April 8, 2015 – Introduced by Representatives DANOU, BERCEAU, BILLINGS, BOWEN, BROSTOFF, CONSIDINE, GOYKE, HEBL, KOLSTE, OHNSTAD, POPE, SINICKI, SPREITZER, SUBECK, C. TAYLOR, WACHS and ZEPNICK, cosponsored by Senators VINEHOUT, BEWLEY, CARPENTER, ERPENBACH, LASA, MILLER, RISSER and WIRCH. Referred to Committee on Mining and Rural Development.

AN ACT to create 59.69 (4i), 60.61 (3e) and 62.23 (7) (hj) of the statutes; relating to: listing frac sand mining as a conditional or prohibited use in certain types of zoning ordinances.

Analysis by the Legislative Reference Bureau

Under current law, a political subdivision (a city, village, town that is authorized to exercise village powers, or county) is authorized to enact zoning ordinances that regulate and restrict the height, number of stories, and size of buildings and other structures; the percentage of lot that may be occupied; the size of yards and other open spaces; the density of population; the location and use of buildings, structures, and land for various purposes; and the areas in which agriculture, industry, mining, and other activities may be conducted.

Under this bill, with regard to a zoning ordinance that is enacted and relates to agricultural use, frac sand mining must be listed as a conditional use. Also under this bill, with regard to a zoning ordinance that is enacted and relates to residential use, frac sand mining must be listed as a prohibited use.

The bill defines frac sand as a type of industrial sand that could be used in deep well applications to prop open rock fissures and increase the flow rate of natural gas or oil.
The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 59.69 (4i) of the statutes is created to read:

59.69 (4i) FRAC SAND MINING, ZONING ORDINANCES.  (a) Definition. In this subsection, “frac sand” means a type of industrial sand that could be used in deep well applications to prop open rock fissures and increase the flow rate of natural gas or oil.

(b) Agricultural use ordinances. With regard to any zoning ordinance enacted under this section that relates to agricultural use, frac sand mining shall be listed as a conditional use.

(c) Residential use ordinances. With regard to any zoning ordinance enacted under this section that relates to residential use, frac sand mining shall be listed as a prohibited use.

SECTION 2. 60.61 (3e) of the statutes is created to read:

60.61 (3e) FRAC SAND MINING, ZONING ORDINANCES.  (a) Definition. In this subsection, “frac sand” means a type of industrial sand that could be used in deep well applications to prop open rock fissures and increase the flow rate of natural gas or oil.

(b) Agricultural use ordinances. With regard to any zoning ordinance enacted under this section that relates to agricultural use, frac sand mining shall be listed as a conditional use.
(c) *Residential use ordinances.* With regard to any zoning ordinance enacted under this section that relates to residential use, frac sand mining shall be listed as a prohibited use.

**SECTION 3.** 62.23 (7) (hj) of the statutes is created to read:

62.23 (7) (hj) *Frac sand mining, zoning ordinances.* 1. In this paragraph, “frac sand” means a type of industrial sand that could be used in deep well applications to prop open rock fissures and increase the flow rate of natural gas or oil.

2. With regard to any zoning ordinance enacted under this subsection that relates to agricultural use, frac sand mining shall be listed as a conditional use.

3. With regard to any zoning ordinance enacted under this subsection that relates to residential use, frac sand mining shall be listed as a prohibited use.

**SECTION 4. Initial applicability.**

(1) This act first applies to a zoning ordinance that takes effect on the effective date of this subsection.

(END)