

## **CHAPTER 11**

### **ANIMAL WASTE MANAGEMENT**

#### **SECTION 1**

Name. This ordinance shall be known as the "St. Croix County Animal Waste Management Ordinance" and is hereinafter referred to as the "ordinance".

#### **SECTION 2**

Intent

- (a) The St. Croix County Board of Supervisors finds that storage of animal waste in storage facilities not meeting technical design and construction standards and improper management and utilization of animal waste storage facilities, including land application of stored waste, may cause pollution of the surface and ground waters of St. Croix County. The Board of Supervisors further finds that such pollution endangers the health and welfare of county residents, animals and plants, and the economy of St. Croix County. The Board of Supervisors further finds that the technical standards developed by the United States Department of Agriculture's Soil Conservation Service, adopted by the St. Croix County Land Conservation Committee, provide effective, practical and environmentally safe methods of storing and utilizing animal waste.
- (b) The Board of Supervisors declares it to be the policy of this county to regulate the location, design, construction, installation, alteration, and utilization of animal waste storage facilities, and the use and application of waste from these facilities, in order to prevent the pollution of its surface and groundwaters and thereby protect the health and welfare of county residents, animals and plants, and the economy.
- (c) It is the intent of the Board of Supervisors to implement its policy by enacting this ordinance.

#### **SECTION 3.**

Geographical Area. This ordinance applies to the entire geographical area of St. Croix County.

#### **SECTION 4.**

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

#### **SECTION 5.**

Severability. Should any portion of this ordinance be declared invalid or unconstitutional for any reason by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

## **SECTION 6.**

Effective Date. This ordinance shall become effective upon its adoption by the St. Croix County Board of Supervisors and its proper publication.

## **SECTION 7.**

Definitions. In this ordinance:

- (a) "Animal waste" means livestock excreta and other materials such as bedding, rain or other water, soil, feathers and other debris normally included in animal waste handling operations.
- (b) "Animal waste storage facility" means a concrete, steel or as otherwise fabricated structure, or an excavated 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 Zoning Administrator, upon approval of the Land Conservation Committee or its agent, for design and location of the animal waste facility.
- (f) "Permittee" means any person to whom a permit is issued under this ordinance.
- (g) "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.
- (h) "Technical Guide" means the U.S.D.A. Soil Conservation Service Technical Guide as adopted by the St. Croix County Land Conservation Committee.
- (i) "Water Pollution" means contaminating or rendering unclean or impure the ground or surface waters of the county, or making the same injurious to public health, harmful for commercial or recreational use or deleterious to fish, bird or plant life.

## **SECTION 8.**

Applicability. Any person who constructs, installs, reconstructs, enlarges or substantially alters an animal waste storage facility in St. Croix County, or who has another person do the same, shall be subject to the provisions of this ordinance.

## **SECTION 9.**

### General Requirements.

- (a) No person may undertake an activity subject to this ordinance without first obtaining a permit from the county Zoning Administrator.
- (b) Emergency repairs, such as repairing or replacing a broken pipe or leaking dike, or removing stoppages, may be performed without obtaining a permit. If repair substantially alters the original design or construction of the facility, a report shall be made within 24 hours of such repair to the County Zoning Administrator, who shall forward said report to the Land Conservation Committee staff designee for a determination as to whether a permit will be required for said alterations.
- (c) The standards for design and construction of animal waste storage facilities are those found in Standards 313 and 425 of the U.S.D.A Soil Conservation Service Technical Guide.
- (d) The standards for management of animal waste facilities and utilization of animal waste are those found in Standard 633 of the U.S.D.A. Soil Conservation Service Technical Guide.

## **SECTION 10.**

Permit Fee. The fee for a permit shall be \$125.00, which is non-refundable.

## **SECTION 11.**

### Procedure for Obtaining Permit.

- (a) The following provisions set forth the procedure to obtain a permit:
  - (1) The applicant shall submit an application for a permit, a facility plan and the permit fee to the county Zoning Administrator.
  - (2) The county Zoning Administrator shall forward the facility plan to the Land Conservation Committee staff designee for review and approval or denial.
  - (3) Within 15 days of receipt of the application, facility plan and fee, excluding Saturdays, Sundays and holidays, the county Zoning Administrator shall inform the applicant in writing whether the application is approved or denied. If approved, a permit will be issued by the county Zoning Administrator.

- (4) If additional information is required, the county Zoning Administrator will notify the applicant. A decision on the application shall be made within 10 days of the receipt of the additional information, excluding Saturdays, Sundays, and holidays.
- (5) If the county Zoning Administrator fails to notify the applicant of approval or denial of the application within the time limits specified above, the application shall be deemed approved and the applicant may proceed as if a permit had been issued.
- (6) The facility plan must contain the following:
  - a. A scale drawing of the proposed facility and the location of buildings within 250 feet, wells within 300 feet, and homes within 500 feet of the proposed facility. The drawing shall also show the scale and show the direction north.
  - b. The structural details including dimensions, cross sections, and concrete thickness.
  - c. The soil test pit locations and soil descriptions to a depth of three (3) feet below the proposed bottom of the facility, and five (5) feet below the proposed bottom of the facility if located within 250 feet of a well.
  - d. The elevation of groundwater or bedrock if encountered in soil profile and the date of such determinations.
  - e. The number and kinds of animals for which storage is provided.
  - f. Provisions for adequate drainage and control of run-off of surface and groundwater. Streams, lakes, or ponds within 500 feet shall be noted.
  - g. Time schedule for construction of the facility. (Permits are good for two years.)
  - h. A description of the method used in transferring the waste from the facility.
  - i. Plans for utilization of the animal waste, amount of land available for application, identification of the areas to be used, soil types, and any limitations (water, slope of land, bedrock, sinkholes, etc.).
  - j. Short term storage.
- (7) Prior to starting any construction after a permit has been issued, the permittee shall give 2 days notice to the county Zoning Administrator, excluding Saturdays, Sundays, and holidays.

- (8) Approval in writing must be obtained prior to any modifications to the approved plans.
- (9) When construction is complete the permittee and the contractor shall certify in writing that the facility was constructed as designed. Construction authorized by permit shall be completed within 2 years from the date of issuance, after which the permit shall be null and void.

**SECTION 12.**

Permit Revocation. The Zoning Administrator may revoke any permit issued under this ordinance if the holder 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 13.**

Delegation of Authority. St. Croix County hereby designates the Zoning Administrator to administer and enforce this ordinance. The Zoning Administrator shall seek the advice of the St. Croix County Land Conservation Committee and its staff in the administration and enforcement of this ordinance.

**SECTION 14.**

Administrative duties. In the administration and enforcement of this ordinance, the Zoning Administrator 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 11 of this ordinance.
- (c) Inspect construction.
- (d) Investigate complaints relating to compliance of the ordinance.
- (e) Perform other duties as specified in the ordinance.

**SECTION 15.**

Inspection Authority. The Zoning Administrator or Land Conservation Committee staff 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, entry by the above persons shall be according to Section 66.122 and 66.123 of the Wisconsin Statutes.

## **SECTION 16.**

Enforcement Authority. The Zoning Administrator or Land Conservation Committee staff 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 both by posting upon the land where the violation occurs one or more posters 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 shall cease or be brought into compliance within 10 days. The Zoning Administrator and Land Conservation Committee staff is authorized to refer any violation of this ordinance to the District Attorney for commencement of legal action.

## **SECTION 17.**

Penalties.

- (a) 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 \$500.00 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) As a substitute for or in addition to the forfeiture action, St. Croix County may seek enforcement of any part of this ordinance by court action seeking a restraining order or injunction.

## **SECTION 18.**

Appeals.

- (a) Under authority of Chapter 68 of the Wisconsin Statutes, the St. Croix County Board of Adjustments, created under Section 59.99 of the Wisconsin Statutes, and under Section 9.8 of the St. Croix County Zoning Ordinance, shall act as the appeal authority pursuant to Section 59.99(7)(a) of the Wisconsin Statutes.
- (b) The rules, procedures, duties and powers of the Board of Adjustments and Chapter 68 of the 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 Zoning Administrator.

[Ordinance No. 130 \(85\) - November, 1985](#)