



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3824/1
MES:jld:jm

2011 SENATE BILL 405

January 27, 2012 – Introduced by Senators VINEHOUT and SHILLING, cosponsored by Representatives DANOU, BERNARD SCHABER, ROYS, C. TAYLOR, BERCEAU and POCAN. Referred to Committee on Natural Resources and Environment.

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.

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.

SENATE BILL 405

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

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.

