

CHAPTER 21
JUNEAU COUNTY ANIMAL WASTE MANAGEMENT ORDINANCE

21.01 Authority

This ordinance is adopted under authority by Section 59.02, 59.03 and 92.16, Wis. Stats.

21.02 Title

This ordinance shall be known as, referred to, and may be cited as, the Juneau County Animal Waste Management Ordinance and shall herein be known as the Ordinance.

21.03 Findings and Declaration of Policy

- (1) Storage of animal waste in storage facilities not meeting technical design and construction standards may cause pollution of the ground and surface water of Juneau County, and may result in actual or potential harm to the health of county residents; to livestock, aquatic life and other animals and plants; and to the property tax base of Juneau County.
- (2) Improper management of animal waste storage facilities, and utilization, including land application, of stored animal waste, may cause pollution of the ground and surface waters of Juneau County.
- (3) Technical Standards developed by USDA, Natural Resources Conservation Service (NRCS) and adopted by Juneau County Land Conservation Department provide effective, practical, and environmentally safe methods of storing and utilizing animal waste.

21.04 Purpose

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

21.05 Applicability

This Ordinance applies to the unincorporated areas of Juneau County.

21.06 Interpretation

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

21.07 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.

21.08 Effective Date

This Ordinance shall become effective upon adoption by the Juneau County Board of Supervisors and publication.

21.09 Definitions

As used in this chapter, the following terms have the meanings stated herein:

- (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 operations.
- (2) "Animal waste storage facility" for this Ordinance means a concrete, steel, or otherwise fabricated structure or an excavated or earthen impoundment or facility constructed of earth dikes, pits, or ponds used for temporary storage of animal waste or other organic waste and any waste transfer equipment, structure or facility.
- (3) "Applicant" means any person who applies for a permit under this Ordinance.
- (4) "Nutrient management plan" means a written plan detailing the amount, form, placement and timing of application of plant nutrients, including animal waste.
- (5) "Permit" means the signed, written statement issued by the Land Conservation Department with jurisdiction over Juneau County under this Ordinance authorizing the applicant to construct, install, reconstruct, enlarge or substantially alter an animal waste storage facility and to use or dispose of waste from the facility.
- (6) "Permittee" means any person to whom a permit is issued under this Ordinance.
- (7) "Person" means any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county or state agency within Wisconsin, the federal government, or any combination thereof.
- (8) "Technical guide" means the United States Department of Agriculture (USDA) Natural Resources Conservation Service **Technical Guide**.
- (9) "Water pollution" means contamination or rendering unclean or impure the ground or surface waters of the State or making the same injuries to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life.

21.10 Activities Subject to Regulation

- (1) **General Requirement**
Any person who designs, constructs, installs, reconstructs, enlarges or substantially alters an animal waste storage facility; or who employs or contracts with another person to do the same, on land subject to this Ordinance shall be subject to the provisions of this Ordinance.

- (2) **Abandonment Requirement**
Any animal waste storage facility constructed, installed, reconstructed, enlarged, or substantially altered must be properly abandoned, as defined under ATCP 50.96(10), following the guidelines specified by the Land Conservation Department.
- (3) **Compliance with Permit Requirements**
A person is in compliance with this Ordinance if he or she follows the procedures of this Ordinance, receives a permit from the Land Conservation Department before beginning activities subject to regulation under this section, and complies with the requirements of the permit.

21.11 Standards

- (1) **Standards for Animal Waste Storage Facilities**
The standards for design and construction of animal waste storage facilities are those in Standards 313, 358 and 425 of the Technical Guide.
- (2) **Standard for Animal Waste Management and Utilization**
The standard for management of animal waste facilities and utilization of animal waste are those in Standard 590 of the Technical Guide.

21.12 Applications for and Issuance of Permits

- (1) **Permit Required**
No person may undertake an activity subject to this Ordinance without obtaining a permit from the Land Conservation Department, who has jurisdiction over Juneau County, prior to beginning the proposed activity.
- (2) **Exception to Permit Requirement**
Emergency repairs such as repairing a broken pipe or equipment, leaking 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 Land Conservation Department within one (1) business day of the emergency for determination by the Land Conservation Department on whether a permit will be required for any additional alteration or repair to the facility. The Land Conservation Department's determination shall be rendered within three (3) business days of the report.
- (3) **Fee**
The fee for a permit for this Ordinance is \$0.00. The Land Conservation Committee shall review this fee schedule periodically.
- (4) **Animal Waste Storage Facility Plan and Nutrient Management Plan Required**
Each application for a permit under this section shall include an animal waste storage facility plan and nutrient management plan. Technical assistance for plan development shall be made available to applicants upon request through the Land Conservation Committee and/or its staff. The animal waste storage facility plan shall

specify:

- (a) the number and kinds of animals for which storage is provided.
 - (b) a plan view of the facility and its location in relation to buildings within 250 feet and homes within 500 feet of the proposed facility. The plan view shall be drawn to scale, with a scale no smaller than 1 inch = 100 feet.
 - (c) the structural details, including dimensions, cross-sections, and concrete thickness and reinforcing.
 - (d) the location of any wells within 300 feet of the facility.
 - (e) the soil test pit locations and soil descriptions to a depth of at least three feet below the planned bottom of a facility.
 - (f) the elevation for 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 and ground water. If a navigable 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 drawing and the north arrow.
 - (i) a time schedule for construction of the facility.
 - (j) a description of the method in transferring animal waste into and out of the facility.
- (5) The nutrient management plan shall specify plans for utilization of the animal waste, including the amount of land available for application of waste, identification of the areas where the waste will be used, soil types and any limitations on waste application due to soil limitations, type and proximity to bedrock or water table, slope of land, and proximity to surface water.
- (6) **Review of Application**
The Land Conservation Department shall receive and review all permit applications and shall determine if the proposed facility meets required standards set forth in Section 4 of this Ordinance. Within 30 days after receiving the completed application and fee (if any), the Land Conservation Department shall inform the applicant in writing whether the permit application is approved or disapproved. If additional information is required, the Land Conservation Department shall so notify the permit applicant. The Land Conservation Department has 30 days from the receipt of the additional information in which to approve or disapprove the permit application. If the Land Conservation Department fails to approve or disapprove the permit application in writing within 30 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 has been issued.
- (7) **Permit Conditions**
All permits issued under this Ordinance shall be issued subject to the following conditions and requirements:
- (a) animal waste storage facility design, construction, management, and utilization activities shall be carried out in accordance with the animal waste storage facility plan and applicable standards specified in Section 4 of this

Ordinance.

- (b) the permittee shall give three (3) working days notice to the Land Conservation Department prior to the start of any activity authorized by the permit.
- (c) approval in writing must be obtained from the Land Conservation Department prior to any modifications of the approved animal waste storage facility plan.
- (d) the permittee and if applicable, the contractor, shall certify in writing that the facility was installed as planned.

Construction, repair, modification, or alteration activities authorized by permit must be completed within two (2) years from the date of issuance, or the permit shall be void.

(8) Permit Revocation

The Land Conservation Department may revoke any permit issued under this Ordinance if the holder of the permit has misrepresented any material fact in the permit application, animal waste facility plan or nutrient management plan, or if the holder of the permit violates any of the conditions of the permit.

21.13 Administration

(1) Delegation of Authority

Juneau County hereby designates the Land Conservation Department to administer and enforce this Ordinance.

(2) Administrative Duties

In the administration and enforcement of this Ordinance, the Land Conservation Department shall:

- (a) keep accurate record of all permit applications, animal waste storage facility plans, nutrient management plans, permits issued, inspections made and other official actions.
- (b) review permit application and issue permits in accordance with Section 5 of this Ordinance.
- (c) inspect animal waste storage facility construction to insure the facility is being constructed according to plan specifications.
- (d) Perform a final inspection of the animal waste facility within 5 working days of receipt of written certification of completion by permittee.
- (e) investigate complaints relating to compliance with this Ordinance.
- (f) perform other duties as specified in this Ordinance.

(3) Inspection Authority

The Land Conservation Department 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 Land Conservation Department shall be had pursuant to Sections 66.122 and 66.123 Wis. Stats.

- (4) **Enforcement Authority**
The Land Conservation Department is authorized to post an order stopping work upon land which has had a permit revoked or on land currently undergoing activity in violation of this Ordinance. Notice is given by both, (a) posting upon the land where the violation occurs, one or more copies of a poster stating the violation, and (b) by mailing a copy of the order by certified mail to the person(s) whose activity is in violation of this Ordinance. The order shall specify that the activity must cease or be brought into compliance within five (5) days.
- (5) Any permit revocation or order stopping work shall remain in effect unless rescinded by the Land Conservation Committee, the Land Conservation Department, or by the Juneau County Circuit Court or until the activity is brought into compliance with the Ordinance. The Land Conservation Department is authorized to refer any violation of this Ordinance or of an order stopping work issued pursuant to this Ordinance to the corporation counsel or district attorney for commencement of further legal proceedings.

21.14 Violations

- (1) **Penalties**
Any person who violates, 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 not less than \$200.00 plus cost of prosecution for each violation. A 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 considered a separate offense. Citations may be issued pursuant to law for violations to the Ordinance.
- (2) **Enforcement of Injunction**
As a substitute for or in addition to forfeiture activities, Juneau County may seek enforcement of any part of this Ordinance by court actions seeking injunctions or restraining orders.

21.15 Appeals

- (1) **Authority**
Under authority of Chapter 68, Wis. Stats., the Juneau County Land Conservation Committee, created under Section 59.70(19)(20) Wis. Stats. and acting as an appeal authority under Section 68.10 Wis. Stats. is authorized to hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination by the Land Conservation Department in administering this Ordinance. The Committee may designate a person to act as a hearing officer in its place.
- (2) **Procedure**
The rules, procedures, duties and powers of the Land Conservation Committee under Chapter 92 Wis. Stats and of Chapter 68, Wis. Stats., shall apply to this Ordinance.
- (3) **Who May Appeal**
Appeals may be taken of any person having a substantial interest which is adversely

affected by an order, stop work order, requirements, decision or determination made by the Land Conservation Department. An appeal shall be filed in writing on a form approved by the Land Conservation Committee.