

TOWN OF ROCKFORD
RESOLUTION NO 2018-11.7



**RESOLUTION ADOPTING A
MORATORIUM ON ANY NEW MINERAL EXTRACTION FACILITY
IN
THE TOWN OF ROCKFORD**

WHEREAS, the Town of Rockford ("Town") is located within Wright County, Minnesota ("County");

WHEREAS, The County has a mining ordinance, but the Town is considering enacting similar or more restrictive ordinance;

WHEREAS, the Town is required to be at least as restrictive as the County in its ordinances and regulations;

WHEREAS, the Town Board may wish to enact additional regulations above and beyond the County's regulations;

WHEREAS, the Town Board wishes to prohibit all forms of mineral extraction during its moratorium;

NOW, THEREFORE, BE IT RESOLVED the Board of Supervisors of the Town of Rockford resolves and ordains as follows:

1. The following ordinance is adopted:

TOWN OF ROCKFORD

ORDINANCE NO. 2018-11.7

**INTERIM ORDINANCE FOR PROTECTING THE TOWN OF ROCKFORD
DURING LAND USE PLANNING PROCESS**

The Board of Supervisors of the Town of Rockford ordains:

1. Definitions. For purposes of this Ordinance, the following terms shall have the following definitions:

MINERAL: Sand, gravel, rock, clay, and similar higher density non-metallic natural minerals.

MINERAL EXTRACTION: The removal of sand, gravel, rock, clay and other minerals from the ground and off the site.

MINERAL EXTRACTION FACILITY: Any area that is being used for removal, stockpiling and storage of minerals.

2. Moratorium. Effective immediately, a moratorium is hereby imposed on any new Mineral Extraction Facility or processing of any permits for the same in the Town of Rockford. For the duration of this Ordinance, there shall be no new Mineral Extraction Facilities and no processing of permits for any new Mineral Extraction Facilities in Rockford Township.
3. Violations. Any person, firm, partnership, corporation, or other entity violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished pursuant to applicable statutes, including but not limited to Minnesota Statutes Section 609.02, Subd. 3, or as subsequently amended. In the event of a violation of this ordinance, the Town may institute appropriate actions or proceedings, including injunctive relief to prevent, restrain, correct or abate such violations, and to recover costs of prosecution.
4. Authority. This ordinance is adopted under the authority of Minnesota Statutes Section 462.355, Subd. 4, and Chapter 365.
5. Effective Date and Termination. This ordinance shall take effect upon its passage and publication and shall remain in effect for twelve (12) months, unless extended as authorized by law.
6. Planning Commission to Study and Report. The Planning Commission of the Town of Rockford is hereby authorized and instructed to immediately commence study of potential ordinances and ordinance language consistent with the requirements of this ordinance and to make recommendations to the Town Board within the time frame provided for by this Ordinance;
7. Summary Approved. the Board of Supervisors of the Town of Rockford hereby adopts the following summary of the Ordinance:

On this 7 day of November, 2018 the Board of Supervisors of the Town of Rockford adopted the Interim Ordinance for Protecting the Town of Rockford During Land Use Planning Process. The Ordinance prohibits commencement of or processing applications for mining activities and shall remain in effect for a period of twelve (12) months, unless it is earlier rescinded, or is extended as authorized by law.

A printed copy of the whole Ordinance is available for inspection in person at the offices of the Town Clerk, 3039 Dague Avenue SE, Buffalo, MN 55313.

The Town Clerk can be contacted if a copy of the Ordinance is needed.

8. Publication and Recording. The Town Clerk is forthwith directed to publish, post

and record the Ordinance as follows:

- a. The Clerk shall publish the entire text of the Ordinance in the Wright County Journal Press in body type no smaller than Brevier or 8 point type. The Clerk is instructed to record the Ordinance in the Town's Ordinance book within twenty (20) days after publication of the title and summary. Proof of said publication shall be attached to the recorded Ordinance.
- b. The Clerk is instructed to file a copy of the full text of the Ordinance with Wright County and to place a copy of the full text of the Ordinance in the Rockford library for public viewing.

All those in favor:

Dennis Beise
Greg Eckblad
Karen McDougall
John Deitering

All those opposed:

Supervisor Kjöme not present

ENACTED by the Board of Supervisors of the Town of Rockford this 7 day of November, 2018.

Dennis Beise
 Chairperson
 Town Board of Supervisors

The Ordinance and Resolution

4 passes

_____ fails

Signed/Attest

[Signature]
 Town Clerk

