

# COLUMBIA COUNTY ANIMAL WASTE MANAGEMENT ORDINANCE

## *Title 15*

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# COLUMBIA COUNTY ANIMAL WASTE MANAGEMENT ORDINANCE

## Sec. 15-1-1 INTRODUCTION

### **(a) Authority**

This Ordinance is adopted under authority by Section 59.02, 59.03, 92.16, and 281.16(3)(a)1.-4 Wis. Stats.

### **(b) Title**

This Ordinance shall be known as, referred to, and may be cited as the Columbia County Animal Waste Management Ordinance and is hereinafter known as the Ordinance.

### **(c) Findings and Declaration of Policy**

The Columbia County Board of Supervisors finds that storage of animal waste and manure in storage facilities not meeting technical design and construction standards may cause pollution of the surface and ground waters of Columbia County, and may result in actual and 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 Columbia County.

The Columbia County Board of Supervisors finds that improper management of animal waste and manure storage facilities, and utilization, including land application, of stored animal waste, may cause pollution of the ground and surface waters of Columbia County.

The Columbia County Board of Supervisors further finds that the technical standards developed by the USDA Natural Resources Conservation Service and adopted by the Columbia County Land Conservation Committee provide effective, practical, and environmentally safe methods of storing and utilizing animal waste and manure.

### **(d) Purpose**

The purpose of this Ordinance is to regulate the location, design, construction, installation, alteration, operation, maintenance, abandonment, use of animal waste and manure storage facilities and the application of waste and manure from all storage facilities covered by this Ordinance, in order to prevent water pollution and thereby protect the health of Columbia County residents and transients; prevent the spread of disease; to further the appropriate use and conservation of land and water resources for its communities; and promote the prosperity, aesthetics and general welfare of the citizens of Columbia County. It is also intended to provide for the administration and enforcement of the Ordinance and to provide penalties for its violation.

### **(e) Applicability**

This Ordinance applies to all of the areas of Columbia County for feedlot runoff in road ditches and animal waste impoundments, and for feedlots, mismanaged pastures, and unconfined stacks in Water Quality Management Areas (WQMA). Feedlots existing prior to the effective date of this Ordinance shall be construed as being in compliance with this Ordinance until a site evaluation is made.

### **(f) 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 Columbia County, and shall

not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes (Wis. Stats.).

**(g) Abrogation, Greater Restrictions, Severability and Repeal Clause**

- (1) Abrogation and Greater Restrictions - this Ordinance is not intended to repeal, annul, abrogate, impair or interfere with any existing covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.
- (2) Severability - each section, paragraph, sentence, clause, word and provision of this Ordinance is severable and if any portion shall be deemed unconstitutional or invalid for any reason, such decision shall not affect the remainder of the Ordinance nor any part there of other than the portion affected by such decision.
- (3) Repeal - all other Ordinances or parts of Ordinances of Columbia County inconsistent or conflicting with this Ordinance to the extent of the inconsistency only, are hereby repealed.

**(h) Effective Date**

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

**Sec. 15-1-2**

**DEFINITIONS**

- (a) **“Abandoned Storage Facility”** means a waste and manure storage facility which:
  - (1) The LCC does not grant an extension of the **“Idle Storage Facility”** declaration, or
  - (2) The livestock operation of the property ceases to exist and the owner applies for an abandonment permit.
- (b) **“Agricultural Waste Management Field Handbook (AWMFH)”** is a manual that provides specific guidance for planning, designing, and managing systems where agricultural wastes are involved as published by the United States Department of Agriculture (USDA) Natural Resources Conservation Service.
- (c) **“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.
- (d) **“Applicant”** means any person who applies for a permit under this Ordinance.
- (e) **“County Conservationist”** is the title by Department of Agriculture, Trade and Consumer Protection (DATCP) given to Department Heads of Land Conservation Departments state wide.
- (f) **“DATCP”** means Wisconsin Department of Agriculture, Trade and Consumer Protection.
- (g) **“Direct Runoff”** means a pollutant discharge from a barnyard or feedlot.
- (h) **“Earthen Animal Waste Storage Facility”** means a facility constructed of earth dikes,

pits or ponds used for temporary storage of animal waste.

- (i) **“Engineering Field Handbook (EFH)”** is a manual of engineering technical data published by the USDA Natural Resources Conservation Service.
- (j) **“Existing Concrete Liner in Storage Facility”** means a concrete liner found within an animal waste and manure storage facility which fully or partially covers the bottom and/or the sidewalls of a waste and manure storage facility that has been installed and placed in use at a livestock operation in Columbia County prior to the adoption of this Ordinance.
- (k) **“Existing Earthen Storage Facility”** means an earthen animal waste and manure storage facility which has been installed and placed in use at a livestock operation in Columbia County prior to June 1, 1985.
- (l) **“Feedlot”** means a lot or building, or combination of contiguous lots and buildings, intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which animal waste may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for feeding and rearing of poultry (poultry ranges) and barns, dairy facilities, swine facilities, beef lots and barns, horse stalls, mink ranches and domesticated animal zoos, shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts.
- (m) **“Idle Storage Facility”** means a waste and manure storage facility which:
  - (1) The livestock operation on the property ceases to exist, or
  - (2) Is no longer being used for its intended purpose and no longer having any additional animal waste and manure placed into it, or
  - (3) Has not had any animal waste and manure placed into it for a period of one year, or
  - (4) Will, by all the evidence available, not again be used to store animal waste and manure by an active livestock operation.

- (n) **“Land Conservation Department (LCD)”** is the department of Columbia County government which is responsible for enforcing and providing technical and administrative support for this Ordinance and soil and water conservation activities in Columbia County.
- (o) **“Land Conservation Committee (LCC)”** is a committee made up of members of the Columbia County Board of Supervisors and others who, by authority from Chap. 92, Wis. Stats., determine policy and give direction for soil and water conservation activities. The Land Conservation Committee also provides direction for the Land Conservation Department. The Land Conservation Committee shall be the decision making board for purposes of this Ordinance.
- (p) **“Malfunctioning Storage Facility”** means an animal waste and manure storage facility which is no longer functioning as intended, as defined by the Technical Guide, AWMFH, and the EFH, and poses a real or potential threat to any person, the ground water, any stream, lake or river, or any other component of the environment. A malfunctioning storage facility includes, but is not limited to the following:
- (1) The storage facility in which the sidewall(s) or side slope(s) have been damaged or eroded, which may weaken the structure of the storage facility.
  - (2) A storage facility in which there are visible and serious damage, erosion, or deformities of the facility and shape of the inside sidewall(s) or side slope(s).
  - (3) A storage facility in which the waste and manure is visibly leaking through the sidewall(s), side slope(s), or floor.
  - (4) A storage facility in which any other serious deformity or activity that is not consistent with the design and function of a storage facility as determined by the Technical Guide, AWMFH, and the EFH.
- (q) **“Mismanaged Pastures”** means those pastures within 1,000 feet of the ordinary high-water mark of a lake, pond or flowage, 1,000 feet of the high-water mark of a glacial pothole lake as shown on the most current United States Department of the Interior Geographical Survey (USGS) topographic maps, or within 300 feet from the ordinary high-water mark of navigable waters of a river or stream, where confinement of livestock for the purpose of feeding, browsing or loafing prevent the maintenance of adequate sod cover.
- (r) **“Mismanaged Storage Facility”** means an animal waste and manure storage facility which is not functioning properly due to the neglect or carelessness of the owner or operator, and poses a real or potential threat to any person, the groundwater, any stream, lake or river, or any other component of the environment. A mismanaged storage facility includes, but is not limited to the following:
- (1) A storage facility that is overflowing or is being operated improperly and inconsistent with the recommended operating methods as defined by the Technical Guide, AWMFH, and the EFH.
  - (2) A storage facility in which the safety devices are absent or are nonfunctional.
- (s) **“Natural Resources Conservation Service (NRCS)”** is an agency of the United States Department of Agriculture which, for purposes of this chapter, provides the Columbia County Land Conservation Committee and the Land Conservation Department with technical assistance and information on the design criteria, size, shape, engineering

strength, and other necessary technical data for the proper and safe installation of a storage facility.

- (t) **“Nutrient Management Plan and 590”** means a written plan detailing the amount, form, placement, and timing of application of plant nutrients, including animal waste. A nutrient management plan is a plan that attempts to balance the nutrient needs of a crop with the nutrients available from soils, manure, commercial fertilizer, organic by-products, legume crops, and crop residues. Standard 590 of the technical guide is the standard that includes the nutrient management information. The nutrient management plan is required to ensure that suitable acreage is available for land application and crop uptake of manure nutrients.
- (u) **“Ordinary High-Water Mark”** means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.
- (v) **“Pasture”** means those areas where confinement of livestock for the purpose of grazing, feeding, browsing or loafing does not hinder the maintenance of complete sod cover.
- (w) **“Permit”** means the signed, written statement issued by the County Conservationist under this Ordinance authorizing the applicant to construct, install, reconstruct, extend, enlarge, or substantially alter an animal waste storage facility, and to use or dispose of waste from the facility.
- (x) **“Permittee”** means any person to whom a permit is issued under this Ordinance.
- (y) **“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.
- (z) **“Safety Devices, Storage Facility”** means devices, which are designed to protect humans and livestock from the hazards associated with a storage facility. Safety devices shall include the following:
  - (1) A fence around the storage facility constructed of woven wire with barbed wire above it or welded livestock panels no less than 4 feet in height or a fence or another design that will provide the same or greater protection as the aforementioned fence.
  - (2) A grate, covering the opening to the pump or gravity flow collection pit, that will hold a minimum of 400 pounds (two people) and will not allow any person, especially a child to fall between the bars of the grate. A barrier around the transfer system may be used in lieu of the grate providing the barrier provides protection to children and others that is equal to or greater than the above-mentioned grate.
  - (3) Proper ventilation is required in the area of the manure transfer system. Ventilation can be obtained by providing two or more windows in the immediate area of the transfer system, and circulation or exhaust fan along with an opening for air to the outside or to the other areas of the livestock building.
  - (4) Concrete curbing or metal posts anchored in concrete that will prevent a tractor, skid steer, or any other implement from sliding into the storage facility when pushing manure to a push off ramp.
  - (5) Gates across access roads to a storage facility. The gates shall have the same ability to keep out children and livestock as the fence for the storage facility.
  - (6) The following components of storage facilities shall have signs posted warning of lethal

gases that can accumulate. The Land Conservation Department may make such signs available.

(a) Gravity flow reception pits.

(b) Tanks (concrete or steel) used for temporary storage of manure.

(c) Any other area where lethal gases could accumulate, as determined by the LCD.

(7) Other like devices deemed necessary by the LCD, Technical Guide, AWMFH or EFH.

(aa) **“Stop Work Order”** means an order to cease any activity in the operation of, or construction of an activity subject to regulation.

(ab) **“Storage Facility”** means a waste impoundment made by constructing an embankment and/or excavating a pit or dugout, or by fabricating a structure specifically designed for the purpose of storage or holding of animal waste and manure. This includes any storage facility previously designed and installed meeting the NRCS Technical Standards current at the time of installation, any commercial-prefabricated storage facility, concreted slabs, earthen dugouts, dikes or any other waste impoundments intended for the storage of animal manure. For the purposes of this Ordinance, a storage area intended to hold an accumulation of manure within an area excavated, or diked for the purpose of storing the manure, no matter how small that accumulation may be or how long the manure is to be stored there, shall be considered a storage facility.

For the purpose of this Ordinance, a feedlot or enclosure used for holding livestock is not considered a manure storage facility, except where there is a storage facility constructed below the livestock enclosure.

(ac) **“Substantial Alteration”** means any modification to a storage facility that alters the integrity, capacity, or design requirements of the facility.

(ad) **“Technical Guide”** means the document provided by the United States Department of Agriculture (USDA) Natural Resources Conservation Service which contains technical data, including the standards referenced within this Ordinance to properly and safely locate, construct, install, alter, design, operate and maintain a storage facility as adopted by the Columbia County Land Conservation Committee in accordance with Chapter 92, Wis. Stats.

(ae) **“Technical Standard 313”** is a practice standard within the Technical Guide. This standard covers the proper location, design, construction, installation, alteration, operation and maintenance of a manure storage facility.

(af) **“Technical Standard 358”** is a practice standard within the Technical Guide. This standard covers design, material types and quality, and installation of components such as conduits, pumps, valves, and other structures or devices to transfer animal waste from buildings and yards to a storage and/or loading area for final disposal and establishes the minimum acceptable requirements for design, construction, and operation of waste transfer system components. It includes mechanical pumping or elevation differential (gravity head) systems.

(ag) **“Technical Standard 590”** is a practice standard within the Technical Guide. This standard covers managing the amount, form, placement and timing of plant nutrients associated with organic wastes (manure and organic by-products), commercial fertilizers,

legume crops and crop residues.

- (ah) **“Transfer System”** means a mechanism designed to transfer the animal waste and manure from a barn or feedlot where livestock are kept to the storage facility and/or the loading location.
- (ai) **“Unconfined Manure Stacking”** means placing of manure in stacks that are unconfined without retaining capabilities.
- (aj) **“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.
- (ak) **“Water Quality Management Area (WQMA)”** means any of the following:
  - (1) The area within 1,000 feet from the ordinary high-water mark of navigable waters that consist of a lake, pond, or flowage, except that, for a navigable water that is a glacial pothole lake as shown on the most current USGS topographic maps, “WQMA” means the area within 1,000 feet from the high-water mark of the lake.
  - (2) The area within 300 feet from the ordinary high-water mark of navigable waters that consist of a river or stream.
  - (3) A site that is susceptible to groundwater contamination or that has the potential to be a direct conduit for contamination to reach groundwater.
- (al) **“Waters of the State”** is the meaning specified under S281.01(18) Wis. Stats.

## **Sec. 15-1-3 ACTIVITIES SUBJECT TO REGULATION**

### **(a) General Requirement**

Any person who removes, abandons, locates, constructs, installs, moves, reconstructs, extends, enlarges, converts or substantially alters or changes use of an animal waste storage facility or parts thereof; 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) Mismanaged Pastures**

Any mismanaged pasture, as defined in Section 15-1-2, Definition (q), are prohibited within Water Quality Management Areas.

### **(c) Malfunctioning or Mismanaged Storage Facility**

A livestock operation may have no overflow of manure storage structures. Malfunctioning or mismanaged storage facilities shall be subject to forfeiture and injunctive provisions of this Ordinance. A storage facility found to be malfunctioning shall be repaired to a condition meeting the Technical Standards of Columbia County Land Conservation Department within one (1) year

of the date that the storage facility is found to be malfunctioning. A storage facility found to be mismanaged shall be brought into compliance with the Ordinance within a time frame as determined by the Land Conservation Department depending on the potential severity of the problem. The time frame will not exceed one (1) year and compliance may include clean up of the waste as determined by the LCD. The decision of the LCD and LCC may be appealed to the Zoning Board of Adjustment.

**(d) Idle Storage Facilities**

Removal of waste and manure and restoration of an idle manure storage facility to a safe and sanitary condition, as determined by the Land Conservation Department, is required within one (1) year of the time the storage facility becomes idle. The Land Conservation Committee may extend the Idle Storage Facility declaration for good cause, such extension not to exceed one (1) year increments. After a storage facility has been idle for two years, an inspection and report has to be made by an agricultural or civil engineer registered in the State of Wisconsin, or DATCP or NRCS or LCD engineering practitioner, reviewed and approved by the LCC, and all deficiencies corrected to current standards, before the storage facility can be put back into use.

**(e) Existing Animal Waste Storage Facilities**

No permit shall be issued to remove, abandon, move, reconstruct, extend, enlarge, convert or substantially alter the use of an existing animal waste storage facility unless such changes to the facility meets the current requirements of the Technical Guide or is brought up to those requirements.

**(f) Unconfined Manure Stacks**

No permit is required. Stacks will be regulated. Stacks shall not be placed in a Water Quality Management Area (WQMA) or adjacent to grassed waterways, drainage ways, ditches, undrained areas, areas of concentrated flow, wells or abandoned wells. Criteria - Technical Standard 313, Table 6. Upon written notice, stacks will be relocated to an approved site within two (2) weeks, subject to section 15-1-7(a).

**(g) Direct Runoff**

No pollutant discharge from a barnyard, feedlot, or stored manure to road ditches or waters of the state. Upon written notice, Land Conservation Department approved corrections shall be made within two (2) years. Subject to Section 15-1-7(a) or 92.14 or 281.65 Wis. Stats. or any other source.

**(h) Safety Devices**

Certain safety devices, as defined in Section 15-1-2, "Safety Devices, Storage Facility," are required on all storage facilities in Columbia County.

**(i) 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 Conservationist before beginning activities subject to regulation under this section, complies with the requirements of the permit and receives a final construction inspection certification by the enforcing agency. See Addendum B.

**Sec. 15-1-4**

**STANDARDS**

### **(a) Standards, Specifications and Policies**

Compliance with this Ordinance shall be through standards, specifications and policies adopted by the Columbia County Land Conservation Committee in accordance with Chapter 92, Wis. Stats., Standards and Specifications are minimums.

### **(b) Standards for Animal Waste Storage Facilities**

The following components of the USDA Natural Resources Conservation Service's Technical Guide will be used when a storage facility is to be designed, constructed, installed, moved, reconstructed, extended, enlarged, removed, abandoned, converted or substantially altered: 313-Waste Storage Facility; 358-Waste Transfer System; and 590-Nutrient Management.

### **(c) Standard for Animal Waste Management and Utilization**

The standards for management of animal waste facilities and utilization of animal waste are those in standard 590-Nutrient Management of the technical guide.

### **(d) Modification of Standards and Specifications**

Unless acted upon by the LCC, amendments to standards or specifications are made part of this Ordinance.

## **Sec. 15-1-5 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 Conservationist prior to beginning the proposed activity. Permits are required for any new storage facilities, existing storage facilities that are abandoned, substantially altered, malfunctioning or mismanaged, and idle storage facilities that are put into use after two years. Requirements of this Ordinance shall be in addition to any other rules or provisions regulating animal waste. In the case of conflict, the most stringent provisions shall apply. See also Addendum E.

### **(b) Exception to Permit Requirement**

- (1) Preexisting storage facility, except where substantially altered, malfunctioning or mismanaged.
- (2) Routine maintenance.
- (3) Emergency equipment repairs.
- (4) All emergency repairs on the animal manure storage facility or transfer system which cause any disruption of the original construction of the storage facility shall be done so as to restore the storage facility to the original state, as determined by the technical standards set forth in Section 15-1-4. Such repairs shall be further reported to the Columbia County Land Conservation Department within one (1) working day of the emergency for a determination by the County Conservationist on whether a permit will be required for any additional alteration or repair to the facility. The County Conservationist's determination shall be rendered within three working days of reporting.

### **(c) Fee**

Columbia County Code of Ordinances, Fee Schedule - Sec. 9-1-12.

### **(d) 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. See Addendum A. 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 management plan shall specify:

- (1) The number and kinds of animals, for which storage is provided, the duration for which storage is to be provided, or daily gallons and/or cubic feet of waste and manure produced.
- (2) A plan view of the facility and its location in relation to waste transfer inlet, all buildings, navigable and intermittent streams, and wetlands or water bodies within 1,000 feet of the proposed facility. The plan view shall be drawn to scale, with a scale no smaller than 1 inch = 100 feet and a north arrow.
- (3) The structural details, including but not limited to dimensions, cross-sections, and concrete thickness, concrete joint design and placement, design loads, design computations, reinforcement schedules, thickness and placement of groundwater protection liners, and all material specification.
- (4) The location of any wells within 300 feet of the facility.
- (5) The soil test pit locations, soil layer descriptions to a depth of at least five feet below the planned bottom of a facility.
- (6) The elevation of redoximorphic (mottling) features, seasonally high groundwater and/or bedrock if encountered in the soil profile and the date of any such determinations.
- (7) Provisions for adequate drainage and control of runoff to prevent pollution of surface water and groundwater. Any flood plains should be located also.
- (8) A time schedule for construction of the facility.
- (9) A description and construction plan of the method in transferring animal waste into and from the facility.
- (10) A 590 Nutrient Management Plan: The plan shall specify 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, crops, crop rotation, application rates, 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.
- (11) The general direction of groundwater flow.
- (12) Other additional information necessary to comply with this Ordinance.

**(e) Abandonment Plan Required**

Each application for an abandonment permit under this section shall include an abandonment plan. See Addendum C. The plan shall be in accordance with Technical Standard 313 and specify:

- (1) A description of the type and size of the manure storage facility and an estimate of the amount of manure in the facility.
- (2) A description of how and where the manure and soil saturated with manure will be land applied in accordance with Technical Standard 590.
- (3) A description of how the liner, if any, will be disposed of.
- (4) A description of how the manure transfer system will be removed or permanently

plugged.

- (5) A description of how the excavated area will be filled in and where the clean fill will come from.
- (6) A plan view showing the final grade, the area to be reseeded, and how rain and runoff will be diverted away from the site.
- (7) Other additional information necessary to comply with this Ordinance.

### **(f) Review of Application**

The County Conservationist shall receive and review all permit applications and shall determine if the proposed facility meets required standards set forth in Section 15-1-4 of this Ordinance. Within 30 calendar days after receiving the completed application and fee, the County Conservationist shall inform the applicant in writing whether the permit application is approved or disapproved. If additional information is required, the County Conservationist shall so notify the permit applicant. The County Conservationist has 30 calendar days from the receipt of the additional information in which to approve or disapprove the application. If the County Conservationist fails to approve or disapprove the permit application in writing within 30 calendar 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 had been issued.

### **(g) Permit Conditions**

All permits issued under this Ordinance shall be issued subject to the following conditions and requirements. Activities authorized by permit shall be completed within two (2) years from the date of issuance after which such permit shall be void.

- (1) Animal waste storage facility design, construction, management and utilization activities shall be carried out in accordance with the animal waste facility plan and applicable standards specified in Section 15-1-4 of this Ordinance. The plan shall be certified as meeting the requirements of this Ordinance by an agricultural or civil engineer registered in the State of Wisconsin, or DATCP or NRCS or LCD engineering practitioner.
- (2) Animal waste storage facility removal or abandonment shall be carried out in accordance with the animal waste storage facility abandonment plan and applicable standards specified in Section 15-1-4 of this Ordinance. The plan shall be certified as meeting the requirements of this Ordinance by an agricultural or civil engineer registered in the State of Wisconsin, or DATCP or NRCS or LCD engineering practitioner. See Addendum D.
- (3) The permittee shall give five (5) working days written notice to the Land Conservation Department before starting any construction activity authorized by the permit.
- (4) Approval in writing must be obtained from the County Conservationist prior to any changes or modifications to the approved animal waste facility plan.
- (5) Prior to use, an agricultural or civil engineer registered in the State of Wisconsin or DATCP or NRCS or LCD engineering practitioner and the permittee and, if applicable, the contractor, shall certify in writing on forms provided by the LCD that the storage facility was installed as planned, including as-built dimensions and changes or modifications as authorized per Section 15-1-5(g)(3) made during construction. See Addendum B.

- (6) The Land Conservation Department shall provide on site inspection and final approval signature for all projects under this Ordinance.

## **(h) Permit Revocation**

The County Conservationist 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. The decision of the County Conservationist may be appealed to the LCC and/or Zoning Board of Adjustment.

## **Sec. 15-1-6 ADMINISTRATION**

### **(a) Delegation of Authority**

Columbia County hereby designates the County Conservationist, or that person's representative, to administer and enforce this Ordinance.

### **(b) Administrative Duties**

In the administration and enforcement of this Ordinance, the County Conservationist or that person's representative shall:

- (1) Keep an accurate record of all permit applications, animal waste facility plans, nutrient management plans, permits issued, inspections made, and other official actions.
- (2) Review permit applications and issue permits in accordance with Section 15-1-5 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 and act upon.
- (5) Perform other duties as specified in this Ordinance.

### **(c) Inspection Authority**

Pursuant to authority granted by Section 92.07(14) Wis. Stats., the County Conservationist, or that person's representative, 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 County Conservationist, or that person's representative, shall be according to Sections 66.122 and 66.123, Wis. Stats. Refusal to grant permission to enter lands affected by this Ordinance for purposes of inspection shall be grounds for permit denial or revocation.

#### **(d) Enforcement Authority**

The County Conservationist is authorized to issue Stop Work Orders and revoke permits. The County Conservationist is authorized to post an order stopping work upon land that has had a permit revoked or on land currently undergoing activity 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 or be brought into compliance within five (5) calendar days. The County Conservationist shall provide written notification as to the reason(s) for the revocation. See also Addendum E.

Any permit revocation or order stopping work shall remain in effect unless retracted by the Board of Adjustment, Land Conservation Committee, the County Conservationist, 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 any stop work order issued pursuant to this Ordinance to the corporation counsel or district attorney for commencement of further legal proceedings.

## **Sec. 15-1-7 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 listed under Columbia County Code of Ordinance, Title 1, Chapter 2, Section 1-2-2 (e)(1) 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. Upon receipt of a verified report and request from the County Conservationist, the Sheriff shall issue a citation to a violator pursuant to law for violations of this Ordinance.

#### **(b) Enforcement of Injunction**

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

## **Sec. 15-1-8**

## **APPEALS**

### **(a) Authority**

Under authority of Chapter 68, Wis. Stats., the Columbia County Board of Adjustment, created under Section 59.99, Wis. Stats. and under Columbia County Code of Ordinances, and acting as an appeal authority under Section 59.99(7)(a), Wis. Stats., is authorized to hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination by the County Conservationist and the Land Conservation Committee in administering this Ordinance. All appeals shall specify written evidence and the reason for the request, including which requirements from this Ordinance are involved and delivered via certified mail. The Board of Adjustment shall set a meeting to hear the appeal within ten (10) calendar days of receipt of the appeal. A written decision shall be mailed to the appellant within 30 days of the appeal. The decision will affirm, deny, or modify the initial determination.

### **(b) Procedure**

The rules, procedures, duties, and powers of the Board of Adjustment and Chapter 68, Wis. Stats., shall apply to this Ordinance.

### **(c) 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 made by the County Conservationist and Land Conservation Committee.

## Columbia County *Addendum A*

### Application for a Permit to Construct an Animal Waste Storage Facility

Town of \_\_\_\_\_ Permit No. \_\_\_\_\_ Fee \_\_\_\_\_

Applicant (Landowner) \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_ Phone No. \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Road Name \_\_\_\_\_

Description:

Govt. Lot \_\_\_\_\_, \_\_\_\_\_ ¼, \_\_\_\_\_ ¼, Section \_\_\_\_\_, T \_\_\_\_\_ N, R \_\_\_\_\_ E/W

Type of Construction: \_\_\_\_\_

Does attached plan include:	Yes	No
1) Number and kinds of animals for which storage is provided? .....	_____	_____
2) The duration for which storage is provided, or daily gallons of water and manure produced? .....	_____	_____
3) A plan view of the facility and its location in relation to buildings within 1000 feet and homes within 500 feet? .....	_____	_____
4) Scale of drawing and north arrow? .....	_____	_____
5) Structural details (dimensions, cross-sections, material specifications)? .....	_____	_____
6) Location of any wells within 300 feet of the facility? .....	_____	_____
7) Soil test, pit locations, and soil layer descriptions? .....	_____	_____
8) Elevation of high groundwater or bedrock, and date determined? .....	_____	_____
9) Location and distance of facility to navigable body of water (if within 1000 feet), and provisions for adequate drainage and control of runoff? .....	_____	_____
10) Time schedule for construction of the facility? .....	_____	_____
11) Description and construction plan of method of transfer into and from the facility? .....	_____	_____
12) "Warning Signs" needed? .....	_____	_____
13) A 590 Nutrient Management Plan? .....	_____	_____

On site assistance provided? Yes/No By : \_\_\_\_\_ Date \_\_\_\_\_

Attached plans reviewed by: \_\_\_\_\_

Approved: Yes/No Name \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Property owner's statement:

The undersigned hereby makes application for a permit to construct an animal waste facility on the property herein described. The work to be performed is described in the attached plan. The undersigned agrees that all such work shall comply with all applicable animal waste facility standards as set in the Columbia County Animal Waste Management Ordinance, other applicable County Ordinances and the laws and regulations of the State of Wisconsin.

The undersigned also agrees to certify in writing, upon installation of the facility, that the facility was installed as planned. Deviations from the original plan must be reviewed and approved by the County Conservationist prior to installation.

Applicant's Signature \_\_\_\_\_ (Landowner) Date \_\_\_\_\_

For Office Use:

Permit issued \_\_\_\_\_ Permit denied \_\_\_\_\_ Reason for denial \_\_\_\_\_

Construction certification received \_\_\_\_\_

**ADDENDUM B**  
**COLUMBIA COUNTY**  
**CONSTRUCTION CERTIFICATION FORM**

Permit \_ \_\_\_\_\_ Permittee \_\_\_\_\_

The undersigned hereby certify that the animal waste storage facility authorized for construction under permit number \_\_\_\_\_ has been installed according to its approved plan specification.

Engineer's signature \_\_\_\_\_ Date \_\_\_\_\_

Permittee's signature \_\_\_\_\_ Date \_\_\_\_\_

Contractor's signature\* \_\_\_\_\_ Date \_\_\_\_\_

LCD signature \_\_\_\_\_ Date \_\_\_\_\_

\*The Contractor's signature is required only if the person installing the animal waste facility is someone other than the permittee.

22F - Signs needed      Yes    No

Installed                      Yes    No

## Columbia County *Addendum C* Application for a Permit to Abandon an Animal Waste Storage Facility

Town of \_\_\_\_\_ Permit No. \_\_\_\_\_ Fee \_\_\_\_\_

Applicant (Landowner) \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_ Phone No. \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Road Name \_\_\_\_\_

Description:

Govt. Lot \_\_\_\_\_, \_\_\_\_\_ ¼, \_\_\_\_\_ ¼, Section \_\_\_\_\_, T \_\_\_\_\_ N, R \_\_\_\_\_ E/W

Type of Construction: \_\_\_\_\_

Does attached plan include:	Yes	No
1) A description of the type and size of the manure storage facility and an estimate of the amount of manure in the facility? .....	_____	_____
2) A description of how and where the manure and soil saturated with manure will be land applied in accordance with Technical Standard 590? .....	_____	_____
3) A description of how the liner, if any, will be disposed of? .....	_____	_____
4) A description of how the manure transfer system will be removed or permanently plugged? .....	_____	_____
5) A description of how the excavated area will be filled in and where the clean fill will come from? .....	_____	_____
6) A plan view showing the final grade, the area to be reseeded, and how rain and runoff will be diverted away from the site? .....	_____	_____
7) Other additional information necessary to comply with this Ordinance? .....	_____	_____

On site assistance provided? Yes/No By: \_\_\_\_\_ Date \_\_\_\_\_

Attached plans reviewed By: \_\_\_\_\_

Approved: Yes/No Name: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Property owner's statement:

The undersigned hereby makes application for a permit to abandon an animal waste facility on the property herein described. The work to be performed is described in the attached plan. The undersigned agrees that all such work shall comply with all applicable animal waste facility standards as set in the Columbia County Animal Waste Management Ordinance, other applicable County Ordinances and the laws and regulations of the State of Wisconsin.

The undersigned also agrees to certify in writing, upon abandonment of the facility, that the facility was abandoned as planned. Deviations from the original plan must be reviewed and approved by the County Conservationist prior to installation.

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_  
(Landowner)

For Office Use:

Permit issued \_\_\_\_\_ Permit denied \_\_\_\_\_ Reason for denial \_\_\_\_\_

Abandonment certification received \_\_\_\_\_

**ADDENDUM D**  
**COLUMBIA COUNTY**  
**ABANDONMENT CERTIFICATION FORM**

Permit \_\_\_\_\_ Permittee \_\_\_\_\_

The undersigned hereby certify that the animal waste storage facility authorized for abandonment under permit number \_\_\_\_\_ has been abandoned according to its approved plan specification.

Engineer's signature \_\_\_\_\_ Date \_\_\_\_\_

Permittee's signature \_\_\_\_\_ Date \_\_\_\_\_

Contractor's signature\* \_\_\_\_\_ Date \_\_\_\_\_

LCD signature \_\_\_\_\_ Date \_\_\_\_\_

\*The Contractor's signature is required only if the person abandoning the animal waste facility is someone other than the permittee.

**ADDENDUM E**

PERMIT FLOW CHART

COLUMBIA COUNTY

ANIMAL WASTE MANAGEMENT ORDINANCE

			PERMIT	WHEN	FEE**	STANDARDS	ENFORCEMENT
COUNTY WIDE	STORAGE FACILITY	New	Yes	*Prior	Yes	Construction	Stop Work
		Preexisting	Yes	*Substantially Altered Mismanaged Malfunctioning Idle (after 2 years) Abandoned	Yes	Construction	Stop Work
			No	Functional	No	None	None

\*Permit needed prior to construction

\*\*Columbia County Code of Ordinances, Fee Schedule - Sec. 9-1-12.