

**RUSK COUNTY
ANIMAL WASTE MANAGEMENT
ORDINANCE**

Adopted by the

RUSK COUNTY BOARD OF SUPERVISORS

August 19, 1986

RUSK COUNTY
ANIMAL WASTE MANAGEMENT ORDINANCE

STATE OF WISCONSIN
COUNTY OF RUSK

**I, MELANIE MEYER, COUNTY CLERK IN AND FOR THE COUNTY OF RUSK, DO
HEREBY CERTIFY THAT THIS ORDINANCE IS TRUE AND CORRECT COPY OF
THE ORDINANCE AS ADOPTED BY THE RUSK COUNTY BOARD OF
SUPERVISORS AT THEIR MEETING HELD ON AUGUST 19, 1986.**

Melanie Meyer
Rusk County Clerk

RUSK COUNTY

ANIMAL WASTE MANAGEMENT ORDINANCE

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**RUSK COUNTY
ANIMAL WASTE MANAGEMENT ORDINANCE**

SECTION I.

INTRODUCTION

1.01 Authority

This Ordinance is adopted under authority granted by sections 59.07(51) and 92.16, Stats.

1.02 Title

This Ordinance shall be known as the RUSK COUNTY ANIMAL WASTE MANAGEMENT ORDINANCE and is hereinafter referred to as the Ordinance.

1.03 Findings and Declaration of Policy

The Rusk 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 Rusk 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 Rusk County.

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

1.04 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 waste from these facilities in order to prevent water pollution and thereby protect the health of Rusk County residents and transients, prevent the spread of disease and promote the property and general welfare of the citizens of Rusk 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 shall apply to animal waste storage facilities throughout the entire geographical area of Rusk 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 Rusk 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 provision 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 Rusk County Board of Supervisors, as of January 1, 1987.

SECTION II.

DEFINITIONS

- 2.01** “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.
- 2.02** “Animal waste storage facility” means a concrete, steel, or otherwise fabricated structure, or an excavated or earthen impoundment used for temporary storage of animal waste or other organic waste.
- 2.03** “Applicant” means any person who applies for a permit under this ordinance.
- 2.04** “Permit” means the signed, written statement issued by the Land Conservation Committee or County Conservationist 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.
- 2.05** “Permittee” means any person to whom a permit is issued under this ordinance.
- 2.06** “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.

- 2.07** “Technical guide” means the United State Department of Agriculture (U.S.D.A.) Soil Conservation Service Technical Guide as adopted by the Rusk County Land Conservation Committee.
- 2.08** “Pollution or 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.
- 2.09** “Work day” shall mean Monday through Friday, except for holidays.
- 2.10** “Committee” shall mean the Land Conservation Committee.

SECTION III.

ACTIVITIES SUBJECT TO REGULATION

3.01 General Requirement

Any person who constructs, installs, reconstructs, enlarges, or substantially 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.

3.02 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 Committee before beginning activities subject to regulation under this action, and complies with the requirements of the permit.

SECTION IV.

Standards

4.01 Standards for Animal Waste Storage Facilities

The standards for design and construction of animal waste storage facilities are those in standard and specification numbers 313 and 425 of the Soil Conservation Service Technical Guide, except that animal waste storage facilities constructed under or as part of foundations of buildings to house animals and temporary storage pits less than 30 days constructed of concrete, steel or fabricated material, as long as it meets ground water and sizing guidelines, may be exempted from these requirements. Such an exemption would require a written variance granted

by the Land Conservation Committee.

4.02 Standard for Animal Waste Management and Utilization

The standard for management of animal waste facilities and utilization of animal waste are those in standard 633 of the Soil Conservation Service Technical Guide.

SECTION IV. APPLICATION FOR AN ISSUANCE OF PERMITS

5.01 Permit Required

No person may undertake an activity subject to this ordinance without a permit from the Land Conservation Committee prior to beginning the proposed activity.

5.02 Exception to Permit Requirement

Emergency repairs such as repairing 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 committee or its authorized agent within one (1) work day of the emergency for a determination by the committee or its authorized agent on whether a permit will be required for any additional alteration or repair to the facility. The committee or its authorized agent's determination shall be rendered within two (2) work days of the report.

5.03 Fee

The fee for a permit under this ordinance shall be \$80.00.

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 the applicants upon request through the Land Conservation Committee or 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 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 equals 100 feet.
- (c) The structural details, including dimensions, cross-sections, and concrete thickness.

- (d) The location of any wells within 300 feet of the facility.
- (e) The soil test pit locations and descriptions of logs 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 body of water lies within 500 feet of the facility, the location and distance to the body of water shall be shown. No structure shall be constructed within 75 feet of a navigable stream or body of water.
- (h) The scale of the 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 from the facility.
- (k) 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, type and proximity of bedrock or water table, slope of land, and proximity to surface water.

5.05 Review of Application

The Land Conservation Committee (LCC) shall receive and review all permit applications. The LCC shall determine if the proposed facility meets required standards set forth in Section IV of this ordinance. Then thirty (30) days after receiving the completed application and fee, the LCC shall inform the applicant in writing whether the permit application is approved or disapproved. If additional information is required, the LCC shall so notify the permit applicant. The LCC has fifteen (15) days from the receipt of the additional information in which to approve or disapprove the application. If the LCC fails to approve or disapprove the permit application in writing within thirty (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.

5.06 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 as required under the terms of this ordinance.
- (b) The Permittee shall give two (2) work days notice to the Land Conservation Department before starting any construction activities authorized by the permit.
- (c) Approval in writing must be obtained from the Land Conservation Committee prior to any modifications to the approved animal waste facility plan.
- (d) The Permittee and, if applicable, the contractor, shall certify in writing that the facility was installed as planned.

Activities authorized by permit must be completed within one (1) year from the date of issuance after which such permit shall be void. However, a one (1) year extension may be granted by the Land Conservation Committee.

5.07 Permit Revocation

The Land Conservation Committee 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 violates any of the conditions of the permit.

SECTION VI.

ADMINISTRATION

6.01 Delegation of Authority

Rusk County hereby designates the Land Conservation Committee to administer and enforce this ordinance.

6.02 Authorized Agent of Committee

The committee hereby establishes as its authorized agent, the position of County Conservationist. Wherever, throughout this ordinance, action is required or allowed to be taken by the committee or its authorized agent, the County Conservationist is thereby empowered to act on behalf of the committee.

6.03 Administrative Duties

In the administration and enforcement of this ordinance, the committee and/or its authorized agent 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 V of this ordinance.
- (c) Inspect animal waste facility construction to insure the facility is being constructed according to plan specifications.
- (d) Investigate complaints relating to compliance with the ordinance.
- (e) Perform other duties as specified in this ordinance.

6.04 Inspection Authority

The committee and/or its authorized agent 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 committee and/or its authorized agent shall be according to Sections 66.122 and 66.123, Stats.

6.05 Enforcement Authority

The committee and/or its authorized agent is authorized to post an order stopping work upon land which has had a permit revoked or as to land on which an activity is taking place 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 or be brought into compliance.

Any permit revocation or order stopping work shall remain in effect unless retracted by the committee and/or its authorized agent, or by a court of general jurisdiction; or until the activity is brought into compliance with this ordinance. The committee is authorized to refer any violation of this ordinance or of an order stopping work issued pursuant to this ordinance to the District Attorney for commencement of further legal proceedings.

SECTION VII.

VIOLATIONS

7.01 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 \$100.00 nor more than \$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.

7.02 Enforcement by Injunction

As a substitute for or in addition to forfeiture actions, Rusk County may seek enforcement of any part of this ordinance by court actions seeking injunctions or restraining orders.

SECTION VIII.

APPEALS

8.01 Authority

Under Chapter 68, Stats., the Land Conservation Committee is designated to act in accord with Sec. 68.09(2), Stats., to review initial determinations as to the grant or denial, revocation or conditions imposed as regarding any permits under this ordinance which are deemed to be reviewable in accord with Sec. 68.02, Stats.

8.02 Procedure

Persons alleged to have been aggrieved by any determination made under this ordinance shall follow the procedure, both as to time and other requirements, at Ch. 68, Stats.

8.03 Who May Appeal

For the purpose of this section, “persons” shall be defined in accord with Sec. 68.06, Stats., and only those who qualify under Sec. 68.01, Stats., may seek review of a determination.