



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-2076/1  
MES:amn

## 2017 SENATE BILL 332

June 23, 2017 - Introduced by Senators VINEHOUT, CARPENTER, L. TAYLOR, MILLER, RISSER and ERPENBACH, cosponsored by Representatives BILLINGS, CONSIDINE, ANDERSON, SARGENT, SUBECK, SPREITZER, POPE, BERCEAU, C. TAYLOR and BROSTOFF. Referred to Committee on Sporting Heritage, Mining and Forestry.

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

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### *Analysis by the Legislative Reference Bureau*

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.

Under current law, 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.

**SENATE BILL 332**

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

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

2           59.69 **(4i)** FRAC SAND MINING; ZONING ORDINANCES. (a) *Definition.* In this  
3 subsection, “frac sand” means a type of industrial sand that could be used in deep  
4 well applications to prop open rock fissures and increase the flow rate of natural gas  
5 or oil.

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

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

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

13           60.61 **(3e)** FRAC SAND MINING; ZONING ORDINANCES. (a) *Definition.* In this  
14 subsection, “frac sand” means a type of industrial sand that could be used in deep  
15 well applications to prop open rock fissures and increase the flow rate of natural gas  
16 or oil.

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

