

LAFAYETTE COUNTY

ANIMAL WASTE STORAGE ORDINANCE

APPROVED BY PLANNING & ZONING COMMITTEE:

10/23/00

ADOPTED BY LAFAYETTE COUNTY BOARD OF SUPERVISORS

11/14/00

Jack Sauer , Chairman
Lafayette County Board of Supervisors

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LAFAYETTE COUNTY ANIMAL WASTE STORAGE ORDINANCE

- 6-4-6.57 (A) AUTHORITY AND NAME. This ordinance is adopted under authority granted Section 59.07(51), 59.97, 92.16, Wis. Stats.
- (B) This ordinance shall be known as, referred to, and may be cited as the Lafayette County Animal Waste Storage Ordinance and is hereinafter referred to as the Aordinance@.
- 6-4-6.58 (A) FINDINGS AND DECLARATION OF POLICY. The Lafayette County Board of Supervisors finds that storage of animal waste in storage facilities not meeting technical design and construction standards may cause pollution of the surface and ground waters of Lafayette 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 Lafayette County.
- (B) The Lafayette County Board of supervisors also find that 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 Lafayette County.
- (C) The Lafayette County Board of Supervisors further finds that the technical standards developed by the U.S.D.A. Natural Resource Conservation Service provide effective, practical, and environmentally safe methods of storing and utilizing animal waste.
- 6-4-6.59 PURPOSE. The purpose of this ordinance is to regulate the location, design, construction, installation, alteration and use of animal waste storage facilities, and the application of wastes from these facilities in order to prevent water pollution and thereby protect the health of Lafayette County residents and transients; prevent the spread of disease; and promote the prosperity and general welfare of the citizens of Lafayette County. It is also intended to provide for the administration and enforcement of the ordinance and to provide penalties for its violation.
- 6-4-6.60 INTERPRETATION. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- 6-4-6.61 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.

6-4-6.62 EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the Lafayette County Board of Supervisors and publication.

6-4-6.63 APPLICABILITY. This ordinance applies to the entire geographical area of Lafayette County and to all animal waste storage facilities constructed therein.

6-4-6.64 DEFINITIONS.

- (A) "**Animal waste**" means excreta from livestock, poultry and other materials, such as bedding, rain or other water, soil, hair, feathers, and other debris normally included in animal waste handling operations.
- (B) "**Animal waste storage facility**" means both fabricated and earthen facilities as herein defined.
- (C) "**Applicant**" means any person who applies for a permit under this ordinance.
- (D) "**Bedrock**" means the rocks that underlay soil material or at the earth's surface. Bedrock is encountered when the weathered-in-place consolidated material, larger than two millimeters(2mm)in size, is greater than fifty percent (50%) by size.
- (E) "**Earthen animal waste storage facility**" means a facility above or below grade, excavated, or constructed, of earth berms or dikes, or utilizing pits, depressions or ponds to contain animal waste and associated liquids for storage which may be lined with earth, nonstructural concrete, or a flexible membrane material.
- (F) "**Fabricated animal waste storage facility**" means a concrete, steel, or otherwise fabricated structure used in storage of animal waste with one or more walls to contain waste and associated liquids.
- (G) "**High groundwater level**" means the higher of either the elevation to which the soil is saturated as observed as a free water surface in an unlined hole, or the elevation to which the soil has been seasonally or periodically saturated as indicated by soil color patterns throughout the soil profile.
- (H) "**Manure Stack**" means an uncontained deposit of animal waste placed on an earthen, concrete or other surface for limited periods necessary to facilitate daily or periodic land spreading.
- (I) "**Permit**" means the signed, written statement issued by the Lafayette County Zoning Administrator 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.
- (J) "**Permittee**" means any person to whom a permit is issued under this ordinance.

- (K) "**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.
- (L) "**Technical Guide**" means the United States Department of Agriculture (U.S.D.A.) Natural Resource Conservation Service Technical Guide as adopted by the Lafayette County Land Conservation Committee and the Land Conservation Department.
- (M) "**Waste Utilization**" means the land application of animal waste at an environmentally acceptable rate and in such a manner as to make use of the nutrients for maintenance or improvement of the soil and plant resources.
- (N) "**Water pollution**" means contaminating or rendering unclean or impure the ground or surface waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal, or plant life.

6-4-6.65

ACTIVITIES SUBJECT TO REGULATION.

- (A) General requirement. Any person who designs, constructs, installs, reconstructs, enlarges, or alters an 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.
- (B) 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 County Zoning Administrator before beginning activities subject to regulation under this ordinance, and complies with the requirements of the permit.
- (C) Manure Stack. The ordinance shall not apply to manure stacks as defined herein, where daily or periodic direct removal to fields is implemented.

6-4-6.66

STANDARDS.

- (A) Standards for animal waste storage facilities. The standards for design and construction of animal waste storage facilities are the current Standards in the Technical Guide.
- (B) Standards for animal waste management and utilization. The standards for management of animal waste facilities and utilization of animal waste shall be the current standards in the Technical Guide.
- (C) Subsequent modification of standards. The standards of the Technical Guide are adopted and by reference made a part of this ordinance as if fully set forth. Any future amendment, revision or modification of the Standards incorporated herein are made a part of this ordinance.
- (D) Human household waste water prohibited. Human household waste water shall not be discharged into animal waste storage facilities unless provide for through other permitting process outside of this ordinance.
- (E) Standards. Any or all standards contained or referenced in this ordinance shall be maintained and available through the Lafayette County Land Conservation Department.

6-4-6.67

APPLICATION FOR AND ISSUANCE OF PERMITS.

- (A) **Permit required.** No person may undertake an activity subject to this ordinance without obtaining a permit from the County Zoning Administrator prior to beginning the proposed activity.
- (B) **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 County Zoning Administrator within two (2) work days of the emergency for a determination by the County Zoning Administrator on whether a permit will be required for any additional alteration or repair to the facility. The Zoning Administrator shall consult with the Land Conservation Department prior to rendering a determination.
- (C) **On site investigation required.** Each application for a permit under this section shall require an on site inspection prior to issuance and include a summary report on site conditions. The site inspection shall be conducted by the County Zoning Administrator and/or the Land Conservation Department staff.
- (D) **Fee.** The non-refundable fee for a permit under this ordinance shall be set by the Land Conservation Committee.

- (E) **Animal waste storage facility plan required.** Each application for a permit under this section shall include an animal waste storage facility plan. The plan shall specify:
- (1) The number and kinds of animals for which storage is provided and the duration for which storage is to be provided.
 - (2) A sketch of the facility and its location in relation to buildings 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 the North arrow scale of drawing, legal description of the proposed facility, and location, description and elevation of temporary bench mark.
 - (3) The structural details, including dimensions, cross sections, and concrete thickness.
 - (4) The construction and material specifications including but not limited to, applicable specifications for earthen fill, excavation, concrete, reinforcing steel, timber and pipes.
 - (5) The location of any wells within 300 feet of the facility.
 - (6) The soil test pit locations and soil descriptions to a depth of at least three feet below the planned bottom of the facility.
 - (7) The elevation of high groundwater level or bedrock if encountered in the soil profile and the date of any such determinations.
 - (8) Provisions for adequate drainage and control of runoff to prevent pollution of surface water and groundwater. 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.
 - (9) A time schedule for construction of the facility.
 - (10) A description of the method in transferring animal waste into and from the facility.
 - (11) Plans for utilization of the animal waste, including the amount of land available for application of waste, method, schedule, identification of the areas where the waste will be used, crops to be grown, soil types and any limitations on waste applications due to soil limitations, type and proximity of bedrock or water table, slope of land, and proximity to surface water.

- (F) **Review of application.** The County Zoning Administrator shall receive and review all permit applications and shall determine if the proposed facility meets required standards set forth in Standards of this ordinance. Within thirty (30) working days after receiving the completed application and fee, the County Zoning Administrator shall inform the applicant in writing whether the permit application is approved or disapproved. If additional information is required, the County Zoning Administrator shall so notify the permit applicant and shall have 30 working days from the receipt of the additional information in which to approve or disapprove the application. No construction may commence without the final approval by the County Zoning Administrator. In making these determinations the Zoning Administrator shall consult with the Land Conservation Department.

Storage facility design may be provided through the Department of Land Conservation, cooperating members or county, state, or federal government agencies, private consultants, prequalified or preapproved plans. Private consultants shall be registered professional engineers, licensed in the state of Wisconsin. Preapproved or prequalified plans must be approved by a registered professional engineer, licensed in the state of Wisconsin meeting the requirements of this ordinance.

- (G) **Permit conditions.** All permits issued under this ordinance shall be issued subject to the following conditions and requirements.
- (1) Animal waste storage facility design and construction, management, and utilization activities shall be carried out in accordance with the animal waste facility plans and applicable standards specified in Standards and Application for and issuance of permits Sections of this ordinance.
 - (2) The permittee shall give two (2) working days notice to the Land Conservation Department before starting any construction activity authorized by the permit.
 - (3) Approval in writing must be obtained from the Land Conservation Department prior to any modifications to the approved animal waste facility plan.
 - (4) The permittee and, if applicable, the contractor, shall certify in writing that the facility was installed as planned.
 - (5) The Land Conservation Department staff may conduct on site inspections before, during and after construction.
 - (6) Activities authorized by permit must be completed within two (2) years from the date of issuance after which such permit shall be void.
- (H) **Permit revocation.** The County Zoning Administrator may revoke any permit issued under this ordinance if the holder of the permit has misrepresented any material in the permit application or animal waste facility plan, nutrient management plan, or if the holder of the permit violates any of the conditions of the permit.

ADMINISTRATION.

- (A) **Delegation of authority.** Lafayette County hereby designates the County Zoning Administrator to administer and enforce this ordinance. The County Zoning Administrator shall seek out the technical advice of the Land Conservation Department in the administration and enforcement of this ordinance.
- (B) **Administrative duties.** In the administration of this ordinance, the County Zoning Administrator with assistance from the Land Conservation Department shall:
- (1) Keep an accurate record of all permit applications, animal waste facility plans, permits issued, inspections made, and other official actions.
 - (2) Review permit applications and issue permits in accordance with the Application for and issuance of permits Section of this ordinance.
 - (3) Inspect animal waste facility construction to insure the facility is being constructed according to plan specifications.
 - (4) Investigate complaints relating to compliance with the ordinance.
 - (5) Perform other duties as specified in this ordinance.
- (C) **Inspection authority.** The County Zoning Administrator and the Land Conservation Department are 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, the permit may be denied or entry by the County Zoning Administrator and the Land Conservation Department shall be according to Sections 66.122 and 66.123, Wis. Stats. Refusal to grant permission to enter lands affected by this ordinance for the purposes of inspection may be grounds for denial of the permit.
- (D) **Enforcement authority.** The County Zoning Administrator and the Land Conservation Department are authorized to post an order stopping work upon land which has had a permit revoked or on land in violation of this ordinance. Notice is given by both posting upon the land where the violation occurs, one or more copies of a poster stating the violation, and by mailing a copy of the order by certified mail to the person whose activity is in violation of this ordinance. The order shall specify that the activity must cease immediately and be brought into compliance within five (5) working days.
- (1) Any permit revocation or order stopping work shall remain in effect until retracted by the Board of Appeals, the County Zoning Administrator or by a court of general jurisdiction; or, until the activity is brought into compliance with the ordinance.
 - (2) The County Zoning Administrator is authorized to refer any violation of this ordinance to the corporation counsel for commencement of further legal proceedings seeking penalties and other appropriate relief in enforcement of the ordinance.

6-4-6.69

VIOLATIONS.

- (A) **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 up to \$200.00 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.
- (B) **Enforcement of injunction.** As a substitute for or as an addition to forfeiture actions, Lafayette County may seek enforcement of any part of this ordinance by court actions seeking injunctions or restraining orders.

6-4-6.70

APPEALS FROM ADMINISTRATIVE DECISIONS.

- (A) **Authority.** The Lafayette County Land Conservation Appeals Committee shall hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination by County Zoning Administrator in administering this Ordinance.
- (B) **Procedure.** Any appeal shall be made by written request, mailed or delivered to the County Zoning Administrator, 627 Washington St. Darlington, WI 53530. The request shall state the ground or grounds upon which it is contended that the decision should be modified or reversed. The Committee shall, as soon as reasonable, but no later than its next regular meeting, review the determination under appeal.
- (C) **Statutory Administrative Review and Certiorari.** The decision of the County Zoning Administrator shall be subject to further administrative review by the Appeals Committee if a written appeal seeking such review is filed within thirty (30) days after the decision of the Administrator. The decision of the Appeals Committee shall be subject to judicial review if, within thirty (30) days after the decision of the Appeals Committee an action seeking the remedy available by certiorari is commenced, as authorized by the Lafayette County Code of Ordinances and section 59.99 of the Wisconsin Statutes.
- (D) **Land Conservation Appeals Committee.** The Land Conservation Appeals Committee shall be comprised of five (5) members. The members of the Committee shall be selected by the Chairman of the County Board and shall include two (2) members of the Land Conservation Committee, one member each from the Planning and Zoning Committee, Farm Service Agency County Committee and the Finance Committee.
- (E) **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 for which review is sought.

**Animal Waste Storage Facility Permit Application
Lafayette County Department of Land Conservation**

APPLICANT NAME: _____

MAILING ADDRESS: _____

CITY & ZIP: _____

PHONE NUMBER: _____

LEGAL DESCRIPTION OF STORAGE FACILITY:

_____ 1/4 _____ 1/4, Sec. _____ T _____ N, R _____ E
TOWN OF _____
NEAREST ROAD NAME: _____

DISTANCE TO NEAREST:	STORAGE UNIT DESIGNED FOR:
Well _____ Ft.	Dairy _____ Number _____
Building _____ Ft.	Wt. _____
House _____ Ft.	Beef _____ Number _____
River, Lake or Stream _____ Ft.	Wt. _____
Lot Line _____ Ft.	Hogs _____ Number _____
Road _____ Ft.	Wt. _____
Utility _____ Ft.	Chickens _____ Number _____
	Wt. _____
	Other _____ Number _____
	Wt. _____
	Planned Storage Days _____

I hereby certify information provided is correct.

Signature of Owner or Agent Date

Fee \$25.00

FOR COUNTY USE

Application & Plans Received, Date _____
Application Rec'd by _____
Additional Information Rec'd, Date _____
Reviewed by _____
Fee Received, Amount, Date _____
Permit Issued _____ Paid by Check _____
Cash _____
Additional Information Request _____
Received From _____

Animal Waste Storage Facility Plan Checklist
Lafayette County Department of Land Conservation

This checklist is meant to be used by plan preparers to assure all the necessary information has been provided as a part of the plan. The County Land Conservation Department is allowed thirty days to review the plan for adequacy and compliance with the Standards. If a plan is submitted that does not contain the above information the county will require it to be submitted before the thirty day review period begins.

Each application for a permit is required to include an animal waste storage facility plan. The plan may include:

A plan or plans showing the facility location and site information. The plan shall be drawn to scale, with a scale no smaller than 1 inch = 100 feet.

- ___ All buildings within 250 feet
- ___ Homes within 500 feet
- ___ The North arrow.
- ___ Scale of the drawing & map legend.
- ___ Wells within 300 feet
- ___ Navigable waters within 500 feet
- ___ Temporary benchmark and its elevation
- ___ Soil test pit locations and the elevations of test pits
- ___ Legal description of the proposed facility.
- ___ The number and kinds of animals for which storage is provided.
- ___ The duration for storage is to be provided.
- ___ The Type of manure to be stored..
(Solid, Semisolid, or Liquid).
- ___ The soil test pit soil descriptions to a depth of 3 Ft below the planned bottom of the facility.
- ___ The elevation of groundwater or bedrock if encountered in the soil profile and the date of any such determinations.

- _____ Provisions for adequate drainage and control of runoff to prevent pollution of surface water and groundwater.
- _____ A time schedule for construction of the facility.
- _____ The details and plans for the method and structures used in transferring animal waste into and from the facility.

The structural details of the constructed facility, including, but not limited to:

- | | |
|---|---|
| _____ Dimensions | _____ Slope of land. |
| _____ Cross sections | _____ Proximity to surface water. |
| _____ Concrete thickness | _____ Crops to be grown. |
| _____ Reinforcing steel locations | _____ Written approval from Lafayette County Zoning |
| _____ Design loading details when other than soil Conservation Service prequalified designs and drawings are used | |

The construction and material specifications, including, but not limited to applicable specifications for:

- _____ Earthen fill
- _____ Excavation
- _____ Concrete
- _____ Reinforcing steel
- _____ Timber
- _____ Pipes
- _____ Rock
- _____ Clearing
- _____ Fencing
- _____ Fertilizer, seeding, mulching

Plans for utilization of the animal waste, including:

- _____ The amount of land available for waste application.
- _____ Identification of the areas where the waste will be used, method and schedule.
- _____ Soil types.
- _____ Any limitations on waste application due to soil limitations.
- _____ Type and proximity of bedrock or water table.

Waste Utilization
Lafayette County Department of Land Conservation

- X Waste application to land must comply with specifications, state laws, or local ordinances, whichever is most restrictive.
- X The necessary conservation practices shall be applied to the land so that the soil loss tolerance will not be exceeded on soils receiving wastes.
- X The amount of waste applied to the soil must not exceed the nitrogen requirements of the crops to be grown.
- X When applying normal applications of less than 25 tons of solid dairy manure per acre per year or its equivalent and in lieu of specific manure analyses, use the rule of thumb estimates of available nutrients in manure.
- X When applying more than 25 tons of solid dairy manure per acre per year or its equivalent, manure loading rates will be based on available N. Calculations will be made using an analysis of the manure.
- X Incorporate into the soil within 72 hours of application all applications of more than 25 tons per acre per year of solid dairy manure or its equivalent.
- X Wastes applied within the 10 year flood plain, or within 200 feet of rivers, lakes, or streams if the flood plain is not known, will be incorporated into the soil within 72 hours of application.
- X Waste will not be applied to soils less than 10 inches thick over fractured bedrock. Waste applied to shallow soils that are 10 to 20 inches thick over fractured bedrock must be incorporated within 72 hours.
- X Wastes will not be spread in a waterway, terrace channel, or any areas where there may be a concentration of runoff.
- X Wastes can be applied to frozen or snow covered soils if a and b below are met.
 - a. For slopes less than 6%, specifications 1 through 9 must be met.
 - b. For slopes 6 - 1201, the following additional provisions (if applicable) must be made to reduce runoff and pollution:
 - 1. Waterways must be well grassed.
 - 2. Where slope length exceeds twice the terrace interval, the land will be:
 - a. Terraced
 - b. Contour stripcropped with alternate strips in sod; or
 - c. Contour farmed and protected with at least 30% ground ground cover from the previous crop.

Lafayette County Planning and Zoning Office

Ag Center
627 Washington Street
Darlington, WI 53530
Phone (608) 776-4830

ANIMAL WASTE STORAGE AND GROUND WATER PROTECTION

- 1) Prior to construction of an animal waste storage facility and application for a permit must be filed at the Zoning Office and the design of the storage must be approved by the Land Conservation Office.
- 2) A permit to construct an animal waste storage facility will be issued upon approval of the plans by the Land Conservation Office.
- 3) The application is on page 12 of the packet.

Lafayette County Land Conservation Department

USDA SERVICE CENTER - 1845 Center Drive - Darlington, WI 53530 - Phone (608) 776-3836

- 1) Specifications and standards for construction can be found in the Natural Resources Conservation Technical Guide.
- 2) A check list of items to be submitted as part of the construction plan is provided on Page 14, 15 and 16 of this packet.
- 3) A waste utilization plan is also required as part of the approval process.
- 4) Questions concerning the engineering of the storage facility should be directed to the Land Conservation Office.