Town of Norrie unless in conformance with a valid metallic mining Conditional Use Permit issued by the County pursuant to this section.

3. A Conditional Use Permit issued in accordance with this section may contain conditions, restrictions and limitations on mine construction, operation, and reclamation of mining activities as necessary to achieve the intent of this section.

4. Conditions established by the Conditional Use Permit pursuant to this section must be met at all times or the applicant may be found in violation and be subject to forfeitures, penalties, permit suspension or revocation or other enforcement provided herein.

5. A Conditional Use Permit issued pursuant to this section shall become effective on the date the applicant is issued a WI metallic mining permit for the identical mining site.

6. Any Conditional Use Permit issued pursuant to this section may be in addition to any local agreement entered into by the County and the applicant. Local agreements may address conditions set forth herein.

7. Any Conditional Use Permit issued pursuant to this section may be in addition to any other state, federal or local permits, licenses or approvals necessary for any mine construction or any aspect of the mining operation.

E. General Requirements. 1. All mines permitted pursuant to this section shall be located, constructed, operated and reclaimed to protect the public health, safety and general welfare.

2. Metallic mining may be permitted by the Town of Norrie in accordance with section 17.803 of this code as a conditional use in the General Agricultural (G-A) district.

3. The applicant for a mining permit shall demonstrate that they have applied for all necessary approvals, licenses and permits for the proposed project from the WI DNR (including, but not limited to, those under Stats. 30, 31, 107, 280 to 299.), from any other agency of the Wisconsin, and from any federal agency with jurisdiction over the mining or mining operation.

4. Mining activities are prohibited within any areas described in Administrative Code, NR 132.18, unless an exemption is granted by WI DNR under NR 132.19. The areas include both the above-ground portion and the underground portion extending vertically from the site boundaries within the specified setback areas as follows:

a. Any area designated as unsuitable as described in NR 132.03(25)(a)(b);

b. Within 1,000 feet any navigable lake, pond, or flowage;

c. Within 300 feet of any navigable river or stream;

d. Within a floodplain;

e. Within 1,000 feet of the nearest edge of the right-of-way of any of the following: any state trunk highway, interstate or federal primary highway; the boundary of a state public park; the boundary of a scenic easement purchased by the WI DNR or the Department of Transportation; the boundary of a designated scenic or wild river; a scenic overlook designated by the department by rule; or a bike or hiking trail designated by the United States Congress or the Wisconsin Legislature; unless, regardless of season, the site is visually inconspicuous due to screening or being visually absorbed due to natural objects, compatible natural plantings, earth berm or other appropriate means, or unless, regardless of season, the site is screened so as to be aesthetically pleasing and inconspicuous as is feasible;

f. Within wetlands, except pursuant to criteria established in NR 132.06(4).

5. Mining activities are prohibited within any of the following described areas unless it is determined by the Town of Norrie that the activity will not have an adverse impact upon the described area. The areas include both the above-ground portion and the underground portion extending vertically from the site boundaries within the specified setback areas as follows:

a. Within 300 feet [TO BE DETERMINED BY LAND CONSERVATION AND ZONING COMMITTEE] of any Marathon County owned land, excluding road right of ways;

b. Within 300 feet [TO BE DETERMINED BY LAND CONSERVATION AND ZONING COMMITTEE] of any land owned by a city, village, town or any other political subdivisions of the State of Wisconsin, excluding road right of ways;

c. Within 300 feet [TO BE DETERMINED BY LAND CONSERVATION AND ZONING COMMITTEE] of any residential structure;

d. Within 150 feet [TO BE DETERMINED BY LAND CONSERVATION AND ZONING COMMITTEE] of any non- residential structures;

e. Within 1200 feet [TO BE DETERMINED BY LAND CONSERVATION AND ZONING COMMITTEE] of any water well used for potable water beyond the boundary of the mining site.

6. Buffer Zones.

a. A 500 foot [TO BE DETERMINED BY LAND CONSERVATION AND ZONING COMMITTEE] buffer zone shall be established and maintained within the boundaries of the mining site, except if the applicant owns additional land adjacent to the mining site that meets this requirement. The buffer zone is an area to be left in its natural state except for the planting of native trees or shrubs to provide an aesthetic visual barrier to the active mine site. The buffer zone is to remain during active mining and for a period of 40 years following issuance of certificate of completion by WI DNR of mining unless an alternate use is approved by the county as part of the reclamation plan.

7. Environmental Impact Report & Statement.

a. An environmental impact report and statement shall be completed pursuant to Stats. 1.11, 293 and NR 150.

8. Mine Reclamation Standards.

a. The standards set forth in Wisconsin Administrative Code NR 132.07(4)(g) and NR 132.08 shall apply to metallic mineral mining activities in the Town of Norrie

9. Location and Operation.

a. A metallic mineral mining project shall be located, designed, constructed and operated in such manner so as to prevent any surface or subsurface discharge from the facility into navigable waters or groundwater that would cause a violation of any applicable water quality standard contained in or promulgated pursuant to Stats. 281 and 283, or constitute an unlawful discharge of any hazardous substance under Stats. 292, or under any other State, Federal or local law.

10. Financial Assurance.

a. In addition to financial assurance provided to state and federal agencies, the applicant shall provide adequate financial assurance, in kinds and amounts as set forth below in section 17.204.545(l). Assurance shall include:

1) General Liability Insurance.

- 2) Groundwater Trust Fund.
- 3) Property Value Compensation Fund.
- 4) Road Damage Compensation Trust Fund.

11. Control of Environmental Pollution.

a. The Applicant shall comply with the standards of Stats. 280, 281, 283, 285, 291, and 293, and related Administrative Codes including but not limited to NR 102, 103, 105, 132, 135, 140, 142, 151, 182, 200 et seq., 300 et seq., 500 et seq., and 660.

12. Groundwater Protection.

a. The Applicant shall comply with the standards of the Preventive Action Limits and Enforcement Standards set forth in NR140 and 820, Wisconsin Administrative Code, shall apply and be enforced, including but not limited to application of the provisions of NR 132 and 182, Wisconsin Administrative Code.

13. Surface Water Protection.

a. The Applicant shall comply with the requirements of:

- 1) The Non-Agricultural Performance Standards set forth in NR 151, Wisconsin Administrative Code.
- 2) The water quality standards set forth in NR 102, 103, 104 and 105, Wisconsin Administrative Code.
- 3) The provisions of NR 132 and 182 and NR 207, 216, 269, 270, Wisconsin Administrative Code.
- 4) All storm water including storm water runoff, snow or ice melt runoff and surface runoff and drainage from the active mine site, shall at a minimum be managed and controlled in accordance with federal and/or state regulations, including but not limited to those under Stats. 30 and NR 151, 216 and 132, Wisconsin Administrative Code.
- 5) All activities in or near navigable waters shall be in accordance with all applicable federal or state approvals, including but not limited to those under Stats. 30 and 31, 33 U.S.C. Section 1344 and all applicable shore land, shore land-wetland, and floodplain zoning ordinances.

14. Wastewater Discharges.

a. The Applicant shall comply with the standards of all wastewater discharges to surface or ground water in accordance with all applicable federal or state approvals; including but not limited to those under Stats. 281, 283 and 293.

15. Water Supplies.

a. The Applicant shall comply with the standards of Stats. 293.65, and 30, 31, 280, and 281, and related Administrative Code Standards and Federal laws.

16. Hydrologic Studies.

a. The results of any hydrologic studies conducted in furtherance of any Environmental Impact Report provided to the WI DNR shall be provided to the Town of Norrie applicant shall pay the cost of a licensed professional hired by the county to interpret the results.

17. Well Monitoring.

a. The Applicant shall, prior to commencement of construction of any mine, and during the period of operation of any mine, and for forty (40) years after completion of mine redamation, pay the cost of well monitoring. Well monitoring shall occur on an annual basis for all private and public wells, subject to depletion or contamination, identified by a hydrologic study. The wells shall be monitored, in order to provide baseline data concerning quantity and quality of water adequate for all purposes, including, but not limited to, determining the validity of any well damage claim. The well monitoring intervals and analytical parameters shall be established at the time of permit application and included in the permit as a condition of permit approval. The well monitoring required under this chapter shall be performed by an independent licensed professional.

18. Air Quality Standards.

a. The Applicant shall comply with the standards of NR 400 et. seq., Wisconsin Administrative Code.

19. Hazardous Waste Standards.

a. The Applicant shall comply with the standards of NR 662 et. seq., Wisconsin Administrative Code.

20. Solid Waste Standards.

a. The Applicant shall comply with the standards of NR 182, 528 and 538, Wisconsin Administrative Code.

b. All solid and hazardous waste which is not subject to the mine permit issued by the WI DNR shall be disposed of at a solid waste or hazardous waste facility.

21. Traffic Safety, Road Maintenance and Infrastructure.

a. All studies, plans, reports and analyses regarding roads, traffic, traffic safety, drainage, utilities, and public utilities shall be in conformance with Wisconsin Department of Transportation standards.

22. Mine Safety and Security.

a. The applicant shall comply with the requirements of NR 132.07(3)(i) and (j), NR 132.07(4)(m), and NR 132.17(2), Wisconsin Administrative Code. 23. Prevention of Adverse Impacts. a. The Applicant shall comply with the standards of NR 132.08(2)(c), Wisconsin Administrative Code. b. The applicant shall not allow adverse impacts during mining operations, or for 40 years following issuance by WI DNR of a certificate of completion of mining, including, but not limited to those situations set forth in NR 132.10(1)(j), Wisconsin Administrative Code as follows: 1) Significant landslides or substantial deposition from the proposed operation in stream or lake beds; 2)

Significant surface subsidence which cannot be reclaimed; or 3) Hazards resulting in irreparable damage to any of the following, which cannot be avoided by removal from the hazard area or mitigated by purchase or by obtaining the consent of the owner;

4) Dwellings;

5) Public buildings and land;

a) Schools;

b) Churches;

c) Cemeteries;

d) Commercial or institutional buildings;

e) Public roads, or

f) Habitat required for survival of vegetation or wildlife designated as an endangered species through prior inclusion in rules adopted by the WI DNR if such endangered species cannot be firmly re-established elsewhere.

24. Limitations on Blasting.

a. The applicant shall comply with the requirements of NR 132.07(5), Wisconsin Administrative Code.

b. Blasting hours may be regulated by the conditions placed on the Conditional Use Permit.

c. All blasting shall be done in compliance with State and Federal guidelines and requirements, including SPS 307, Wisconsin Administrative Code.

d. All blasting must be done by a state licensed and certified blaster, who shall have a certificate of liability or proof of liability insurance.

e. Blasting logs shall be provided to the County upon written request within 72 hours, excluding weekends, and legal holidays. Blasting logs shall include but not limited to, the date, time and location of any blasting activities.

25. Public Lands.

a. Notice and Consultation. Any application for mining permit on lands owned in whole or part by the state or federal governments, the County, towns or any other political subdivisions of either the state or federal governments, shall be provided to the governmental body or administrator responsible for each such parcel or tract of land, and such governmental body or administration shall be consulted by the Town of Norrie before action is taken on the conditional use permit and/or exemption.

b. Consistency with Public Purpose. Before a mining permit is issued it shall be determined by the Town of Norrie, that such use of the land is not in violation of any laws or regulation governing the public use of said land and that such use of the land in question shall not unduly

interfere with or violate the purpose or purposes for which such land is owned and maintained by the governmental body in question.

F. Processing. 1. In this subsection, “processing” shall mean milling, concentrating, refining, or chemically treating ore mined at the site. 2. Prior to the issuance of any Conditional Use Permit, the results of any studies conducted, and information gathered in furtherance of any Environmental Impact Report and mining plan, pursuant NR 132.07, Wisconsin Administrative Code, regarding processing of the ore extracted that is provided to the WI DNR shall also be provided to Marathon County; applicant shall pay the cost of a licensed professional hired by the county to interpret the reports.

G. Local Agreements. 1. Negotiating Process.

a. In the event that the Town of Norrie wishes to enter into negotiations with a proposed operator of a mining project pursuant to Stats. 293.41, the Chairperson of the Board or his/her designee shall be named to serve on a Mining Impact Committee. The Chairperson shall also appoint other members of the committee as directed by the Board.

b. All negotiating sessions held pursuant to Stats. 293.41 whether by the Town of Norrie or by another representative committee on behalf of the Town, shall be in open session except when a closed session is necessary to develop negotiating strategy outside of the presence of representatives of an applicant. All other business of the negotiating committee shall be conducted in open session. Any local agreement must be approved as provided in Stats. 293.41.

2. Approval Process.

a. Governing Body. The governing body for the purposes of approving a local agreement under Stats. 293.41 is the Town Board.

3. Timing.

a. No local agreement shall be approved for public hearing under Stats. 293.41 until the applicant has filed all applications for all necessary approvals, Conditional Use Permits and permits from the WI DNR and any other state or federal agency with jurisdiction over the prospecting or mining site or operation, and those permit applications have been deemed complete by the agency to whom they have been submitted, the applicant has filed the Environmental Impact report under Stats. 23.11 relating to any state permit applications, and the WI DNR has released its draft Environmental Impact Statement.

4. Non-Applicability Provisions.

a. The local agreement may not declare any portions of this ordinance non-applicable to a metallic mining operation or include variances from this ordinance except upon an affirmative vote of a majority of the Marathon County Land, Conservation, and Zoning Committee, an affirmative vote of three-fourths of the members elect of the County Board and upon the affirmative vote of the Town Board of each Town in which the proposed mining site is located. Any exceptions, variances, or rezoning must comply with federal and state law.

b. A local agreement shall include the right to reopen and modify the local agreement after it has been approved if it is determined the mining activity pursuant to the agreement may

endanger public health, welfare or safety. In such a case, the agreement shall be modified in accordance with the approval process set forth above.

H. Application Requirements.

1. The application submitted for a Conditional Use Permit for a metallic mining permit shall be accompanied by the following information and/or plans reflecting the best information available at the time of the application. An application for Conditional Use Permit shall be filed with the Zoning Administrator and shall include the application fee, an electronic copy and one paper copy of the following original materials:

a. Copies of all deeds, leases and landowner agreements for proposed mine site b. complete application for mining pursuant to Stats. 293.37 and NR 132.06 c. All State and Federal documents with respect to the proposed mining permit and the following information: a. Environmental Impact Report prepared under Stats. 23.11.

b. Environmental Impact Statement pursuant to Stats. 293.39.

c. Mining Operational Plan pursuant to NR 132.07.

d. Reclamation Plan pursuant to NR 132.

e. Hydrologic study which identifies and characterizes groundwater resources that potentially could be impacted by the mining activity, including all accessible public and private wells subject to depletion or contamination.

f. A map and aerial photo identifying the proposed locations of existing and proposed permanent and temporary structures showing setback distances to property boundaries, right of ways and private onsite wastewater treatment systems.

g. A description of the proposed primary travel routes to transport material to and from the site, type of vehicle used in transport, average loaded weight of vehicle, and the anticipated schedule of travel to be used for transporting. The description shall identify the following information:

a) The anticipated need for road modifications resulting from the likely mine-related traffic impacts, including both primary and secondary impacts and shall fully describe the existing reasonably foreseeable mine-related changes to traffic patterns, traffic volume, the class of roads associated with those patterns, and any load-related needs and restrictions.

b) All reasonably foreseeable road construction and maintenance needs arising in Marathon County and affected towns from operation of the proposed mine and reasonably foreseeable secondary impacts of the mining operation which may result in the demand for additional road improvements.

h. A description of the proposed frequency and amount of blasting, if any, to be used in the operation.

i. A description of measures to be taken to control dust including during mining, stockpiling, and on haul roads (internal and external).

- j. A description of measures to be taken to screen or buffer the operation from view with vegetative or other screening devices from adjacent properties.
- k. A description of proposed lighting to be use during the mining operation; including location, type, style and intensity of lighting to be used and its power source(s).
- l. A description of security and safety measures including any proposed fencing, gating, or signing.
- m. A description of the anticipated hours of operation including startup, shutdown, and maintenance of all equipment.
- . A description of how ore extracted is processed.
- o. If for any reason a mining permit is not required by the WI DNR or if the application requirements for a State of Wisconsin mining permit change substantially from those in effect on the effective date of this chapter, the applicant shall provide the county with all of the information, materials and application content that would be required to be provided to the WI DNR under the mine permit application process.

I. Financial Responsibility.

1. General Liability Insurance. Applications for a mining permit shall be accompanied by a copy of a certificate of insurance, as required by the DNR, certifying that the applicant has in force general liability insurance policy issued by an insurance company authorized to do business in Wisconsin or evidence that the operator has satisfied state or federal self-insurance requirements. Insurance shall cover all mining activities of the applicant and afford personal injury and property damage protection.
2. Applications for a mining permit shall be accompanied by a copy of all other proof of financial assurance, as required by the DNR, pursuant to WI Stat 293.51.
3. Groundwater Trust Fund.
 - a. The applicant shall deposit into an interest-bearing trust account \$15,000.00 [TO BE DETERMINED BY LAND CONSERVATION AND ZONING COMMITTEE] for each well potentially impacted, as identified by the hydrologic study. The original deposit, any additional deposits and other accumulated interest shall remain in the trust account for a period of 40 years after certificate of completion, issued by the WI DNR. If no outstanding claims are pending at the end of the 40 year period, any remaining balance shall be returned to the operator. The applicant agrees to establish the trust account at a bank or financial organization identified by the Town of Norrie.
 - b. The applicant shall pay the cost for the Town to monitor all potentially impacted private or public wells as identified by the hydrologic study. The applicant shall also pay the cost of any licensed professional hired by the county to collect and interpret the results.
 - c. The groundwater trust fund shall be used to pay for replacing any contaminated, damaged or depleted wells and/or for providing potable water to any well owner/daimant whose well has been contaminated, damaged or depleted. The mine operator may object to payment of these

claims only if it can establish that the contamination, damage or depletion is not due in whole or in any part to the mining operation.

d. Any person whose well is contaminated damaged or depleted beyond the identified hydrologic study area may apply for funds for a replacement well or alternate water supply if that person can demonstrate, by the preponderance of the evidence, that the contamination, damage or depletion was due in whole or in any part to the mining operation.

4. Property Value Compensation Fund.

a. The applicant may enter a property value compensation agreement with any political subdivision where property values are, or are likely to be, impacted by the mining operation.

b. Town of Norrie at the cost of the applicant, will hire a licensed independent agent to create a distribution plan for a compensation fund which identifies property whose values have been determined to be impacted by the mine. Criteria to be used for the determination of impact shall come from the Environmental Impact Report and Statement, and other criteria as determined by the licensed independent agent. Prior to the commencement of any mining, the operator shall compensate those property owners identified in the distribution plan.

5. Road Damage Compensation Trust Fund.

a. The applicant may enter into a roadway maintenance agreement with any political subdivision whose roads are, or are likely to be, affected by the mining operation.

b. The applicant shall fund an irrevocable road damage compensation trust. The applicant shall initially deposit funds in an amount determined by the Town of Norrie to be the reasonably anticipated cost to construct, maintain, repair and reconstruct all affected public roadways to meet the traffic demands to be caused by the mining operation. The cost projection shall be based on a roadway improvement and maintenance engineering study required by the Town, at the applicant's expense.

6. Compensation of Political Subdivisions Affected by Mining Operations

a. The applicant may enter into a local impact agreement with any political subdivision which is, or is likely to be, impacted by the mining operation.

b. Town of Norrie, at the cost of the applicant, will hire a licensed independent agent to create a distribution plan for compensation to political subdivisions impacted by the mine. Criteria to be used for the determination of impact shall come from the Environmental Impact Report and Statement, and other criteria as determined by the licensed independent agent. Prior to the commencement of any mining, the operator shall compensate those political subdivisions identified in the distribution plan.

7. Application Fee.

a. The application fee for a metallic mining Conditional Use Permit shall be in the amount of \$50,000 [TO BE DETERMINED BY LAND CONSERVATION AND

ZONING COMMITTEE]. This fee may be used to cover costs incurred prior to the county's first billing for actual costs. The balance shall be held in a segregated account until the final billing for actual costs has been paid and then refunded to the applicant.

8. Actual Costs.

a. The applicant for a proposed mining project shall be responsible for all costs reasonably incurred by the Town as necessary to evaluate the operator's application for a Conditional Use Permit and for any permits required from the State of Wisconsin and the Federal Government, and to participate in any administrative or legislative meetings, public hearings and adjudicatory or contested hearings related to such mining project, including the hearings required under this section.

b. The applicant shall also be responsible for those costs incurred before or after the application for the Conditional Use Permit is filed with the Town and for monitoring any such mining project which becomes operational, continuing for the life of the operation and during the 40 years following closure.

c. Costs under this subsection shall include staff time, equipment and material costs, licensed professionals and legal counsel. Such costs shall not exceed those which are reasonably charged for the same or similar services by licensed professionals of the type retained. The Town shall also avoid duplication of services where reasonably possible, taking into consideration the normal duties and responsibilities of the staff.

d. Prior to processing an application for a permit under this section, if the committee determines that the cost involved in permit review and approval will exceed \$50,000, the committee shall supply an estimate of the cost involved in the permit review and approval process. The Committee shall require additional fees beyond the application fee if necessary and an agreement from the applicant that it will pay all processing costs billed to it.

e. Costs under this section may be billed to the applicant for reimbursement to the Town on a quarterly basis and shall be paid within 30 days of such billing. Should the applicant fail or refuse to pay costs within thirty (30) days upon request or demand from the County, the Town may stop the processing of the permit application.

f. If an applicant withdraws its application at any time after its submittal, all fees and charges assessed for work to that point in time by the Town shall be paid by the applicant. Any balance would be refunded to applicant.

J. Inspections and Reports.

1. Inspections

a. Upon application for a Conditional Use Permit, the applicant is deemed as a condition of application to have consented to allow inspections of the mining site and all mining operations by the county for the purpose of determining compliance with the provisions of this section and the terms conditions of the Conditional Use Permit. Inspections may occur pursuant to this section upon showing of proper identification, with or without advance notice to the applicant.

2. Reports

a. Operator to shall supply copies of all mine operation reports provided to the WI DNR until such time that a certificate of completion is issued.

K. Commencement of Mining Operations.

1. Commencement.

a. The granting of a Conditional Use Permit shall not be deemed effective until the operator has procured all necessary permits from the state and federal agencies to construct, operate, close, reclaim, and monitor the mining operation. Construction must be commenced within two (2) years of the effective date of the last state and federal permit issued or the Conditional Use Permit shall be null and void.

L. Permit Modification.

1. The Town reserves the right to reopen and modify a Conditional Use Permit after it has been granted if it is determined, upon the basis of substantial evidence, including evidence presented at state or federal hearings, that mining activity pursuant to the permit would endanger the public health, welfare or safety.

2. In order to reopen a permit, the Town or the Conditional Use Permit permittee shall identify the specific terms of the permit subject to reopening and file an application for a public hearing with the Town. The Town shall hold a public hearing in accordance with the procedures in Section 17.804.04. No modifications to an existing permit shall be made unless supported by the substantial evidence and approved by the Town.

M. Violation/Enforcement.

1. Conducting Metallic Mining Operations without a Conditional Use Permit are subject to the following:

- a. After the fact permit application fees and
- b. Penalties under 17.204.545(N)

2. Such other and further relief, including but not limited to, equitable relief granted by a court of competent jurisdiction.

3. Permit Revocation or Suspension. The Zoning Administrator may revoke or suspend a mining permit issued under this section if it is determined that there is substantial evidence that any of the following has occurred:

- a. Statutes, ordinances, or permit requirements have been violated;
- b. Financial Assurance has not been provided as required or has lapsed;
- c. Insurance coverage has lapsed or fallen below required levels;
- d. Actual costs have not been paid for permit processing, monitoring or review;
- e. Applicant has failed to comply with State and Federal Regulations;
- f. Failure to strictly comply with State and Federal laws, regulations or permits;
- g. The mine is idle for 2 consecutive years.

4. In the event the state /federal laws and/or regulations are amended to the extent that the terms and conditions of the Conditional Use Permit are affected, the applicant shall apply for a modification to the permit within 6 months of the effective date of such amendments.

N. Penalties.

1. Any operator violating this section shall upon conviction, pay a forfeiture of not less than \$250 nor more than \$10,000, plus costs per day for each day a violation continues. Forfeitures for second or subsequent offenses shall be not less than \$500 nor more than \$20,000 plus costs per day for each day a violation continues. [TO BE DETERMINED BY LAND CONSERVATION AND ZONING COMMITTEE]