

CHAPTER 13

Asphalt and Tar Mix Plants, Concrete Ready-Mix Plants and Target Ranges

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SEC. 7-13-1 DEFINITIONS.

The following definitions shall be applicable in this Chapter:

- (a) "Asphalt and Tar Paving Mix Plants" as used herein are defined as plants wherein asphalt, tar or other petroleum products or by-products are prepared or mixed, either alone or with other ingredients, as a material for paving or surfacing.
- (b) "Concrete Ready-Mix Plants" as used herein are defined as 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.
- (c) "Target Ranges" as used herein are defined as any place where fixed or movable targets are set up and arranged for the purpose of being shot at for practice or marksmanship by more than two (2) persons discharging firearms at about the same time.

SEC. 7-13-2 LICENSE REQUIRED.

No person, firm, corporation or municipality shall operate an asphalt or tar paving mix plant, a concrete ready-mix plant or a target range within the Town of Caledonia without first obtaining a license to do so from the Town Board of the Town of Caledonia as hereinafter provided in this Chapter.

SEC. 7-13-3 LICENSE APPLICATION; FEE.

- (a) **Application Data.** License applications for licenses to operate an asphalt or tar paving mix plant, concrete ready-mix plant or target range-within the Town of Caledonia shall be submitted in writing to the Town Board and shall set forth the following:
- (1) Name, residence or office address of applicant.
 - (2) Description of the premises to be used.
 - (3) Zoning of the premises to be used.
 - (4) Statement of the nature of the proposed operation, including a description of the machinery to be used; the type and amount of explosives to be used or stored, if any; the type and size of buildings to be constructed; the smoke and dust-control devices to be utilized, if any; the highways to be used for the truck traffic to and from the location; proposed devices for muffling of noise, if any; the employment of safety devices to protect the public from dangers inherent to the proposed use; deodorants or odor-control devices, if any; method of concealing unsightly deposits, if any; and other pertinent data which the applicant deems material.
 - (5) A description of the surrounding property and its use.
 - (6) Hours of intended operation.
 - (7) The method and manner of draining surface water and accumulated water from the licensed premises.
 - (8) The method and manner of restoring the area of the operation after the cessation of operation to a condition of practical usefulness and reasonable physical attractiveness.
- (b) **Fees.** The application shall be accompanied by a fee of One Hundred Twenty-five Dollars (\$125.00) to defray the cost of publication, investigation and public hearings, if any.

SEC. 7-13-4 PUBLIC HEARING FOLLOWING APPLICATION.

- (a) Upon receipt of an application submitted as provided in Section 7-13-3, the Town Board shall personally inspect the premises for which a license is requested and shall set a date for a public hearing upon such application, which said date shall not be more than fifteen (15) days after receipt of the application by the Town Board. The public hearing shall be held at the Town Hall in the Town of Caledonia, and a notice of said meeting shall be published in the Racine Journal Times at least five (5) days before the date of said public hearing, the Board shall hear all persons interested in granting or denying said license and may, if it seems fit, take testimony relative to the application.
- (b) Where the license applied for related to the continuation of an existing business as enumerated herein, no public hearing need be held.

SEC. 7-13-5 DETERMINATION BY TOWN BOARD.

- (a) Within five (5) days after the public hearing, the Town Board shall make a determination as to whether the operation of the proposed use described in the application will be detrimental to the health, safety and welfare of the public of the Town of Caledonia. Such

determination shall be made on the basis of the information contained in the application, together with the evidence presented at the public hearing and a personal inspection of the premises by the members of the Town Board.

- (b) The Town Board may, as a condition to the issuance of a license, demand an agreement with the applicant whereby the applicant agrees to restore the premises in accordance with the representations contained in the application. The Town Board may demand that a performance bond, written by a licensed surety company, in an amount sufficient to secure the performance of the restoration agreement be furnished to the Town. The Town

Engineer shall determine the amount of such bond. The Town Board shall thereupon grant or deny the license in accordance with such determination.

SEC. 7-13-6 TERM OF LICENSE.

- (a) Such license shall expire on June 30th of every year and shall not be assignable. Such license shall also terminate:
 - (1) Upon change of ownership of the land affected by such license or upon the change of ownership of the firm, company, corporation or municipality operating the licensed business.
 - (2) In the event the use specified in the license is not carried on in accordance with the representations contained in the application or in the event such use is changed to another use enumerated hereto.
- (b) In the event of the occurrence of the events enumerated in Subsections (a)(1) or (2) above, another license shall be applied for and obtained by the proposed operator as a condition precedent to the continued operation of the licensed business or the resumption of the discontinued business.
- (c) In the event of application for a license pursuant to Subsection (b) hereof or in the event of an application for the annual renewal of an existing license, the Town Board may consider the same without the necessity of holding a public hearing.
- (d) Any license issued pursuant to Subsection (b) hereof shall be deemed an original license, and the licensed operator shall be bound by the terms thereof.

SEC. 7-13-7 LICENSE REVOCATION.

- (a) **Revocation Grounds.** The following acts shall constitute grounds for revocation of license:
 - (1) 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 or other persons, firms or corporations, municipally owned or otherwise.
 - (2) Any change in the manner of operation specified in the application as approved by the Town Board in granting the original license.
- (b) **Revocation Hearing.** Any proceeding to revoke a license shall be instituted by the Town Board by the mailing of a notice of hearing on revocation to the applicant. Such notice

shall be mailed at least ten (10) days prior to the date of hearing. At such hearing, applicant may appear personally and by his attorney and present his defense to the proposed revocation. The Town Board shall have three (3) days after such hearing to make a determination of whether grounds of revocation exist. If such Board shall find that any of the conditions specified in the ordinances grounds for revocation exist, the Town Board shall forthwith revoke such license and notify the licensee by mail addressed to the licensee at the address shown in the application. Licensee shall thereafter cease and desist forthwith from the operation of the licensed premises.

SEC. 7-13-8 DENIAL OF LICENSE.

In the event a license is denied for operation of any business enumerated herein 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 (1) year from the date of such denial. In the event, however, that a new application shall reveal a material difference any of the items specified in Section 7-13-3 hereof, 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 said year.

SEC. 7-13-9 PENALTY.

Any person, firm, corporation or municipality who violates, disobeys, neglects, omits or refuses to comply with or who resists the enforcement of any of the provisions of this Section shall be subject to a forfeiture as prescribed in Section 1-1-6, together with the costs of prosecution and, in default of payment thereof, by imprisonment in the County Jail of Racine County for a term of not more than thirty (30) days or until such judgment is paid in the case of an individual; and every day of violation shall constitute a separate offense. In case any premises are used as an asphalt or tar paving mix plant, concrete ready-mix plant or target range in violation of this Chapter, action in the name of the Town of Caledonia may be instituted to enjoin such violation or intended violation; and this remedy shall be in addition to other remedies set forth in this Chapter.