

**ORDINANCE  
ROCK COUNTY BOARD OF SUPERVISORS**



Land Conservation Comm.  
INITIATED BY

Thomas Sweeney  
DRAFTED BY

Land Conservation Comm.  
SUBMITTED BY

May 9, 2014  
DATE DRAFTED

**AMENDING VARIOUS SECTIONS OF THE ROCK COUNTY ANIMAL WASTE  
MANAGEMENT ORDINANCE (CHAPTER 4, PART 9)**

1 The County Board of Supervisors of the County of Rock does ordain as follows:

2  
3 I. Chapter 4, Part 9, of the Rock County Ordinances shall be amended to read as follows (new  
4 language underscored, ~~deleted language crossed out~~):

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6  
7 **Part 9 – Animal Waste Management**

8  
9 **Subpart 1: Introduction**

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11 **4.901 Authority**

12 This Ordinance ordinance is adopted under the authority granted by ~~Sections~~ §59.02, §59.70(1),  
13 §92.07, §92.15, and §92.16, Wisconsin Statutes Wis. Stats.

14  
15 **4.902 Title**

16 This Ordinance ordinance may be cited as the Rock County Animal Waste Management  
17 Ordinance and is hereinafter referred to as “the Ordinance ordinance.”

18  
19 **4.903 Findings and Declaration of Policy**

20 The ~~Rock~~ County Board of Supervisors finds that unregulated storage of animal waste, ~~and~~  
21 ~~animal waste storage facilities, and animal waste transfer pipeline systems~~ not meeting  
22 technical design and construction standards may cause pollution of the surface water and/or  
23 groundwater in Rock County; will result in actual or potential harm to the health of County  
24 residents, transients, livestock, aquatic life and other animals and plants; and may decrease the  
25 property tax base of Rock County. The County Board also finds that improper management of  
26 animal waste storage facilities, failing and leaking animal waste storage facilities and utilization  
27 of animal wastes, including but not limited to land application of animal waste, may cause  
28 pollution of the groundwater and/or surface waters of Rock County. The County Board further  
29 finds that the technical standards developed by the United States Department of Agriculture -  
30 Natural Resources Conservation Service and adopted by the ~~Rock County~~ Land Conservation  
31 Committee provide effective, practical, and environmentally safe methods of storage, transfer,  
32 and utilization of animal waste.

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34 **4.904 Purpose**

35 The purpose of this Ordinance ordinance is to regulate the location, design, construction,  
36 installation, operation, alteration of animal waste storage facilities; the transfer systems that  
37 convey waste into and out of an animal waste storage facility; any conveyance from an animal  
38 waste storage facility to a point of application/utilization; the abandonment of an idle animal  
39 waste storage facility; the utilization of waste from an animal waste storage facility; prevent  
40 the spread of disease; to protect the waters of the state; and to promote the prosperity and  
41 general welfare of the citizens of Rock County. It is also intended to provide for the  
42 administration and enforcement of the Ordinance ordinance and to provide penalties for its  
43 violation.

14-6A-042

**4.905 Applicability**

This Ordinance ordinance applies to all unincorporated areas of the County county and to water quality management areas as defined in §Section281.16(1)(g), Wisconsin Statutes Wis. Stats., and Section 4.933 of this Ordinance ordinance.

**4.906 Interpretation**

In their interpretation and application, the provisions of this Ordinance ordinance shall be held to be minimum requirements and shall be liberally construed in favor of Rock County, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes Wis. Stats.

**4.907 Severability Clause**

If any section, provision, or portion of this Ordinance ordinance is ruled invalid by a court, with competent jurisdiction, the remainder of the Ordinance ordinance shall not for that reason be rendered ineffective.

**4.908 Effective Date**

This Ordinance ordinance shall become effective upon its adoption and publication.

**Subpart 2: Definitions**

For purposes of interpretation of this Ordinance ordinance, the following terms shall have the meanings set forth, except where the context and clear intent of the Ordinance ordinance require otherwise.

**4.909 Animal Waste.** Livestock/pet excreta and other materials such as bedding, rain, ~~or other~~ water, soil, hair, feathers, milkhouse waste products, contaminated runoff, waste processing derivatives, and other debris normally included in animal waste handling operations.

**4.910 Animal Waste Storage Facility.** A concrete, steel, or otherwise fabricated structure, or an excavated pond or earthen impoundment used for storage of animal or other organic waste which is designed to temporarily store manure, waste water, and contaminated runoff in a manner which safeguards the environment.

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

**4.9101 Animal Waste Transfer Pipeline Systems.** A system that includes pipe conduits, pipe appurtenances, and/or pumps that is used to convey/transfer animal waste to and/or from an animal waste storage facility.

**4.912 Assignee.** Any person to whom is transferred a permit or who succeeds to the ownership or control of the property/operation identified on the original application for a permit under the Ordinance ordinance prior to the expiration date of the original permit. A person succeeds to the control of a property/operation when he/she becomes the primary decision maker for the property/operation. Changes in control or ownership may be evidenced by lease, rental or sharecropping agreement, or any other form of arrangement providing for a change in management or title, where the original applicant is no longer responsible for or the primary decision maker for the operation.

**4.913 Extension.** The term of a permit may be extended for an additional six (6) months if more than fifty percent (50%) of the total construction to be done has been completed prior to the original expiration date of the permit.

**4.9131 Failing and Leaking Animal Waste Storage Facilities.** Any animal waste storage facility that fails to contain any component of animal waste that it was designed or intended to contain.

**4.914 High Groundwater.** The higher of either the elevation to which the soil is saturated as observed as a free water surface in a unlined hole, or the elevation to which the soil has been seasonally or periodically saturated as indicated by soil color patterns throughout the soil profile.

- 106 **4.915 Idle Animal Waste Storage Facility.** An animal waste storage facility that is idle for a period  
 107 of two (2) consecutive years, has had no animal waste added for one calendar year, will by all  
 108 evidence available not be used to store animal waste in the future, or is no longer being used for  
 109 its intended purpose.  
 110
- 111 **4.916 Land Conservation Committee.** A committee made up of members of the Rock County  
 112 Board of Supervisors and others who are authorized in Chapter 92, Wisconsin Statutes Wis-  
 113 Stats., to determine policy and give direction for soil and water conservation activities in Rock  
 114 County. The committee shall be referred to hereinafter as "LCC".  
 115
- 116 **4.917 Land Conservation Department.** The department of Rock County government which is  
 117 responsible for county-wide soil and water conservation activities, including those within the  
 118 scope of this Ordinance ordinance. The department shall be referred to hereinafter as "LCD".  
 119
- 120 **4.918 Livestock Operation.** A feedlot or other facility or practice where animals are fed,  
 121 confined, maintained or stabled.  
 122
- 123 **4.919 Natural Resource Conservation Service.** An agency of the United States Department of  
 124 Agriculture which for purposes of this Ordinance ordinance provides the LCC and LCD with  
 125 technical assistance and information on the design criteria, size, shape, engineering strength and  
 126 other necessary technical data for the proper and safe installation of conservation practices. The  
 127 service shall be referred to hereinafter as "NRCS".  
 128
- 129 **4.920 Nutrient Management Plan.** A document that is annually updated outlining the requirements  
 130 for managing the amount, placement, form, and timing of application of all sources of plant  
 131 nutrients to cropland or pastures. ~~A written plan detailing the amount, form, placement, and~~  
 132 ~~timing of plant nutrients application(s).~~  
 133
- 134 **4.9201 Pasture:** "Pasture" means land on which livestock graze or otherwise seek feed in a manner  
 135 that maintains the vegetative cover over the grazing area. Pasture may include bare soil areas  
 136 such as cattle lanes and supplemental feeding areas provided the bare soil areas are not  
 137 significant source of pollution to the Waters of the State.  
 138
- 139 **4.921 Permit.** A signed written statement issued by the LCD under this Ordinance ordinance  
 140 authorizing the applicant or an assignee to construct, install, reconstruct, enlarge, abandon,  
 141 temporarily abandon, or substantially alter an animal waste storage facility, and to use or  
 142 dispose of waste from a facility regulated under this Ordinance ordinance.  
 143
- 144 **4.922 Permittee.** Any person to whom a permit under this Ordinance ordinance is issued or  
 145 transferred.  
 146
- 147 **4.923 Person.** Any individual, corporation, partnership, joint venture, agency, unincorporated  
 148 association, municipal corporation, county, or state agency within Wisconsin, the federal  
 149 government insofar as it consents to jurisdiction, or any combination thereof.  
 150
- 151 **4.924 Prohibition Standards.** As identified in ~~§Section~~ 281.16(3), Wisconsin Statutes Wis-Stats.,  
 152 and Section 4.939 30.404 of this Ordinance ordinance.  
 153
- 154 **4.925 Technical Guide.** The most current documents provided by the Natural Resource  
 155 Conservation Service which contain technical information relating to the performance standards  
 156 and prohibitions referenced within this Ordinance ordinance. The Technical Guide provides  
 157 information to properly locate, construct, install, alter, design, operate and maintain  
 158 conservation practices as adopted by the LCC.  
 159
- 160 **4.926 Technical Standard 313.** A section of the Technical Guide that covers the proper location,  
 161 construction, installation, ~~abandon~~, alteration, design, operation, and maintenance of an animal  
 162 waste storage facility. ~~This section also establishes the minimum criteria for abandonment~~  
 163 ~~procedures.~~  
 164
- 165 **4.9261 Technical Standard 360.** A section of the Technical Guide that covers the decommissioning  
 166 of an animal waste storage facility or any component thereof, and/or the rehabilitation of

167 contaminated soil, in an environmentally safe manner, where agricultural waste has been  
 168 handled, treated, and/or stored and is no longer used for the intended purpose.

169

170 **4.9262 Technical Standard 430.** A section of the Technical Guide that covers the installation of pipe  
 171 conduits, pipe appurtenances, such as pumps, check valves, vents, air release valves, surge  
 172 tanks, air chambers, and other structures for the transfer of animal waste from a storage facility  
 173 to its field application point(s).

174

175 **4.9263 Technical Standard 533.** A section of the Technical Guide that covers the installation of  
 176 pumping stations designed to deliver a waste product at a designed pressure and flow rate  
 177 through a combination of pumps, associated power units, plumbing, and appurtenances. This  
 178 may include on-site fuel or energy sources, and protective covers.

179

180 **4.927 Technical Standard 590.** A section of the Technical Guide that covers managing the amount,  
 181 form, placement, and timing of plant nutrients and establishes the minimum acceptable  
 182 requirements for the application of plants nutrients associated with organic wastes (animal  
 183 waste and/or organic byproducts), commercial fertilizer, legume crops, and crop residues.

184

185 **4.928 Technical Standard 634.** A section of the Technical Guide that covers installation of  
 186 components such as conduits, pumps, valves, other structures or devices to transfer animal  
 187 waste to and from an animal waste storage facility.

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189 **4.929 Temporary Animal Waste Storage Facility Abandonment.** An animal waste storage facility  
 190 that has been idle for a period of one calendar year, has had no animal waste added for one  
 191 calendar year, or is no longer being used for its intended purpose. The owner of the system  
 192 plans to bring the system back into service within one calendar year from notification.

193

194 **4.930 Unconfined Animal Waste Stack.** A quantity of animal waste that is at least 175 cubic feet in  
 195 volume and which covers the ground surface to a depth of at least two inches and that is not  
 196 confined within an animal waste storage facility, livestock housing facility, or barnyard runoff  
 197 control facility.

198

199 **4.931 Water Pollution.** Contaminating or rendering unclean or impure the ground or surface waters  
 200 of the state; or making the same injurious to public health, harmful for commercial or  
 201 recreational use, or deleterious to fish, bird, animal or plant life.

202

203 **4.932 Waters of the State.** Notwithstanding ~~§Section~~ 281.01(18), Wisconsin Statutes ~~Wis. Stats.~~,  
 204 “waters of the state” has the meaning given in ~~§Section~~ 283.01(20), Wisconsin Statutes ~~Wis.~~  
 205 ~~Stats.~~

206

207 **4.933 Water Quality Management Area.** As defined in ~~§Section~~ 281.16(1)(g), Wisconsin Statutes  
 208 ~~Wis. Stats.~~, a water quality management area is defined as any of the following:

209

210 1. The area within one thousand (1,000) feet from the ordinary high water mark of navigable  
 211 waters that consist of a lake, pond, flowage, except that, for a navigable water that is a  
 212 glacial pot hole lake, “water quality management area” means the area within one thousand  
 (1,000) feet from the ordinary high water mark of a lake.

213

2. The area within three hundred (300) feet from the ordinary high water mark of a navigable  
 214 water that consist of a river or stream.

215

3. A site that is susceptible to groundwater contamination or that has the potential to be a direct  
 216 conduit for contamination to reach groundwater.

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### 218 **Subpart 3: Activities Subject to Regulation**

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#### 220 **4.934 General Requirement**

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222 Any person who: constructs or installs a new animal waste storage facility, or; reconstructs,  
 223 enlarges or alters an existing animal waste storage facility, or; abandons or temporarily  
 224 abandons an idle animal waste storage facility, or installs an animal waste transfer pipeline  
 225 system for conveyance of waste product stored in an animal waste storage facility, or; employs  
 226 another person to do the same, on land subject to this Ordinance ordinance, shall be subject to  
 227 the provisions of this Ordinance ordinance. Also, an animal waste storage facility or animal  
 waste transfer pipeline system that is found to be failing or leaking shall be repaired within a

228 timeframe identified by the LCD to a condition meeting the appropriate technical standard(s).  
 229 The timeframe shall not be greater than two years from the date of official notice by the LCD.

#### 231 **4.935 Compliance with Permit Requirements**

232 A person is in compliance with this Ordinance ~~ordinance~~ if he or she follows the procedures of  
 233 this Ordinance ~~ordinance~~, receives a permit from the LCD before commencing activities subject  
 234 to regulation under this section, and complies with the requirements of the permit. If  
 235 construction is not completed within twelve (12) months, a permit will be required under this  
 236 Ordinance ~~ordinance~~ to continue construction. Repair, enlargement, alteration, abandonment, or  
 237 temporary abandonment of preexisting facilities or installation of an animal waste transfer  
 238 pipeline system requires a permit that is subject to all terms of this Ordinance ~~ordinance~~.

### 240 **Subpart 4: Standards**

#### 242 **4.936 Standards for Animal Waste Storage Facilities**

243 The standards for design and construction of animal waste storage facilities and or  
 244 abandonment/closure are those found in technical standards 313, 360, 430, 533, and 634 of the  
 245 Technical Guide ~~technical guide~~ as it existed on the date of adoption of this Ordinance  
 246 ~~ordinance~~ including any and all future standards amended thereto.

#### 248 **4.937 Standards for Animal Waste Management and Utilization**

249 The standards for management of animal waste facilities and utilization of animal waste are  
 250 those in technical standard 590 of the Technical Guide ~~technical guide~~, including any and all  
 251 existing and future standards amended thereto.

#### 253 **4.938 Septage**

254 Human waste and associated wastewater shall not be discharged into animal waste storage  
 255 facilities unless permitted by applicable federal, state, or local regulations for the disposal of  
 256 human waste and wastewater.

#### 258 **4.939 Standards for Implementing Prohibitions Standards**

259 Prior to issuance of a permit under this Ordinance ~~ordinance~~ compliance with the prohibitions  
 260 standards, as identified in ~~§Section~~ 281.16(3) Wisconsin Statutes ~~Wis. Stats.~~ and any  
 261 amendments thereto, shall be addressed. The prohibitions standards are:

- 262 1. That a livestock operation may have no overflow of an animal waste storage structure.
- 263 2. That a livestock operation may have no unconfined animal waste stack in a water quality  
 264 management area.
- 265 3. That a livestock operation may have no direct runoff from a feedlot or stored animal waste  
 266 into the waters of the state.
- 267 4. That a livestock operation may not allow unlimited access by livestock to the waters of the  
 268 state in a location where high concentrations of animals prevent the maintenance of adequate  
 269 sod cover.

271 Pursuant to ~~§Section~~ 281.16(3)(e), Wisconsin Statutes ~~Wis. Stats.~~, an owner of an agricultural  
 272 facility or practice that is in existence prior to October 14, 1997 shall not be required to comply  
 273 with these prohibitions standards unless cost sharing is made available.

### 275 **Subpart 5: Application For and Issuance of Permits**

#### 277 **4.940 Permit Required**

278 No person may undertake any activity subject to this Ordinance ~~ordinance~~ without obtaining a  
 279 permit from the LCD prior to beginning the proposed activity.

#### 281 **4.941 Permit Application Forms**

282 All permit applications shall be filed on forms provided to the Applicant by the LCD.

#### 284 **4.942 Exception to Permit Requirement**

285 Emergency repairs such as repairing a broken pipe or equipment, leaking dikes, or the removal  
 286 of stoppages may be performed without a permit. If repairs will alter the original design and  
 287 construction of the facility, a report shall be filed with the LCD defining the work performed to  
 288 eliminate the emergency, within five (5) Department working days after the emergency. A  
 289 determination by the LCD will be completed on whether a permit is required for the repair or  
 290 any additional alterations needed to eliminate potential failures of the facility in the future.

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#### 4.943 Fees

The fee for a permit under this ~~Ordinance~~ ordinance shall be determined annually by the LCC during the annual LCD budget development cycle. The fee shall be no less than One Hundred Dollars (\$100.00) and shall be non-refundable and payable in advance to the LCD. Temporary Abandonment of an Animal Waste Storage Facility is exempt from the fee schedule.

#### 4.944 Fees for Violations of Ordinance

The LCD shall charge twice the fee identified in Section 4.943 of this ~~Ordinance~~ ordinance for a permit if any activity that this ~~Ordinance~~ ordinance covers has commenced prior to issuance of a permit. Section 4.942 of this ~~Ordinance~~ ordinance shall apply only for emergency repairs.

#### 4.945 Animal Waste Storage Facility, Animal Waste Transfer Pipeline System, and Nutrient Management Plan Required

Each application for a permit under this section shall include an animal waste storage facility plan and a nutrient management plan.

Technical assistance for the animal waste storage facility construction or abandonment plan development shall be through LCD, NRCS, or a consulting professional engineer registered under Chapter 443, ~~Wisconsin Statutes Wis. Stats.~~ Technical assistance for the development of a nutrient management plan shall be through the LCD; NRCS; a consultant who meets the qualifications outlined in Wisconsin Administrative Code ATCP 50 and any amendments thereto. The landowner, applicant, or assignee may develop a nutrient management plan in accordance with ATCP 50 and any amendments thereto. The conditions and criteria as outlined in Technical Standards 313, 360, 430, 533, 590, and 634 ~~and 590~~ in the Technical Guide shall be followed.

1. The Animal Waste Storage Facility Construction Plans shall include the following information as a minimum:
  - a. The number, age group, and type of animals for which storage is provided.
  - b. The total volume of animal waste and/or manure to be stored in the proposed facility.
  - c. A sketch of the facility and its location in relation to homes within five hundred (500) feet and other buildings within two hundred and fifty (250) feet and of the proposed facility. The sketch shall be drawn to scale, with a scale no larger than one (1) inch = fifty (50) feet.
  - d. All structural details, including dimensions, cross-sections, and concrete thickness and reinforcement.
  - e. The location of any wells within five hundred (500) feet of the facility.
  - f. The soil test pit locations and soil description logs of at least three feet below the planned bottom of a facility.
  - g. The elevation for groundwater or bedrock if encountered in the soil profiled and the date of any such determinations.
  - h. Provisions for adequate drainage and control of runoff to prevent pollution of surface water and groundwater. If a navigable body of water lies within one thousand (1000) feet of the facility, the location and distance to the body of water shall be shown.
  - i. The scale of drawing and the north arrow.
  - j. A time schedule for construction of the facility.
  - k. A description of the method for the transfer of animal waste into and from the facility.
  - l. An operation and maintenance plan.
2. The Animal Waste Storage Facility Abandonment Plan shall include the following information:
  - a. A detailed description of the type and size of the facility and an estimate of the volume of wastes being stored.
  - b. A detailed description of the disposal procedures for the facilities liner and/or soils saturated with animal wastes.
  - c. A detailed description of how the waste transfer system will be plugged or removed.
  - d. A detailed plan view of the proposed final grade.
  - e. A detailed seeding plan for all areas void of vegetation due to abandonment activities.
  - f. If applicable, a description of the proposed use of facility if not abandoned.
  - g. Established time frame for all identified activities, maximum allowable one hundred and twenty (120) days.

- 354 3. The Temporary Waste Storage Facility Abandonment Plan shall include the following  
 355 information:
- 356 a. A detailed description of the type and size of the facility and an estimate volume of the  
 357 wastes contained.
- 358 b. A detailed description of the disposal of the stored wastes.
- 359 c. A detailed operation and maintenance plan for the facility and components while it is  
 360 out of service.
- 361 d. Established time frame for all identified activities, maximum allowable one hundred  
 362 and twenty (120) days
- 363 4. The Nutrient Management Plan shall include the following:
- 364 a. The total land base available for utilization of waste, include all rented land.
- 365 b. A current land use map that identifies where animal waste will be spread.
- 366 c. The application rate of animal waste/manure application. (i.e. gal./ac. or tons/ac.)
- 367 d. A soils map identifying associated limitations for waste application; i.e. coarse textured  
 368 soils, high nutrient levels, surface and/or groundwater features.
- 369 e. Identification of all soils with depths less than or equal to two (2) feet to bedrock and/or  
 370 ground water table.
- 371 f. All lands with slopes greater than or equal to nine percent (9%).
- 372 g. A map identifying all surface water features.
- 373 h. Written rental agreements/easements for lands where animal waste is spread/utilized.
- 374 5. The Animal Waste Transfer Pipeline System plan shall include the following:
- 375 a. A plan view of the layout of the pipeline.
- 376 b. Profile view of the pipeline.
- 377 c. Pipe Specifications (material and sizes).
- 378 d. Pipe joint requirements.
- 379 e. Site specific construction specifications that describe in writing the installation of the  
 380 pipeline. Include the specification for pressure testing completed system.
- 381 f. Final depth of cover and all backfilling requirements.
- 382 g. Disposal requirements for excess soil material.
- 383 h. Vegetative establishment requirements.
- 384 i. An operation and maintenance plan.
- 385

#### 386 4.946 Review of Application

387 The LCD shall receive and review all permit applications and shall determine if the proposed  
 388 facility or abandonment procedures meet required standards set forth in Subpart 4 of this  
 389 Ordinance ordinance. Within thirty (30) days after receiving the completed application, fee,  
 390 and plans, as outlined in Section 4.945 of this Ordinance ordinance, the LCD shall inform the  
 391 applicant in writing whether the permit application is approved or disapproved. If additional  
 392 information is required, the LCD shall so notify the permit applicant. The LCD has thirty (30)  
 393 days from the receipt of the additional information in which to approve or disapprove the  
 394 application. If the LCD fails to approve or disapprove the permit application in writing within  
 395 thirty (30) days of the receipt of the permit application or additional information, as appropriate,  
 396 the application shall be deemed approved and the applicant may proceed as if a permit had been  
 397 issued.

#### 399 4.947 Permit Conditions

400 All permits issued under this Ordinance ordinance shall be subject to the following conditions  
 401 and requirements:

- 402 1. Animal waste storage facility abandonment, design, construction, management and/or  
 403 animal waste utilization activities shall be carried out in accordance with the plans and  
 404 applicable standards specified in Subpart Section 4 of this Ordinance ordinance and be  
 405 maintained for a minimum of 10 years.
- 406 2. The permittee shall give three (3) working days notice to LCD before starting any  
 407 construction activity authorized by the permit if the system's technical design and/or cost  
 408 sharing is provided by a governmental unit.
- 409 3. Approval in writing must be obtained from the LCD prior to any modifications to the  
 410 approved animal waste storage facility abandonment plan, construction plan, or nutrient  
 411 management plan.
- 412 4. The permittee and, if applicable, the professional engineer shall certify in writing, that the  
 413 facility was installed as in accordance to the plans submitted to the LCD and that the facility  
 414 meets all applicable standards. Certification shall be completed on forms provided by the  
 415 LCD. Such information will be forwarded to the LCD within fifteen (15) Department work

416 days of the facilities completion. No animal waste may be stored in a facility until the LCD  
417 has received certification.

- 418 5. Activities authorized by permit must be completed within twelve (12) months from the date  
419 of issuance after which such permit shall be void.
- 420 6. An extension may be applied for by the applicant or assignee prior to the expiration date if,  
421 and only if more than fifty percent of the construction activities have been completed prior  
422 to the expiration date of the original permit.
- 423 7. The permit may be assigned to a different person if the following conditions are met:  
424 a. The assignee has taken control of the property described in the original permit  
425 application.  
426 b. The assignee agrees to all original permit conditions and agrees to sign a statement  
427 stating such.  
428 c. The assignee meets the definition of Section 4.912 of this Ordinance ~~ordinance~~.
- 429 8. Within 90 days following completion of the last component of the facility, a final red lined  
430 as built plan shall be submitted with any deviations from the original plan. In no case shall  
431 a red lined as built plan be submitted later than the expiration date of the permit to construct  
432 a facility.

#### 434 4.948 Permit Revocation

435 Upon consultation with the Corporation Counsel, the LCD may revoke any permit issued under  
436 this Ordinance ~~ordinance~~ if the holder of the permit has misrepresented any material fact in the  
437 permit application, animal waste storage facility plan, nutrient management plan, or if the  
438 permittee or assignee ~~holder of the permit~~ violates any of the conditions of the permit.  
439 Notification shall be sent by certified mail to the applicant or assignee.

#### 441 Subpart 6: Administration

#### 443 4.949 Delegation of Authority

444 The Rock County Board of Supervisors hereby designates the LCD to administer and enforce  
445 this Ordinance ~~ordinance~~.

#### 447 4.950 Administrative Duties

448 In the administration and enforcement of this Ordinance ~~ordinance~~, the LCD shall:

- 449 1. Keep an accurate record of all permit applications, animal waste facility plans, nutrient  
450 management plans, permits issued, inspections made and other official actions.
- 451 2. Review permit applications and issue permits in accordance with Subpart 5 of this  
452 Ordinance ~~ordinance~~
- 453 3. Inspect animal waste facility construction to insure the facility is being constructed  
454 according to plan specifications, unless system was designed and construction over site was  
455 provided by a professional engineer.
- 456 4. Investigate complaints relating to compliance with the Ordinance ~~ordinance~~.
- 457 5. Perform other duties as specified in this Ordinance ~~ordinance~~.
- 458 6. ~~Notify landowners immediately adjacent to the applicant's property.~~

#### 460 4.951 Inspection Authority

461 The LCD is authorized to enter upon any lands affected by this Ordinance ~~ordinance~~ to inspect  
462 the land prior to or after permit issuance to determine compliance with this Ordinance  
463 ~~ordinance~~. If permission cannot be obtained from a person with apparent legal authority to  
464 allow such inspection, entry by the LCD shall be in accordance with ~~§Section~~ 66.122 and  
465 §66.123 and ~~§Section~~ 92.07(14) Wisconsin Statutes ~~Wis. Stats.~~.

#### 468 4.952 Enforcement Authority

469 The LCD is authorized to post an order stopping work upon land that has had a permit revoked  
470 or on land currently undergoing activity in violation of this Ordinance ~~ordinance~~. Notice shall  
471 be given by both posting upon the land where the violation occurs one or more copies of a  
472 poster stating the violation and by mailing a copy of the order by certified mail to the last  
473 known address of permittee. The order shall specify that the activity must cease or be brought  
474 into compliance within five (5) days.

475 Any permit revocation or order stopping work shall remain in effect until retracted by the LCD,  
476 or by a court of general jurisdiction. The LCD is authorized to refer any violation of this  
477  
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479 Ordinance ordinance or of an order stopping work issued pursuant to this Ordinance ordinance  
480 to the Corporation Council ~~corporation counsel~~ for commencement of further legal  
481 proceedings.  
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483 **Subpart 7: Violations**

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485 **4.953 Penalties**

486 Any person who violates, neglects or refuses to comply with or resists the enforcement of any  
487 of the provisions of this Ordinance ordinance shall be subject to a forfeiture of not less than two  
488 hundred and fifty dollars (\$250.00) plus cost of prosecution for each violation. An unlawful  
489 violation includes failure to comply with any standard of this Ordinance ordinance or with any  
490 condition or qualification attached to the permit. Each day that a violation exists shall be a  
491 separate offense. Citations shall be issued by the LCD, upon approval of the Corporation  
492 Counsel, pursuant to law, for violations of the Ordinance ordinance.  
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494 **4.954 Enforcement of Injunction**

495 As a substitute for or an addition to forfeiture actions, Rock County may seek judicial  
496 enforcement of any part of this Ordinance ordinance by injunction or restraining order.  
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498 **Subpart 8: Appeals**

499  
500 **4.955 Authority**

501 The LCC is authorized to act as an appeal authority and to hear and decide appeals where it is  
502 alleged that there is error in any order, requirement, decision, or determination by the LCD in  
503 administering this Ordinance ordinance. Pursuant to ~~§Section~~ 68.16, Wisconsin Statutes Wis.  
504 Stats., it is the declared intent of Rock County that the technical noncompliance with the  
505 requirements of Chapter 68 shall not constitute grounds for reversal of Committee action, but  
506 that the substantive provisions of Chapter 68 may be utilized as a guide in providing for  
507 Committee review of administrative determinations.  
508

509 **4.956 Procedure**

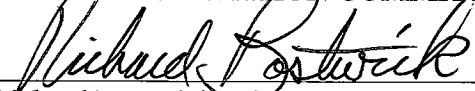
510 Any appeal shall be made in writing to the LCC. The rules, procedures, duties and powers of  
511 the LCC, shall apply to proceedings under this Ordinance ordinance, except insofar as the  
512 express terms of this Ordinance ordinance require otherwise.  
513

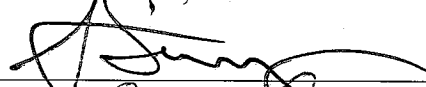
514 **4.957 Who May Appeal**

515 Appeals may be taken by any person having a substantial interest, which is adversely affected  
516 by the order, requirement, decision, or determination made by the LCD.

Respectfully submitted:

LAND CONSERVATION COMMITTEE

  
Richard Bostwick, Chair

  
Alan Sweeney, Vice Chair

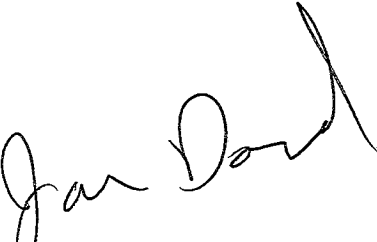
  
Wes Davis

  
Tom Brien

  
David Rebut, USDA-FSA Representative

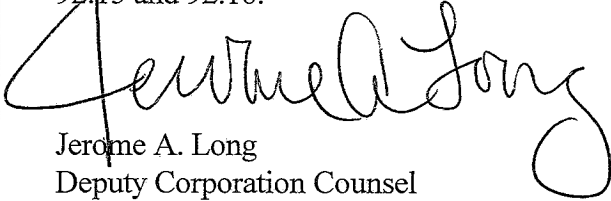
  
Rick Richard

  
Lawrence Wiedenfeld

  
Jason Dowd

LEGAL NOTE:

The County Board is authorized to take this action by Wisconsin Statutes sections 59.02, 59.70(1), 92.07, 92.15 and 92.16.



Jerome A. Long  
Deputy Corporation Counsel

FISCAL NOTE:

No fiscal impact.



Sherry Oja  
Finance Director

ADMINISTRATIVE NOTE:

Recommended.



Craig Knutson  
County Administrator

## EXECUTIVE SUMMARY

The Rock County Board of Supervisors adopted the Animal Waste Management Ordinance in 2001. The administration ordinance assures anyone whom constructs, abandons, or operators an animal waste storage facility in Rock County does so according to the most recent construction standards, operation and maintenance guidelines adopted by the USDA-NRCS.

Many changes have occurred in the realm of animal husbandry since the ordinance was adopted. The advent of large confined animal operations now is a reality in Rock County. These operations tend to utilize the newest technologies when it comes to the storage and utilization of animal waste. Significant changes to the ordinance are required to integrate the technologies used by the large confined animal operations. The most prevalent change is the introduction of subsurface animal waste transfer pipelines.

Other changes to the ordinance include the integration of a technical standard for the proper abandonment of an existing animal waste storage system. Also included were numerous additions to the definition section of the ordinance for clarification purposes.

Per Chapter 92, Wisconsin Statutes, the Wisconsin Department of Agriculture, Trade and Consumer Protection is to review the ordinance and make comments to the Land Conservation Committee. The requirement has been met, and the comments provided were integrated into the final draft.