

**TOWN OF WASHINGTON
SPECIAL TOWN BOARD MEETING**

Minutes

Monday, November 4th, 2013

6:00pm

RUTLEDGE ROOM AT THE COMMUNITY CENTER

Budget Workshop

#6

**DRAFT
SUBJECT TO BOARD APPROVAL**

- 1. Call the Meeting to Order: Chairman Joel Gunnaugsson called the meeting to order at 6:09 p.m.**
- 2. Roll Call by Clerk: Chairman Joel Gunnaugsson, Supervisors John Rader, Liz Holmes and Kirby Foss and Randy Sorensen.**
- 3. Resolution 2013-18. Opposition to SB 349 Relating to Regulation of Nonmetallic Mining. Motion by Sorensen, second by Holmes to approve Resolution 2013-18. Motion carried unanimously.**

~Beginning of Resolution~

Resolution 2013-18

**Opposition to SB 349
Relating to Regulation of Nonmetallic Mining**

Whereas, town boards have been 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 for over 100 years;

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 and safety of their town;

Whereas, SB 349 have been introduced in the Wisconsin State legislature to limit town, village, city, and county authority to regulate nonmetallic mining operations, including industrial frac sand operations, to zoning authority only, by prohibiting local units of governments to exercise police type ordinances, which for towns would be enacted by means of village powers, over nonmetallic mining operations;

Whereas, limiting towns who do not have town zoning or are under county zoning would dramatically limit town board authority to protect the public health and safety in the town by taking away their authority to adopt industrial frac sand regulatory ordinances using village powers;

Whereas, SB 349 would best exclusive jurisdiction over air quality, water quality and quantity issues with the State on all types of activities, not just nonmetallic mining; Whereas, SB 349 would require all highway contracts for reimbursement of highway damage caused by heavy vehicles under Sec. 349.16(1)(c) of Wis. Statutes to follow new statutory requirements including an engineering study for all such highway contracts;

continued

Now Therefore, Be it Resolved by the Town Board of the Town of Washington, Door County opposes the passage of SB 349 which would prohibit local governments from regulating nonmetallic mining through the use of "police power type" ordinances enacted under village powers in an effort to protect the public health and safety of town residents and result in other limitations on local control.

~End of Resolution~

4. Ordinance 2013-08. Discharge of Firearms. Motion by Holmes, second by Sorensen to approve Ordinance 2013-08. Motion carried unanimously.

~Beginning of Ordinance~

ORDINANCE NO. 2013-08

AN ORDINANCE AMENDING CHAPTER 205 OF THE CODE OF ORDINANCES, TOWN OF WASHINGTON, WASHINGTON ISLAND, WISCONSIN, ENTITLED "FIREARMS AND WEAPONS."

The Town Board of the Town of Washington, Door County, Wisconsin, does ordain as follows:

SECTION 1. Subsection F of Section 205-2 entitled "Discharge of firearm or weapons." of the Code of Ordinances, Town of Washington, Washington Island, Wisconsin, is repealed and recreated as follows:

"F. When such firearm or weapon is carried or used for lawful hunting purposes upon designated hunting areas within the Town, with the following conditions:

- (1) Such property is not owned by the Town of Washington;
- (2) Such firearm or weapon is not carried or discharged for hunting purposes in violation of applicable Wisconsin Department of Natural Resource regulations as to the use of such firearms or weapons in relation to residences, business establishments, or roadways;
- (3) Such firearm or weapon is allowed by applicable Wisconsin Department of Natural Resources regulations at appropriate hunting zones within the Town of Washington, except that it shall be unlawful for any person to discharge a rim fire rifle larger than .22 caliber or any center-fire rifle .22 caliber or larger anywhere within the boundaries of the Town of Washington during the white tail deer season as identified by the annual regulations of the Wisconsin Department of Natural Resources, including the Youth Hunt, the regular deer hunting season, and the T-Zone season;
- (4) Any person who shall discharge a rim fire rifle larger than .22 caliber or any center-fire rifle .22 caliber or larger anywhere within the boundaries of the Town of Washington during the white tail deer season as identified by the annual regulations of the Wisconsin Department of Natural Resources, including the Youth Hunt, the regular deer hunting season, and the T-Zone season shall, upon conviction thereof, be subject to a forfeiture of not less than \$500 nor more than \$1,000. Each day that a violation is committed shall constitute a separate violation."

SECTION 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

continued

SECTION 3. This ordinance shall take effect upon passage and publication.

DRAFT
SUBJECT TO BOARD APPROVAL

Adopted this 4th day of November, 2013.

~End of Ordinance~

Motion by Holmes, second by Rader to approve Ordinance 2013-08. Motion carried with there being 4 ayes (Gunnlaugsson, Holmes, Sorensen, Rader) and 1 nay (Foss).

Vote: For 4 Against 1

C. Workshop:

1. Budget Workshop #6.
2. Discussion only. No action(s) taken.

D. Adjournment: Motion by Holmes, second by Foss to adjourn the meeting. Motion carried unanimously at 7:02 p.m..

Valerie Carpenter, Clerk/Treasurer

Joel Gunnlaugsson, Chairman

Elizabeth Holmes, Supervisor

Randal Sorensen, Supervisor

Kirby Foss, Supervisor

John Rader, Supervisor