

ORDINANCE NO. 794

AN ORDINANCE AMENDING CHAPTER 13, SECTION 13.02, ENVIRONMENT, CODE OF ORDINANCES, DODGE COUNTY, WISCONSIN.

WHEREAS, Section 92.16 of the Wisconsin Statutes permits a county to enact an ordinance requiring manure storage facilities constructed after July 2, 1983, to meet the technical standards of the county and rules of the Department of Agriculture, Trade and Consumer Protection; and,

WHEREAS, the Dodge County Land Conservation Committee has studied the current Dodge County Animal Waste Storage and Nutrient Utilization Ordinance, and has determined that the ordinance should be amended to secure the protection of the County's water resources and public health and safety;

SO, NOW, THEREFORE,

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF DODGE DOES ORDAIN AS FOLLOWS:

Section 1. Section 13.02 of the Code of Ordinances, Dodge County, Wisconsin, is hereby repealed and recreated as follows:

**(A) INTRODUCTION**

- (1) Authority. This section is adopted under authority granted by §§59.70(1) and 92.16 of the Wis. Stats.
- (2) Title. This ordinance shall be known as, referred to and may be cited as the Dodge County Manure Storage and Nutrient Utilization Ordinance and is hereinafter referred to as the ordinance.
- (3) Findings and Declaration. The Dodge County Board of Supervisors finds that storage of manure in storage facilities not meeting technical design and construction standards may cause pollution of the surface and groundwaters of Dodge 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 Dodge County. The Dodge County Board of Supervisors also finds that improper management of Manure Storage Facilities,

including improper land application of stored manure, may cause pollution of the ground and surface waters of Dodge County. The Dodge County Board of Supervisors also finds that manure storage facilities left improperly closed over time may cause pollution of surface and ground waters, and may cause unsafe conditions to county residents and transients if not closed using appropriate technical standards and specifications. The Dodge County Board of Supervisors further finds that the technical standards developed by the U.S.D.A. Natural Resources Conservation Service and adopted by the Dodge County Land Conservation Committee provide effective, practical and environmentally safe methods of storing and managing manure.

- (4) Purpose. The purpose of this ordinance is to regulate the location, design, construction, alteration, closure and use of all manure storage facilities; the transfer of manure into storage facilities, and the proper utilization of manure from storage facilities covered by this ordinance; in order to prevent water pollution, and thereby protect the health and safety of residents and transients, prevent the spread of disease, and promote the prosperity and general welfare of the citizens of Dodge County. It is also intended to provide for the administration and enforcement of the ordinance and to provide penalties for its violation.
- (5) Applicability. This ordinance applies to all the unincorporated areas of Dodge County. Facilities constructed prior to adoption of this ordinance shall be exempt, except as indicated in Subsection (C) (3) of this ordinance.
- (6) 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 Dodge County, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- (7) Severability Clause. If any section, provision or portion of this ordinance is ruled invalid by a court, the remainder shall not for that reason be rendered ineffective.

## **(B) DEFINITIONS**

Applicant. Any person who applies for a permit under this ordinance.

Certificate of Use. The written authorization issued by the Dodge County Land Conservation Department that allows a permittee to begin using, and continue using, a new or substantially altered manure storage facility. A Certificate of Use issued under this ordinance remains in effect for as long as a manure storage facility is being used and operated, unless revoked due to noncompliance with the Certificate of Use conditions.

DATCP. The Wisconsin Department of Agriculture, Trade & Consumer Protection.

Emergency Response Plan. A written plan that identifies action steps to be taken, including names and phone numbers of key persons or organizations to contact, in the event of a manure spill, discharge or other runoff event.