

Chapter 5.24

QUARRIES, GRAVEL PITS, MIXING PLANTS, AND SIMILAR BUSINESSES

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5.24.010 **Definitions.**

The following terms have the meanings indicated:

“ Asphalt and tar paving mix plants ” means plants wherein asphalt, tar or other petroleum products or by - products are prepared or mixed, either along or with other ingredients, as a material for paving or surfacing.

“ Concrete ready mix plants ” means plants where water, gravel, sand, crushed stone or other aggregate is mixed with cement and placed within a truck or trucks for the purpose of mixing such ingredients and to create and manufacture concrete thereby while such truck is in transit to its ultimate point of delivery.

“ Gravel pits and sand pits ” means any place where gravel, sand or dirt, or any combination thereof, is removed from its natural state of deposit by digging, pushing or any other method whether herein specified or not, and sold or held for sale.

“ Quarry ” means any place where materials, consisting in whole or in part of rock or stone, are removed from their natural state by cutting, blasting, digging or pushing, or by any other method whether herein specified or not, and sold or held for sale.

5.24.020 **Initial application.**

Initial applications for permits from owners/operators to operate a quarry, gravel pit, sand pit, asphalt or tar paving mix plant, concrete ready mix plant within the town shall be submitted in writing to Racine County and to the Town of Burlington Planning and Zoning Committee and Town Board for Rezone and/or Conditional Use review and approval. Planning and Zoning Committee procedure outlined in Chapter 2.12.080 shall be followed to notify public.

Conditions that may be recommended to Racine County by the Town Board may include but are not limited to operating hours, (normally 7:00 am to 6:00 pm); designated roads of travel; and neighbor concerns.

The Restoration Plan and bonding are handled at the county level. The Town Board may make recommendations to the Restoration Plan.

5.24.030 Owners Permit required yearly after initial application .

A. Applications for owner's permits shall be submitted in writing to the town board yearly by December 15th to the town clerk for review/approval by the town board on the 1st meeting in January of each year following the initial application. Application shall set forth the following:

1. Name, residence, or office address of applicant;
2. Legal description of the premises to be used;
3. Zoning of premises to be used;
4. Statement of nature of proposed operation;
5. Description of the surrounding property and its use.

B. The permit, if granted, shall be in effect for a period of one year.

5.24.040 Operators Permit required yearly after initial application .

A. Applications for operators permits shall be submitted in writing to the town board yearly by December 15th to the town clerk for review/approval by the town board on the 1st meeting in January of each year following the initial application. Application shall set forth the following:

1. Name, residence, or office address of applicant;
2. Legal description of the premises to be used;
3. Zoning of premises to be used;
4. Statement of nature of proposed operation;
5. Description of the surrounding property and its use.

B. The permit, if granted, shall be in effect for a period of one year.

5.24.050 Preexisting operator's licenses and nonconforming uses.

A. Any person operating under a license which antedates the effective date of this chapter or by reason of any nonconforming use shall be subject to the provisions of this chapter with respect to annual application and payment of annual fee. However, no application by a person operating under a preexisting license or nonconforming use shall be denied unless it is established that the existing operation constitutes a public nuisance as defined in this code.

B. Any application which includes an area not previously used by the existing operation shall be considered a new application, and not a preexisting use. (Prior code § 12.09(7))

5.24.060 Revocation of operator's permit.

The following acts shall constitute grounds for revocation of permit :

A. Failure to discharge or drain surface water or accumulated water from the licensed premises in such method and manner as will not interfere with the use of lands, drains and ditches of other persons, municipally owned or otherwise;

B. Any change in the manner of operation specified in the application as approved by the town board in granting the original license;

C. Failure during and after excavation to provide adequate lateral support to roadways or to the lands of abutting property owners;

D. Failure to comply with any town, county or state law or regulation pertaining to the operations permitted, including all of the provisions of this chapter. (Prior code § 12.09(15))

5.24.070 Revocation of owner's permit.

An owner's permit may be revoked for any of the reasons enumerated in Section 5.24.060 . Revocation of an owner's permit shall be deemed an automatic revocation of any operator's permit covering the same premises. (Prior code § 12.09(16))

5.24.080 Denial of permit .

If a permit is denied for any business enumerated in this chapter with respect to any particular parcel of realty, no application for the same business on the same parcel of land, or any part thereof, may be filed within one year from the date of such denial. If, however, a new application reveals a material difference in any of the items specified in Section 5.24.040 or 5.24.050, the town board may, upon a finding that the new application does include such material difference, proceed to hear and determine such new application within such year. (Prior code § 12.09(18))

5.24.090 Exemption from licensing .

No owner's or operator's permit shall be required for operations which do not produce a commercial benefit to the owner of the property affected. " Commercial benefit " is defined as any economic consideration to the owner. A certificate of exemption shall be obtained from the town administrator before the commencement of any work, and the request and certificate forms shall be as prescribed by the building inspector and accompanied by a fee of five dollars (\$5.00). Any request for a certificate of exemption shall be acted upon by the town administrator within five days from the date it is received by him and failure to act within such time shall be deemed a denial of the certificate. If any request for a certificate of exemption is denied by the town administrator , an appeal may be made in writing to the town board within five days of the date the notification of denial is received, and the town board shall render a final written decision within ten (10) days of receipt of the appeal. (Prior code § 12.09(19))

5.24.100 Injunctive relief.

If any premises are used as a quarry, gravel pit, sand pit, asphalt or tar paving mix plant, concrete ready mix plant in violation of this chapter, an action in the name of the town may be instructed to enjoin such violation or intended violation, and this remedy shall be in addition to other remedies as set forth in this title. (Prior code § 12.09(20))

June 2013