

**WATERFORD TOWNSHIP
COUNTY OF DAKOTA
STATE OF MINNESOTA**

ORDINANCE NO. 2023-01

**AN INTERIM ORDINANCE ENACTING A MORATORIUM ON THE
ESTABLISHMENT OF ANY NEW OR EXPANDED MINERAL EXTRACTION
FACILITIES OR EXPANDED MINERAL EXTRACTION FACILITIES
IN ALL ZONING DISTRICTS IN WATERFORD TOWNSHIP**

WHEREAS, the Board of Supervisors of Waterford Township, Dakota County, Minnesota previously adopted Ordinance No. 2001-5 Waterford Township Zoning Ordinance, pursuant to its authority under Minnesota Statutes, Sections 462.351 to 462.364, regulating the extraction of minerals and the establishment of mineral extraction facilities in the Township; and

WHEREAS, Dakota County also regulates the extraction of minerals and the establishment of mineral extraction facilities and has provided a new draft mining extraction ordinance to the Township for the Town Board's review and consideration, the "Dakota County Soil and Water Conservation District Model Mining Ordinance as prepared May 25, 2023 and amended July 7, 2023"; and

WHEREAS, other Townships in Dakota County have recently updated their ordinances regulating the extraction of minerals and the establishment of mineral extraction facilities; and

WHEREAS, the Town Board believes that it would be in the best interests of the residents of the Township to study the changes recommended by Dakota County and its neighboring Townships regarding mineral extraction regulations to determine, if any, changes to the Township's Zoning Ordinance are needed or are advisable; and

WHEREAS, the Township has the authority under Minnesota Statutes, Sections 462.355, subd. 4 to protect its planning process by adopting an interim ordinance to regulate, restrict, or prohibit any use within the Township for a period of one year; and

WHEREAS, the Town Board, recognizing a need for a moratorium, acted at its meeting on October 20, 2023 to impose a moratorium on the extraction of minerals and the establishment of mineral extraction facilities and the adoption of this interim ordinance formalizes that decision; and

WHEREAS, the Town Board finds and determines that placing a moratorium on new or expanded mineral extraction facilities is needed to protect the planning process as well as the health, safety and welfare of the public, and is in the public's best interests. The moratorium will allow the Town Board and the Planning Commission sufficient time to study the changes proposed by Dakota County and the recent amendments made by adjacent Townships to their Zoning Ordinance regarding mineral extraction regulations and to determine whether it is necessary or advisable for the Township to amend its regulations.

NOW THEREFORE, BASED ON THE FINDINGS AND DETERMINATIONS CONTAINED HEREIN, THE TOWN BOARD OF WATERFORD TOWNSHIP ORDAINS AS FOLLOWS:

Section 1. Intent. It is the intent of this Interim Ordinance to allow Waterford Township time to study and review its Ordinances to determine what changes, if any, may be required in the regulation of mineral extraction and mineral extraction facilities and to make appropriate changes in the same in order to protect the value of properties within Waterford Township, to insure proper land use controls, and to facilitate compatibility between such property and the surrounding property.

Section 2. Authority and Purpose. The Township Board is empowered by Minn. Stat. § 462.355, Subd. 4 to pass an interim ordinance, applicable to all or a portion of its jurisdiction, for the purpose of protecting the planning process and the health, safety, and welfare of its citizens.

Section 3. Temporary Prohibition. For one year after the effective date of this Ordinance, or until such earlier time as the Waterford Township Board determines by resolution that the reasons for the moratorium no longer exist, no new or expanded mineral extraction facilities shall be established or modified within any zoning district in Waterford Township, nor shall the Township accept any new applications or process any applications for the establishment of any new or expanded mineral extraction facilities in any zoning district in Waterford Township.

Section 4. Exceptions. Specifically exempted from this prohibition are all completed applications for new or expanded mineral extraction facilities that have been submitted to the Township and are being processed including, but not limited to, the Bryan Rock Limestone Quarry, provided that final approval and acceptance of such applications has been given to such applications prior to the effective date of this Ordinance.

Section 5. Misdemeanor. Any person, persons, firm or corporation violating any provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished pursuant to Minn. Stat. § 609.02, Subd. 3, or as subsequently amended, plus costs of prosecution.

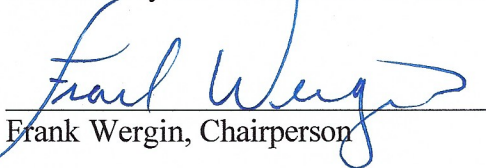
Section 6. Injunctive Relief. In the event of a violation of this ordinance, the Township may institute appropriate actions or proceedings, including requesting injunctive relief to prevent, restrain, correct, or abate such violations.


Section 7. Planning Commission. The Waterford Township Planning Commission is hereby directed to study and review the Township's Ordinances to determine what changes, if any, may be required in the regulation of mineral extraction and mineral extraction facilities in order to protect the value of properties within Waterford Township, to ensure proper land use controls, and to facilitate compatibility between such property and the surrounding property and to recommend the same to the Waterford Town Board.

Section 7. Separability. It is hereby declared to be the intention that the several provisions of this ordinance are separable in accordance with the following: if any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included in said judgment.

Section 8. Effective Date. This ordinance shall take effect from and after its passage and shall remain in effect until one year after the effective date, unless a shorter period of time is approved by proper resolution of the Waterford Township Board.

PASSED by the Town Board of the Waterford Township this 20th day of October 2023.


Frank Wergin, Chairperson


Elizabeth Wheeler, Clerk