

SECTION 31. SAND, GRAVEL, AND SOIL EXTRACTION

31.010 Purpose. To provide for sand, gravel, and soil extraction uses which are located by geological consideration in conjunction with the planning and zoning processes; to provide environmentally sound extraction practices; to promote aesthetic values; to provide for environmentally sound reclamation of land disturbed by extraction activities through standards and regulations governing extraction; and to protect public health, safety and general welfare.

31.020 Determinations Regarding Extraction.

- A. Menominee County has determined that within this ordinance and section “Extraction” means the removal of specifically sand, gravel, and soil. The removal of any surface or subsurface material other than specified above is not “Extraction” and therefore prohibited.
- B. Menominee County has determined that sand, gravel, and soil are natural resources of the county, and that the Zoning Committee shall be responsible for managing, regulating, and maintaining any extraction sites.

31.030 Extracting From Approved Sites.

- A. Extraction shall occur only at the specified sites located on the zoning maps and approved by the Zoning Committee.
- B. The Zoning Administrator shall have the authority to impose reasonable restrictions to assure a properly managed extraction site.
- C. Extraction shall be subject to the regulations and restrictions of this section as well as any other state or federal regulation.

31.040 Requirements.

- A. Any person or entity desiring to pursue extraction activities shall file for a permit with the Zoning Committee in accordance with the extraction policies and procedures.
- B. All extraction sites shall be established by the Zoning Committee and shall be subject to section 34 (Administration).
- C. Exempt Activities. The following are exempt from this section:
 - 1. Excavation or grading by an owner of property for personal use.
 - 2. Preparation of a construction site as long as extracted materials are neither imported or exported from the construction site.
 - 3. Restoration of land following a natural disaster.

31.050 Inspections.

- A. The Zoning Administrator or any other authorized agent may inspect any extraction site at any time without notice.
- B. Approved agents of the county may inspect any required records of any person or business that has extracted material to determine compliance with the provisions of this section. Any public or private complaint against a person or business that has extracted material may result in an inspection of the extracting operation to determine

the validity of the complaint. Such inspections shall be at reasonable times and with reasonable notice.

31.060 Penalties.

A. Whenever the zoning office finds a violation of this section, the violation shall be recorded, and the zoning office shall send the violator, by certified mail, an order specifying the nature of the violation, time of violation, and corrective measures necessary to achieve compliance of this section.

B. The zoning office shall cancel the permit held by any person or business who fails to comply with the order within thirty (30) days after the order is served, unless the person or business named therein, within ten (10) days after the notice, requests in writing a hearing before the zoning committee. Failure to show just cause for the continued violation and lack of compliance with the order shall result in permit cancellation and immediate cessation of all extraction activities on the affected property.

C. Any person, firm, corporation, operator, or any other group of persons convicted in court of law of engaging in an extraction operation without a valid or with a canceled permit shall be required to forfeit not less than five hundred dollars (\$500.00) nor more than ten thousand dollars (\$10,000.00) per day, for each and every day the operation is found to be in violation of this section.

D. Any person, firm, corporation, or any other group of persons convicted in a court of law of engaging in an extraction operation in violation of a permit shall be required to forfeit not less than two hundred fifty dollars (\$250.00), nor more than ten thousand dollars (\$10,000.00) per day, for each and every day the operation is found to be in violation of this section.

E. Compliance herewith may also be enforced by injunctive order at the discretion of the Zoning Committee. Nothing in this section shall be construed to infringe upon the Zoning Administrator's authority to withhold permits for cause or to order cessation of all extraction activities for cause.