

ORDINANCE 1989-1

ORDINANCE ESTABLISHING STANDARDS FOR ANIMAL WASTE STORAGE IN CALUMET COUNTY

The Board of Supervisors of Calumet County, pursuant to Section 59.07(51) and Section 92.16 Wisconsin Statutes, does hereby ordain to regulate the design and construction of animal waste storage facilities in Calumet County as follows:

Section 1 DEFINITIONS

- A. “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.
- B. “Animal waste storage facility” means a concrete, steel, or otherwise fabricated structure, or an earthen impoundment, used for temporary storage of animal waste or other organic waste.
- C. “Applicant” means any person who applies for a permit under this ordinance.
- D. “Earthen animal waste storage facility” means a facility constructed of earth dikes, pits or ponds used for temporary storage of animal waste.
- E. “Permit” means the signed, written statement issued by the County Conservationist under this ordinance authorizing the applicant to construct, install, reconstruct, enlarge, or substantially alter an animal waste storage facility.
- F. “County Conservationist” means the person employed in the Land Conservation Department who is designated Department Head.
- G. “Permittee” means any person to whom a permit is issued under this ordinance.
- H. “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.
- I. “Technical Standards” means the current revision of written standards and specifications for animal waste storage facilities developed by the USDA Soil Conservation Service, hereinafter called USDA-SCS Technical Guide, and adopted by the Calumet County Land Conservation Committee.
- J. “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.

Section 2 ACTIVITIES SUBJECT TO REGULATION

- A. 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.

- B. 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.

Section 3 STANDARDS

- A. The standards for design and construction of earthen animal waste storage facilities are those in standards 425 and 313 of the Technical Guide.
- B. The standards for animal waste management and utilization are those in standard 633 of the Technical Guide.

Section 4 APPLICATION FOR, AND ISSUANCE OF, PERMITS

- A. No person may undertake an activity subject to this ordinance without obtaining a permit from the Land Conservation Department prior to beginning the proposed activity.
- B. 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) day of the emergency for the 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 one (1) day of the reporting.
- C. The fee for a permit under this ordinance shall be \$25.00.

Section 5 PLAN REQUIREMENTS

- A. 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.
 - 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.
 - 3. The structural details, including dimensions, cross sections and concrete thickness.
 - 4. The location of any wells within 300 feet of the facility.
 - 5. The soil test pit locations and soil descriptions to a depth of at least three feet below the planned bottom of the facility.
 - 6. From each test pit; percent of soil fines passing a #200 Standard Sieve.
 - 7. If a soil liner is used, #200 sieve test, plastic index and/or permeability if necessary.
 - 8. The elevation of groundwater or bedrock if encountered in the soil profile and the date of any such determinations.
 - 9. Provisions for adequate drainage and control of facility 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.
 - 10. The scale of the drawing and the north arrow.
 - 11. A time schedule for construction of the facility.

12. 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 of bedrock or water table, slope of land, and proximity to surface water.

Section 6 REVIEW OF APPLICATION

- A. The Land Conservation Department shall receive and review all permit applications and shall determine if the proposed facility meets required standards as set forth in Section 3 of this ordinance. Within thirty (30) days after receiving the completed application and fee, 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 fifteen (15) 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 forty-five (45) days of 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.

Section 7 PERMIT CONDITIONS

- A. All permits issued under this ordinance shall be issued subject to the following conditions and requirements:
 1. Animal waste storage facility design, construction and management shall be carried out in accordance with the animal waste facility plan and applicable standards specified in Section 3 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.
- B. Activities authorized by permit must be completed within two (2) years from the date of issuance after which such permit shall be void.
- C. 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 or animal waste facility plan, or if the holder of the permit violates any of the conditions of the permit.

Section 8 ADMINISTRATIVE DUTIES

- A. Calumet County designates the County Conservationist to administer and enforce this ordinance and who 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 Section 5 of this ordinance.

3. Inspect animal waste facility construction to ensure 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.

B. 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 according to Sections 66.122 and 66.123, Wisconsin Statutes.

Section 9 ENFORCEMENT AUTHORITY

- A. 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 violation of this ordinance. Notice is given by both posting upon the land where 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 within seven (7) days.
- B. Any permit revocation or order stopping work shall remain in effect unless retracted by the Land Conservation Committee, the Land Conservation Department or by a court of general jurisdiction, or until the activity is brought into compliance with the ordinance. The County Conservationist is authorized to refer any violation of this ordinance, or of an order stopping work issued pursuant to this ordinance, to the corporation counsel for commencement of further legal proceedings.

Section 10 VIOLATIONS

- A. Any person who violates, neglects, 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 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 a violation exists shall be a separate offense.
- B. As a substitute for, or an addition to, forfeiture actions, Calumet County may seek enforcement of any part of this ordinance by court actions seeking injunctions or restraining orders.

Section 11 APPEALS

- A. Under authority of Chapter 68, Wisconsin Statutes, the Calumet County Land Conservation Committee, created under Section 59.878, Wisconsin Statutes, and acting as an appeal authority under Section 68.09(2), Wisconsin Statutes, is authorized to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination by the Land Conservation Department in administering this ordinance.
- B. The rules, procedures, duties, and powers of the Land Conservation Committee and Chapter 68, Wisconsin Statutes, shall apply to this ordinance.
- C. Appeals may be taken by any person having a substantial interest which is adversely affected by the order, requirement, decision, or determination made by the Land Conservation Department.

Section 12

- A. The provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of Calumet County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- B. 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.

Section 13

- A. This ordinance shall take effect upon passage and publication as provided by law.

Dated this 20th day of June, 1989.

Countersigned by:

Wilma Springer, Chairperson
COUNTY BOARD OF SUPERVISORS

James Weber, Chairperson

Alvin Ott

William Barribeau

Charles Lisowe

Donald Schwobe