

CITY OF CEDARBURG
Resolution No. 2013-15 in Opposition to SB 349

Preempting Municipal Authority to Regulate Water Quality and Quantity, Air Quality, Use of Explosives, Borrow Pits Associated with DOT Construction Projects, and Nonmetallic Mining

Whereas, since the 1920s the state has granted cities and villages broad general powers to regulate for the health, safety and public welfare of the community; and

Whereas, a municipality may use its home rule powers to address local issues of concern unless the state has specifically prohibited such regulations; and

Whereas, Senate Bill 349, which was introduced on October 22, 2013, eliminates the ability of a municipality to rely on its home rule authority to regulate air quality, water quality and quantity, the use of explosives by quarry operators, and borrow pits and material disposal sites related to DOT construction projects; and

Whereas, SB 349 also reduces local government authority to enter into contracts with highway users requiring reimbursement for highway damage; and

Whereas, SB 349 also eliminates the ability of municipalities to regulate nonmetallic mining in ways other than through zoning; and

Whereas, SB 349 is unnecessarily broad and eliminates local control in areas well beyond frac sand mining; and

Whereas, by taking away statutory home rule powers, SB 349 removes from municipalities the ability to address unique local concerns and problems that might apply to denser, more populated areas, or areas with unusual topography, such as local drainage or flooding concerns, which the legislature hasn't anticipated and therefore has not specifically authorized municipalities to regulate.

Now, Therefore, Be It Resolved, that the Common Council of the City of Cedarburg opposes SB 349 as an unnecessary and overly broad attack on local control and urges Representative Duey Stroebel and Senator Glenn Grothman to vote against the bill.

Passed and adopted this 11th of November, 2013.

Kip Kinzel, Mayor

Attest:

Constance K. McHugh, City Clerk

Approved as to form:

Kaye K. Vance, City Attorney