

# Ordinance 61-88

## Crawford County Animal Waste Management Ordinance

Whereas, the subject matter of this ordinance having been duly referred to and considered by the Crawford County Land Conservation Committee and after public hearing with following comment period, and

Whereas, the authority for these regulations is granted by Section 92.16 of Wisconsin Statutes,

Now, Therefore the County Board of Supervisors of the County of Crawford does ordain as follows:

### Section 1 – Introduction

#### 1.01 Authority

This ordinance is adopted under authority granted by Section 92.16, Wis. Stats.

#### 1.02 Title

This ordinance shall be known as, referred to, and may be cited as the Crawford County Animal Waste Management Ordinance and is hereinafter referred to as the ordinance.

#### 1.03 Finding and Declaration of Policy

The Crawford County Board of Supervisors finds that storage of animal waste in earthen storage facilities not meeting technical design and construction standards may cause pollution of the surface and ground waters of Crawford County, and may result in actual or potential harm to the health of county residents and transients; to livestock, aquatic life and other animals and plants; and to the property tax base of Crawford County and,

That improper management of animal waste facilities, and utilization, including land application, of stored animal waste, may cause pollution of the surface and ground waters of Crawford County; and

The Crawford County Board of Supervisors further finds that the technical standards developed by the U.S.D.D. Soil Conservation Service and adopted by the Crawford County Land Conservation Committee provide effective, practical and environmentally safe methods of storing and utilizing animal wastes.

#### 1.04 Purpose

The purpose of this ordinance is to regulate the location, design, construction, installation, alteration, and use of earthen animal waste storage facilities, and the application of waste from these facilities; in order to prevent water pollution and thereby protect the health of Crawford County residents and transients; prevent the spread of disease; and promote the prosperity and general welfare of the citizens of Crawford County. It is also intended to provide for the administration and enforcement of the ordinance and to provide penalties for its violation.

#### 1.05 Applicability

This ordinance applies to the entire geographical area of Crawford County.

#### 1.06 Interpretation

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of Crawford County, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

#### 1.07 Severability Clause

If any section, provision, or portion of this ordinance is ruled invalid by a court, the remainder of the ordinance shall not for that reason be rendered ineffective.

#### 1.08 Effective Date

This ordinance shall become effective upon its adoption by the Crawford County Board of Supervisors and publication.

### Section 2 – Definitions

- (1) “Animal waste” means livestock excreta and other materials such as bedding, rain or other water, soil, hair, feathers, and other debris normally included in animal waste handling operation.
- (2) “Applicant” means any person who applies for a permit under this ordinance.
- (3) “Earthen animal waste storage facility” means a facility constructed of earth dikes, pits or ponds used for temporary storage of animal waste.
- (4) “Permit” means the signed, written statement issued by the Crawford County Land Conservation Committee under this ordinance authorizing the applicant to construct, install, reconstruct, enlarge, or substantially alter an earthen animal waste storage facility, and to use or dispose of waste from the facility.
- (5) “Coordinator” means the Crawford County Land Conservation Coordinator/Manager or Zoning Administrator.

- (6) "Technical Guide" means the United States Department of Agriculture Soil Conservation Service Field Office Technical Guide.

### Section 3 – Activities Subject to Regulation

#### 3.01 General Requirement

Any person who designs, constructs, enlarges or substantially alter an earthen animal waste storage facility; or who employs another person to do the same, on land subject to this ordinance, shall be subject to the provisions of this ordinance, including the animal waste management and utilization provisions of this ordinance. The waste management and utilization provisions of this ordinance are applicable only to persons who build storage facilities approved under this ordinance.

#### 3.02 Compliance with Permit Requirement

A person is in compliance with this ordinance if he or she follows the procedures of this ordinance, applies for and receives a permit from the Coordinator before beginning activities subject to regulation under this Section, and complies with the requirements for the permit.

### Section 4 – Standards

#### 4.01 Standard for Earthen animal Waste Storage Facilities

The standards for design and construction of earthen animal waste storage facilities are those in standard 425 of the Technical Guide and are adopted by reference by the Committee, and as may be amended from time to time.

#### 4.02 Standard for Animal Waste Management and Utilization

The technical standards for management of animal waste facilities and utilization of animal waste shall be those set forth in Standard 633 of the Technical Guide and are adopted by reference by the Committee, and as may be amended from time to time.

### Section 5 – Application for and Issuance of Permits

#### 5.01 Permit Required

No person may undertake an activity subject to this ordinance without obtaining a permit from the Coordinator prior to beginning the proposed activity.

#### 5.02 Exception to Permit Requirement

Emergency repairs such as repairing a broken pipe or equipment, leading dikes, or the removal of stoppages may be performed without a permit. If repairs will significantly

alter the original design and construction of the facility, a report shall be made to the Coordinator within one day of the emergency for a determination by the Coordinator on whether a permit will be required for any additional alteration or repair to the facility. The Coordinator's determination shall be rendered within one day of the reporting. The coordinator shall consult with the Land Conservation committee prior to rendering a determination.

### 5.03 The fee

The fee for a permit under this ordinance shall be \$100

### 5.04 Animal Waste Storage Facility Plan Required

Each application for a permit under this section shall include an animal waste storage facility plan. Technical assistance for plan development shall be made available to applications upon request through the Land Conservation Committee and its staff. The plan shall specify:

- (a) the number and kinds of animals for which storage is provided
- (b) a sketch of the facility and its location in relation to building within 250 feet and homes within 500 feet of the proposed facility. The sketch shall be drawn to scale, with a scale no smaller than 1 inch = 100 feet.
- (c) The structural details, including dimension, cross section, and concrete thickness
- (d) The location of any wells with 300 feet of the facility
- (e) The soil test pit locations and soil description to a depth of at least three feet below the planned bottom of the facility.
- (f) The elevation of groundwater or bedrock if encountered in the soil profile and the date of any such determinations
- (g) Provisions for adequate drainage and control of runoff to prevent pollution of surface water and groundwater. If a navigable le body of water lies within 500 feet of the facility, the location and distance to the body of water shall be shown.
- (h) The scale of the drawing and the north arrow.
- (i) A time schedule for construction of the facility.
- (j) Plans for the utilization of the animal waste, including the amount of land available for the application of waste, identification of areas where the waste will be used, soil types, and any limitations on waste application due to soil limitations, type and proximity of bedrock or groundwater, slope of land, a proximity to surface water bodies, all in accordance with Standard 633 of the Technical Guide.

### 5.05 Review of Application

The Coordinator shall receive and review all permit applications. The Coordinator shall determine if the proposed facility plan meets the requirements of this ordinance. In making this determination, the Coordinator shall consult with the Land Conservation

Committee. Within 90 days after receiving the completed application and fee, the Coordinator shall inform the applicant in writing whether the permit application is approved or disapproved. If additional information is required, the Coordinator shall so notify the permit applicant. The Coordinator has 90 days from the receipt of the additional information in which to approve or disapprove the application. If the Coordinator fails to approve or disapprove the permit application in writing within 90 days of the receipt of the permit application or additional information, as appropriate, the application shall be deemed approved and the applicant may proceed as if a permit had been issued.

#### 5.06 Permit Conditions

All permits issued under this ordinance shall be issued subject to the following conditions and requirements for the following conditions and requirements for earthen animal waste storage facilities:

- (a) Design and construction shall be carried out in accordance with the animal waste facility plan and applicable standards specified in Section 4 of this ordinance.
- (b) The permitted shall give 2 working days notice to the Coordinator before starting any construction activity authorized by the permit.
- (c) Approval in writing must be obtained from the Coordinator prior to any modifications to the approved animal waste facility plan
- (d) The permitted and, if applicable, the contractor, shall certify in writing that the facility was installed as planned

Activities authorized by permit must be completed within 2 years from the date of issuance after which such permit shall be void.

#### 5.07 Permit Revocation

The Coordinator may revoke any permit issued under this ordinance if the holder of the permit has misrepresented any material fact in the permit application or animal waste facility plan, or if the holder of the permit violated any of the conditions of the permit. The Coordinator may reinstate the permit upon showing that compliance has been achieved.

### Section 6 – Administration

#### 6.02 Administrative Duties

In the administration and enforcement of this ordinance. The Coordinator shall:

- (a) Keep an accurate record of all permit applications, animal waste facility plans, permits issued, inspections made, and other official actions.
- (b) Review permit applications and issue permits in accordance with Section 5 of this ordinance.

- (c) Inspect animal waste facility construction to insure the facility is being constructed according to plan specifications.
- (d) Investigate complaints relation to compliance with the ordinance.
- (e) Perform other duties as specified in this ordinance.

### 6.03 Inspection Authority

The Coordinator is authorized to enter upon any lands affected by this ordinance to inspect the land prior to or after permit issuance to determine compliance with this ordinance. If permission cannot be received from the applicant or permittee, entry by the Coordinator shall be according to Sections 66.122 and 66.123, Wis. Stats.

Any permit revocation or order stopping work shall remain in effect unless retracted by the Land Conservation Committee, the Coordinator, or by a court of general jurisdiction; or until the activity is brought into compliance with the ordinance. The coordinator is authorized to refer any violation of this ordinance or of an order stopping work issued pursuant to this ordinance to the Crawford County Corporate council for commencement of further legal proceedings.

### Section 7 – Violations

#### 7.01 Penalties

Any person who violated, neglects or refuses to comply with or resists the enforcement of any of the provisions of this ordinance shall be subject to a forfeiture of no less than \$100 plus costs of prosecution for each violation. An unlawful violation includes failure to comply with any standard of this ordinance or with any condition or qualification attached to the permit. Each day that a violation exists shall be a separate offense.

#### 7.02 Enforcement of Injunction

As a substitute for, and/or addition to. Forfeiture action, Crawford County may seek enforcement of any party of this ordinance by court actions seeking injunctions or restraining orders.

### Section 8 Appeals

#### 8.01 Authority

Under authority of Chapter 68, Wis. Stats., the Crawford County Land Conservation Committee, created under Section 59.878, Wis. Stats., and acting as an appeal authority under Section 68.09(2), Wis. Stats., is authorized to hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination by the Coordinator in administering this ordinance.

#### 8.02 Procedure

The rules, procedures, duties, and powers of the Land Conservation Committee and Chapter 68, Wisconsin Statutes, shall apply to this ordinance.

### 8.03 Who May Appeal

Appeals may be taken by any person having a substantial interest which is adversely affected by the order, requirement, decision, or determination made in the administering of this ordinance.