

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

PRESENTED
REFERRED

March 2, 2010
Board of Public
Works

Amending Sections 21.30 and 21.33 of the
Madison General Ordinances to conform the
fees schedules to DNR Regulations.

RULES SUSPENDED
PUBLIC HEARING _____

Drafted by: Doran Viste

Date: February 18, 2010

SPONSORS: Ald. Paul Skidmore

DRAFTER'S ANALYSIS: This ordinance amends Secs. 21.30 and 21.33, MGO to replace the currently listed fee schedules under the Nonmetallic Mining Reclamation Ordinance with references to the applicable Wisconsin Department of Natural Resources Administrative Code fees. Specifically, this ordinance deletes the currently listed Table 1 for the Nonmetallic Mining Reclamation Plan Review Fee from Sec. 21.30 and the currently listed Table 2 for the Nonmetallic Mining Reclamation Annual Fee from Sec. 21.33, and replaces them with the appropriate cross-references for the nonmetallic mining reclamation plan review fee and annual fee as set forth in Wis. Admin. Code § NR 135.39. By directly tying the fees to the provisions of the Administrative Code, it will eliminate the need for the City to periodically update its Ordinances to bring the Nonmetallic Mining Reclamation Ordinance in line with State requirements.

The Common Council of the City of Madison do hereby ordain as follows:

1. Section 21.30 entitled "Plan Review Fees" of the Madison General Ordinances is amended to read as follows:

"21.30 PLAN REVIEW FEES. A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under Sec. 21.11(2) shall submit a non-refundable plan review fee ~~specified in Table 1~~ as set forth in Table 3 of Wis. Admin. Code § NR 135.39(5). No plan review fee may be assessed under this section for any nonmetallic mine site for which an application for any local transportation-related mine issued an automatic permit under Sec. 21.17(3). A separate plan review fee shall be paid under this section for any modification to an existing reclamation plan submitted pursuant to Sec. 21.24.

TABLE 1. Plan Review Fee

Proposed Mine Site Size Rounded to Nearest Whole Acre	One-Time Plan Review Fee
1 to 25 acres	\$ 900
26 to 50 acres	\$1200
51 or more acres	\$1500"

2. Section 21.33 entitled "Annual Fees" of the Madison General Ordinances is amended to read as follows:

Approved as to Form:

“21.33 ANNUAL FEES. Operators of all nonmetallic mining sites subject to reclamation permits issued under this chapter shall pay annual fees to the City of Madison. Fees paid under this section shall include both a share for the Wisconsin Department of Natural Resources and a share for the City of Madison. Fees shall be calculated based on the number of unreclaimed acres of each site according to ~~Section Wis. Admin. Code § NR 135.39(1)(a), Wisconsin Administrative Code, as specified in Table 2.~~ The annual fee under this section shall be as set forth in Table 2 of Wis. Admin. Code § NR 135.39(4). Such fees apply to a calendar year or any part of a year in which nonmetallic mining takes place, until final reclamation is certified as complete under Sec. 21.35. Fees shall be paid no later than January 31 for the previous year. Fees paid under this section shall include a share for the Wisconsin Department of Natural Resources equal to the amount specified in ~~Section Wis. Admin. Code § NR 135.39(3), Wisconsin Administrative Code~~ and shall be forwarded to the Wisconsin Department of Natural Resources by March 31. For sites on which no nonmetallic mining has taken place during a calendar year, fees to be paid under this section for the following year shall be \$15.00. If the annual fee is greater than that established in ~~Section Wis. Admin. Code § NR 135.39(4)(c), Wisconsin Administrative Code,~~ the City Engineer shall document in writing its estimated program costs and the need for its annual fees on or before June 1, 2001. This documentation shall be available for public inspection.

TABLE 2. Annual Fees

Mine Size in Unreclaimed Acres, Rounded to the Nearest Whole Acre	Annual Fee
1 to 5 acres, does not include mines < 1 acre	\$150
6 to 10 acres	\$300
11 to 15 acres	\$450
16 to 25 acres	\$600
26 to 50 acres	\$700
51 acres or larger	\$750”