

Article E: Administration

Sec. 16-1-31 Right of Entry and Inspection.

For the purpose of ascertaining compliance with the provisions of Subch. I of Ch. 295, Wis. Stats., Ch. NR 135, Wis. Adm. Code, or this Ordinance, any authorized officer, agent, employee or representative of Bayfield County may inspect any nonmetallic mining site subject to this Ordinance as provided below:

- (1) No person may refuse entry or access onto a nonmetallic mining site of a duly authorized officer, employee or agent of Bayfield County or the Wisconsin Department of Natural Resources who presents appropriate credentials to inspect the site for compliance with the nonmetallic mining reclamation permit, this Ordinance, Ch. NR 135, Wis. Adm. Code or Subch. I of Ch. 295, Wis. Stats.
- (2) Any person who enters the site under this right of inspection shall obtain training and provide their own safety equipment needed to comply with any federal, state or local laws or regulations controlling persons on the nonmetallic mining site.

(Ord. of 5-29-2001)

Sec. 16-1-32 Orders and Citations.

- (a) **Enforcement Orders.** Bayfield County may issue orders as set forth in Sec. 295.19(1)(a), Wis. Stats., to enforce Subch. I of Ch. 295, Wis. Stats., Ch. NR 135, Wis. Adm. Code, this chapter, a permit issued pursuant to this Ordinance or a reclamation plan required by Section 16-1-13 and a permit issued under this Ordinance. A violation of this Ordinance, an order or permit issued pursuant to this chapter or a reclamation plan required by Section 16-1-13 and a permit issued under this Ordinance shall be considered a violation of Subch. I of Ch. 295, Wis. Stats., and Ch. NR 135, Wis. Adm. Code.
- (b) **Special Orders.** Bayfield County may issue a special order as set forth in subsections 295.19(1)(b) and (c), Wis. Stats., suspending or revoking a nonmetallic mining reclamation permit pursuant to Section 16-1-24, or directing an operator to immediately cease an activity regulated under Subch. I of Ch. 295, Wis. Stats., Ch. NR 135, Wis. Adm. Code or this Ordinance until the necessary plan approval is obtained.

- (c) **Review of Orders.** A person holding a reclamation permit who is subject to an order pursuant this section shall have the right to review the order in a contested case hearing under Ch. 68.11, Wis. Stats., notwithstanding the provisions of Secs. 68.001, 68.03 (8) and (9), 68.06 and 68.10 (1) (b), Wis. Stats.
- (d) **Citations.** Bayfield County may issue a citation under Sec. 66.0113, Wis. Stats., and Title 1, Chapter 2 of this Code of Ordinances, collect forfeitures to enforce Subch. I of Ch. 295, Wis. Stats., Ch. NR 135, Wis. Adm. Code, this Ordinance, a permit issued pursuant to this Ordinance or a reclamation plan required by Section 16-1-13 and a permit issued under this Ordinance. The issuance of a citation under this subsection shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this subsection.
- (e) **Enforcement.** Bayfield County may submit any order issued under this Section to abate violations of this Ordinance to a district attorney, corporation counsel, municipal attorney or the attorney general for enforcement. The district attorney, corporation counsel, municipal attorney or the attorney general may enforce those orders.
(Ord. of 5-29-2001)

Sec. 16-1-33 Penalties.

Any violation of Subch. I of Ch. 295, Wis. Stats., Ch. NR 135, Wis. Adm. Code, this Ordinance, a permit issued pursuant to this Ordinance or a reclamation plan required by Section 16-1-13 and a permit issued under this Ordinance may result in forfeitures as provided in Sec. 295.19(3), Wis. Stats., as follows:

- (1) Any person who violates Ch. NR 135, Wis. Adm. Code or an order issued under Section 16-1-32 may be required to forfeit not less than \$25.00 nor more than \$1,000.00 for each violation. Each day of continued violation is a separate offense. While an order issued under Section 16-1-32 is suspended, stayed or enjoined, this penalty does not accrue.
- (2) Except for the violations referred to in subsection (1), above, any person who violates Subch. I of Ch. 295, Wis. Stats., Ch. NR 135, Wis. Adm. Code, any reclamation plan approved pursuant to this Ordinance or an order issued pursuant to Section 16-1-32 shall forfeit not less than \$10.00 nor more than \$5,000.00 for each violation. Each day of violation is a separate offense. While an order issued under Section 16-1-32 is suspended, stayed or enjoined, this penalty does not accrue.

- (3) Any person, firm, or corporation and/or contractor who violates a provision of this Ordinance shall be subject to the penalty provided in Section 1-1-6 of this Code of Ordinances.
(Ord. of 5-29-2001)