

ST. CROIX COUNTY CODE OF ORDINANCES LAND USE AND DEVELOPMENT

CHAPTER 11 MANURE STORAGE FACILITIES

**EFFECTIVE
~~AUGUST 14, 2012~~**

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ST. CROIX COUNTY CODE OF ORDINANCES

LAND USE AND DEVELOPMENT

CHAPTER 11 – ST. CROIX COUNTY MANURE STORAGE FACILITIES

The Board of Supervisors of St. Croix County, Wisconsin, does ordain as follows: The Code of Ordinances Chapter 11 Manure Management, as amended on ~~August 14, 2012~~ ~~May 20, 2003~~, is repealed and recreated as Chapter 11-- Manure Storage Facilities as follows:

11.1 INTRODUCTION

A. TITLE, AUTHORITY, EFFECTIVE DATE & APPLICABILITY

1. TITLE

- a. This chapter shall be cited as the "St. Croix County Manure Storage Facilities Ordinance" and hereinafter referred to as the "Chapter."

2. AUTHORITY

- a. This chapter is authorized by Wisconsin Statutes §§92.07, 92.15, and 92.16.
- b. If any of these statutes are amended, they shall apply as amended on the effective date of the amendment.

3. COMPLIANCE WITH OTHER REGULATIONS AND STANDARDS

- a. In addition to this chapter, compliance with the following regulations and standards is necessary:
 - 1) Wisconsin Administrative Code § ATCP 51.
 - 2) Wisconsin Administrative Code §§ NR 151.05, 151.06, 151.07, 151.08 and 243.14, 243.141, and 243.18.
 - 3) Natural Resource Conservation Service (NRCS) Practice Standards 590, 313, 318, and 342, 360, 382, 558, 634 and NRCS Statement of Work Waste Storage Facilities.
- b. If any of these regulations or standards is amended they shall apply as amended on the effective date of the amendment.

4. EFFECTIVE DATE

- a. The chapter shall be effective the day after publication, ~~August 14, 2012~~. Ordinance ~~No. 812(2012)~~, Repeal and Recreation of Chapter 11 -- Manure Storage Facilities.

5. APPLICABILITY

- a. This chapter applies to the entire **unincorporated** area of St. Croix County.

B. FINDINGS & PURPOSE

1. FINDINGS OF FACT

- a. The St. Croix County Board of Supervisors hereby finds as follows:

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- 1) Storage of manure in storage facilities not meeting technical design and construction standards and improper management and utilization of manure storage facilities, including land application of stored waste, may cause pollution of the surface and ground waters of St. Croix County.
 - 2) Such pollution endangers the health and welfare of county residents, animals and plants, and the economy of St. Croix County.
 - 3) The practice standards developed by the United States Department of Agriculture's Natural Resources Conservation Service (NRCS) as developed by the State of Wisconsin, and adopted by the St. Croix County Community Development Committee provide effective, practical and environmentally safe methods of storing and utilizing manure.

2. PURPOSE

- a. The purpose of this chapter is to:
 - 1) Regulate manure storage facilities and operations in a manner that neither creates an impermissible conflict with statutory, administrative, or constitutional standards, nor imposes an undue financial burden on the County.
 - 2) Regulate the location, siting, design, construction, inspection, installation, management, alteration and utilization of manure storage facilities, and the use and application of waste from these facilities, in order to prevent the pollution of the county's surface and groundwater and thereby protect the public health, environment, safety and general welfare of county residents, animals and plants, and the economy.

C. INTERPRETATION

1. ABROGATION

- a. This chapter is not intended to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules or permits previously adopted or issued pursuant to law.
- b. This chapter is not intended to abrogate, impair or interfere with the legal rights of individuals guaranteed by the state and federal constitutions, statutes and administrative rules.

2. LIBERAL CONSTRUCTION

- a. The provisions of this chapter shall be liberally construed in favor of St. Croix County and shall not be construed to be a limitation or repeal of any other power now possessed by or granted to St. Croix County.

3. SEVERABILITY AND NON-LIABILITY

- a. If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.
- b. If any application of this chapter to a particular land, building, structure, water or air is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other land, building, structure, water or air not specifically included in said judgment.

11.2 GENERAL PROVISIONS

A. STANDARDS TO BE MET

1. ZONING

- a. Manure storage facilities or operations must comply with all applicable provisions of the St. Croix County Code of Ordinances – Chapter 16 Shoreland Overlay District, Chapter 15 and 17 Zoning, and Chapter 18 Floodplain Zoning.
- b. Any manure storage facility or operation, or any portion thereof, installed within shoreland overlay districts shall comply with all applicable requirements of Administrative Code Ch. NR 115.
- c. Any manure storage facility or operation, or any portion thereof, installed within a floodplain zoning district shall comply with all applicable requirements of Administrative Code Ch. NR 116.

2. OPERATION

- a. An manure storage facility shall not be used for any use other than its original intended use unless authorized by a use conversion under **§11.3 E.**
- b. A manure storage facility shall only contain manure and process wastewater generated onsite unless approved by the Code Administrator. Waste products that are not authorized in the original permit shall not be placed in a manure storage facility consistent with NR 243.18.
- c. Prior to introducing any materials other than manure to a manure storage or processing facility the owner/operator shall obtain written approval from the Land and Water Conservation Department.
- d. The owner / operator shall maintain daily records of any manure and non-manure components added to the manure storage and processing system. If an owner/operator combines manure or process wastewater with other types of waste not generated by the operation the Land and Water Conservation Department may apply additional requirements to the storage design, testing procedures, and land application procedures.
- e. Prohibited wastes include medical wastes including expired or unused antibiotics, petroleum products not designed for use in a manure storage facility, pesticides, paints, solvents, or hazardous waste.
- f. The manure storage facility owner/operator's shall develop and submit for review a Nutrient Management Plan (NMP) to USDA NRCS Conservation Practice Code 590 standard to the Land and Water Conservation Division by March 31 of each year. The NMP must detail the amount of waste to be generated annually and where manure and/or byproducts will be land applied in the coming year.
- g. Manure storage(s) shall be designed to USDA NRCS Conservation Practice Code 313 standards and contain a minimum 6 months of anticipated waste output from the facility. USDA NRCS Practice Code 318 standards shall be followed when short term field storage of manure and byproducts is used.
- h. Field application of manure or byproducts shall follow NR 243.14 standards if any of the manure or byproducts are generated from a Confined Animal Feeding Operation (CAFO) facility.

3. ANNUAL UPDATES

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- a. The owner/operator is required to update the NMP on an annual basis with full soil tests on each field in the plan required every four years. Fields in the NMP shall be unique to owner/operator plan and not part of any other NMP.
 - b. The owner/operator or current landowner shall submit annually the NMP SNAP PLUS generated compliance checklist showing actual application rates of manure and/or byproducts and location applied on crop fields from the previous year, and any updates to the NMP to the Land and Water Conservation Department by March 31 of each year.

4. ONGOING COMPLIANCE

- a. The owner/operator shall fully comply with State Agricultural Performance Standards and Prohibitions found in Wisconsin Administrative Code Chs. ATCP 50 and NR 151 and shall remain in full compliance with these standards and prohibitions.
- b. The owner/operator shall submit a SNAP Plus generated self-certification form to the Land and Water Conservation Department annually to self-certify that the operation is in full compliance with the State Agricultural Performance Standards and Prohibitions.
- c. The St. Croix County Community Development Department and/or the Land and Water Conservation Department staff shall conduct periodic spot checks of fields in the NMP to determine compliance with the State Agricultural Standards and Prohibitions.
- d. The owner/operator shall be responsible for demonstrating that they have secured adequate acreage to apply the waste being generated and still maintain compliance with their NMP.

5. GROUNDWATER CONTAMINATION – PREVENTION

- a. It is unlawful for any person to use a manure storage facility for disposal of any material containing hazardous substances and/or biological substance(s) that would cause groundwater to be unpalatable, unsafe, unfit for human consumption or to not meet drinking water standards found in Administrative Code Ch. NR 140.

11.3 PERMITS AND APPLICATIONS

A. CONSTRUCTION & OPERATION PERMITS

1. PERMIT REQUIRED

- a. A manure storage facility or operation subject to this chapter shall obtain a construction and/or operation permit(s) before commencing construction or operation and shall maintain the operation permit during operation. Permits are obtained through the application procedures in §11.3 A.-D.
- b. A construction permit is required prior to the construction of a manure storage facility or part thereof, and prior to the modification, enlargement or reconstruction of an existing manure storage facility or part thereof.
- c. An operation permit is required prior to the operation of any existing or proposed manure storage facility, including any manure, byproducts, liquids or solid materials entering the facility.

2. GENERAL STANDARDS

- a. Every applicant for a construction or operation permit for a manure storage facility is charged with knowledge of the requirements of all state laws, rules and regulations, St. Croix County ordinances relating to or affecting manure storage and/or the land upon which it is located, and local regulations.
- b. A construction permit is subject to any applicable local, county, state and federal regulation.
- c. An operation permit is subject to any applicable county, state and federal regulation.
- d. A construction or operation permit issued in violation of any provision of this chapter is null and void.

3. PERMIT DECISION & APPEAL PROCESS

- a. The Community Development and Land and Water Conservation departments shall review an application for a construction permit or operation permit, facility plan and supporting documents and conduct a site visit.
- ~~b. The Community Development Department staff and Land and Water Conservation Department staff shall submit review results and make recommendations to the Code Administrator in writing.~~
- c. The Code Administrator shall approve, conditionally approve, or deny the construction or operation permit within 45 days of receiving a completed application and the required fee.
 - 1) If a permit is denied, or approved with changes, the Code Administrator shall provide to the applicant a written decision within 10 days of his/her decision, stating the reason or reasons for the decision and describing the applicant's appeal rights and procedures with the Board of Adjustment under St. Croix County Code of Ordinances -- Land Use and Development Zoning §17.70 (5)-(8).
 - 2) The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the Code Administrator's decision.
 - 3) The Board of Adjustment shall issue a final written decision on an appeal within a reasonable amount of time from the receipt of a proper appeal and applicable fee.

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- 4) If the appeal is denied, approved or approved with conditions, the Board of Adjustment shall prepare a written decision within 10 days of its decision, stating a reason or reasons for the action and provide it to the applicant.
 - d. When a construction or operation permit is required for a manure storage facility, and the permit application or permit appeal demonstrates that the manure storage facility would or does comply with all applicable requirements of this chapter, local, state and federal regulations, the permit application or permit appeal shall be approved or approved with conditions.

4. PERMIT MODIFICATION

- a. A construction or operation permit issued by the Code Administrator may be modified.
- b. All pertinent information for construction plan revisions, modifications to the approved facility plan, or any other modifications must be submitted to the Community Development Department for review and approval.
- c. It is the responsibility of the owner/operator to promptly provide plan modifications that detail any additions, alterations, or other modifications to the original permit.
- d. An operator may request a modification to his/her construction or operation permit by following the construction or operation permit application procedure.
- e. A construction or operation permit modification procedure may be commenced by the Code Administrator if a manure storage facility or operation is alleged to be out of compliance with a law, rule, regulation, or ordinance, or is a threat to the public health or safety. If found to be out of compliance, the operator shall submit to the Code Administrator information specifying how the alleged non-compliant operation will then be brought into compliance.
- f. An operator shall request a modification to his/her construction or operation permit if changes occur which make modifications necessary to protect the public and are compliant with the standards in §§11.1 A.5. and 11.2 A.
- g. Modifications to permits must be approved in writing by the Code Administrator prior to changes in construction, installation or operation.
- h. A fee shall be required for substantial modification to a permit. For example, when additional staff time is required to review the proposed modification, an hourly rate would be charged for staff time.

5. TRANSFER OF OWNERSHIP

- a. A construction or operation permit may be transferred from the holder to a subsequent owner or operator of the land or facility.
- b. The subsequent owner or operator shall meet with the Code Administrator to review the existing permit and transfer under c. below and continued compliance under 6.d. below.
- c. A written notice of transfer of ownership of a property for which a valid permit exists shall be filed with the Community Development Department and is subject to the following:
 - 1) The Community Development Department shall issue a new permit upon review of the transfer.
 - 2) Proof of ownership or lease is required.
 - 3) Transfer of ownership shall not affect the expiration date or renewal requirements.
 - 4) A site visit by the Code Administrator or his/her designee is required.

6. PERMIT EXPIRATION

- a. A construction and/or operation permit is valid for one year from the date of issue.
- b. Prior to its expiration, the owner/operator may request an extension of the construction permit from the Code Administrator.
- c. A construction permit may be extended for up to one additional year, after which time the permit expires.
- d. The operation permit remains valid upon annual submittal of a certified 590 Nutrient Management Plan update, self-certification of the State Wisconsin Agricultural performance standards, and to the Code Administrator. Failure to submit the update and self- certification shall cause the permit to expire.

7. PERMIT REVOCATION

- a. Any incorrect or false statement made by an applicant, or issuance of a construction or operation permit contrary to a law, rule, regulation or ordinance, is grounds for revocation of the permit.
- b. Where the terms or conditions on any construction or operation permit are violated, the permit may be revoked by the Code Administrator.

B. APPLICATION

1. CONSTRUCTION OR OPERATION PERMIT APPLICATION REQUIREMENTS

- a. The application for a construction or operation permit shall be submitted to the Community Development Department.
- b. No application for a construction or operation permit shall be considered complete unless all the information required by this section is provided.
- c. The application for a construction or operation permit shall be made on forms provided by the Community Development Department.
- d. The application for a construction or operation permit shall be signed by the landowner and the operator.
- e. To avoid duplication, the application may reference information already on file with the Community Development Department.

2. CONTENT OF APPLICATION

- a. A properly completed construction or operation permit application shall provide the following information:
 - 1) Property owner name and contact information, including all persons or entities who are owners or lessors of the property on which the manure storage facility or operation is or will be located.
 - 2) Applicant name and contact information, including the applicant and operator of the manure storage facility or operation.
 - 3) Property information, including the site address, legal description, parcel identification number, tax identification number and zoning district classification of the property on which the manure storage facility or operation is or will be located.
 - 4) If applicable, a copy of a fully executed lease between the operator and the owner of the property which allows a manure storage facility or operation on the owner's property.

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- 5) A site plan, mapped or drawn at a scale of not less than 1 inch = 300 feet, to include:
 - a) Dimensions and area of the lot or parcel.
 - b) The location of the existing and proposed manure storage facilities, buildings and structures, homes, property lines, identified roads and road- rights-of-way, private and municipal wells, public or private drainage ditches, floodplains, creeks, flowages, lakes, rivers, streams, intermittent streams, wetlands or karst features (sinkholes) within 1,000 feet of the proposed or existing facility.
 - c) All applicable setbacks, including those from property lines, wells, navigable waters, wetlands and roads.
 - d) In the Lower St. Croix Riverway, Shoreland and Floodplain Overlay Districts, location of the bluff line, Ordinary High Water Mark (OHWM) of any abutting navigable waterways, floodplain, floodway and flood fringe limits as determined from floodplain zoning maps used to delineate floodplain areas.
 - e) Location of existing or future access driveways and roads or highways.
 - 6) Project information including a narrative description of the waste storage facility, specifying the type and number of animals at the facility.
 - 7) Conceptual drawings of the proposed facility.
 - 8) Plan view drawings shall be on paper at a minimum size of 11x17 inches.
 - 9) An aerial photo that shows detail 1000 feet in each direction of the facility.
 - 10) All related permits or permit applications.
 - 11) Two copies of the site plan and documentation.
 - 12) All required fees. Fees are listed in a fee schedule available from the Community Development Department.
 - 13) Additional relevant information reasonably deemed necessary by the Community Development Department to enable a proper review of the application to be performed. If additional pertinent information is requested, the application shall not be considered a properly completed application and timeframes for processing shall not commence until the additional information is received.

C. CONSTRUCTION PERMIT

1. APPLICABILITY

- a. The provisions of this section shall apply to construction permits.

2. SUBMITTAL REQUIREMENTS

- a. In addition to the application requirements of §11.3 B.1., a facility plan and a Nutrient Management Plan (NMP) shall be submitted. The NMP shall be prepared for an owner/operator by a certified crop advisor.

3. FACILITY PLAN

- a. Facility plan drawings and documentation are required for all construction activities except use conversion or storage facility abandonment. Standards and conditions for use conversion or storage facility abandonment are found in §11.3 E.

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- b. The facility plan shall meet or exceed the minimum established limits and specific criteria within NRCS Practice Standard for Waste Storage Facility (313) and additional technical standards, including but not limited to, Critical Area Planting (342), Fence (382), Roof Runoff Structure (558), Nutrient Management (590), and Manure Transfer (634) where applicable and NRCS Statement of Work for Waste Storage Facilities.
 - c. The facility plan shall include at a minimum the following:
 - 1) All components of the system.
 - 2) Dimensions and elevations to locate the work.
 - 3) Scale, adjusted to show the greatest amount of detail.
 - 4) Recoverable benchmark including elevations.
 - 5) Two-foot contours, minimum.
 - 6) Soil boring locations.
 - 7) North arrow.
 - 8) Cross-sections of the following:
 - a) Manure storage facility.
 - b) Bedrock elevation and type, if determined.
 - c) Groundwater elevation, if determined.
 - d) Soil test pit logs and soil analysis reports.
 - e) Concrete joint locations and reinforcement details.
 - 9) Safety design.
 - 10) Fencing.
 - 11) Seeding and vegetation plan.
 - 12) Storage volumes, days of storage, and animal numbers, size, and species.
 - 13) Specifications of materials.
 - 14) Management assessment and site assessment.
 - 15) Construction inspection plan.
 - 16) Operation and maintenance plan.
 - 17) Construction site erosion control plan and any applicable stormwater management plan (required if >1.0 acres is disturbed).
 - 18) Maximum operating level and contingency plan.
 - 19) Computations and calculations for documenting compliance with these standards.

4. CONSTRUCTION PERMIT CONDITIONS

- a. The owner/operator shall give five working days notice to the Community Development Department prior to starting construction.
- b. Staff from the Community Development and/or Land and Water Conservation departments will conduct site inspections during and at the end of the construction period to verify that the facility was constructed or installed as planned and designed.
- c. As-built drawings shall be submitted at the completion of construction and shall be signed and bear the seal of a professional engineer licensed to practice in the State of Wisconsin certifying that the facility was built as planned and designed according to standards and specifications.

5. ONGOING MAINTENANCE & REPAIRS

- a. Ongoing maintenance or emergency repairs, such as repairing or replacing a broken pipe or leaking dike, or removing stoppages, may be performed without obtaining a modification to the construction permit.

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- b. If repair or maintenance substantially alters the original design or construction of the facility, a notice shall be given within one business day of such repair or maintenance to the Community Development Department. Upon receiving the notice the Community Development Department shall forward the notice to the Land and Water Conservation Department for a recommendation as to whether a construction permit modification will be required for said alterations.
 - c. The Community Development Department shall issue a written decision to the owner/operation within 15 working days from the day notice is received in the Community Development Department as to whether a construction permit modification will be required.

D. OPERATION PERMIT

1. APPLICABILITY

- a. The provisions of this section shall apply to operation permits.

2. SUBMITTAL REQUIREMENTS

- a. In addition to the application requirements of **§11.3 B.1.**, the following are required:
 - 1) The owner/operator shall provide the Community Development Department two paper copies or one digital copy of the as-built drawings clearly documenting changes from the original construction plans.
 - 2) The as-built drawings shall be signed and bear the seal of a professional engineer licensed to practice in the State of Wisconsin certifying that the facility was installed as planned and designed according to standards and specifications.
 - 3) A nutrient management plan (NMP) shall be prepared for a landowner in SNAP PLUS by a certified crop advisor and the plan files submitted electronically and include the Snap Plus Database.
 - 4) A total manure and/or byproduct production report complete with nutrient analysis and total nutrient content (N/P/K) produced for an entire calendar year for projected maximum production should be represented in the NMP.
 - 5) The owner/operator shall demonstrate that they have obtained enough acreage to apply their waste and still be in compliance with their NMP by submitting manure or byproduct land application agreements signed by the landowners identifying all fields and application years in the NMP. A summary table of all landowners with signed agreements and associated acres and contact information shall also be submitted.
 - 6) For the initial permit application and thereafter upon request - the owner/operator shall demonstrate that they will reduce delivery of nutrients to impaired or exceptional resource waters as per NR 151.07. Within the first NMP submitted there shall be a minimum of three years actual field application data to represent “baseline” conditions. Three years of proposed future cropping and manure or byproduct applications from the proposed facility will represent “future” condition. There should be a reduction or no change in SNAP PLUS predicted sediment and phosphorus loss and total nitrogen and phosphorous applied to lands in the NMP to claim no impact or reduced impact to water quality.
 - 7) The owner/operator shall be responsible to verify full compliance with State Agricultural Performance Standards and Prohibitions (Wisconsin Administrative Code Chs. ATCP 50 and NR 151) using a self-certification form from the Land and

Water Conservation Department and shall remain in full compliance with these standards and prohibitions.

3. OPERATION PERMIT CONDITION

- a. A Nutrient Management Plan (NMP) update and self-certification of the State of Wisconsin Agriculture performance standards shall be submitted annually to the Land and Water Conservation Department or Community Development Department see **§11.2 A.3. and 4.**
- b. The Community Development and Land and Water Conservation Department staff may conduct inspections of the manure storage facility and lands listed in the NMP for compliance ATCP 50 and NR 151 standards. A full compliance review would be conducted at a minimum every four years.

E. WASTE STORAGE FACILITY CLOSURE & USE CONVERSION PLAN

1. CLOSURE

- a. Closure of an manure storage facility shall occur when a site where the facility is located ceases operations, or manure has not been added or removed from the facility for a period of 24 months. Manure storage facilities shall be closed in a manner that will prevent future contamination of groundwater and surface waters and shall follow the Permit Decision and Appeal Process under **§11.3 A.3.**
- b. The following documentation shall be submitted to the Community Development Department:
 - 1) A location map or drawing of the manure storage facility which shows the location of the manure storage facility, buildings and structures, homes, property lines, identified roads and road right-of-way, private and municipal wells, public or private drainage ditches, floodplains, creeks, flowages, lakes, rivers, streams, intermittent streams, wetlands or karst features (sinkholes) within 1,000 feet of the proposed facility.
 - 2) The location map or drawing shall include a scale, north arrow and the date it was prepared.
 - 3) A narrative description of the method and specifications in transferring manure into and from the waste storage facility to ensure proper closure of the transfer systems.
 - 4) Provisions to remove or permanently plug the manure transfer system serving the manure storage facility.
 - 5) Provisions to remove and properly dispose of all accumulated manure in the manure storage facility in compliance with NRCS Practice Standard 590 and a NMP.
 - 6) For all earthen manure impoundments, plan requirements and provisions shall be in compliance and consistent with NRCS Practice Standard 360, Closure of Waste Impoundments.
 - 7) The closure plan shall be evaluated, and on-site inspections conducted by the Land and Water Conservation Department staff during the closure of the facility.

2. USE CONVERSION

- a. A manure storage facility may be converted to other uses, when it is demonstrated that the conversion will not result in a degradation of ground and/or surface waters or be a threat to public health, safety, or general welfare. A use conversion shall follow the Permit Decision and Appeal Process under **§11.3 A.3.**
- b. A detailed description of the intended use must be described for all manure storage facility conversions for determination if conversions will be allowed.
- c. The documentation required in 1.b.1), 2), 3) and 4) above and any applicable information not already on file under **§11.3 B.1.** shall be submitted to the Community Development Department.

11.4 ADMINISTRATION & ENFORCEMENT

A. ADMINISTRATION

1. CODE ADMINISTRATOR

- a. The St. Croix County Code Administrator shall be responsible for the administration and enforcement of this chapter.
- b. The powers and duties of the Code Administrator under this chapter may be delegated by him/her to personnel employed by or assigned to the Community Development Department.

2. POWERS AND DUTIES

- a. The Code Administrator shall have the following powers and duties:
 - 1) Issue permits and inspect properties for compliance with this chapter and related Wisconsin Statutes and the Wisconsin Administrative Code chapters.
 - 2) Advise applicants concerning the provisions of this chapter and assist them in preparing permit applications.
 - 3) Keep records of all permits issued, inspections made, work approved, and other official actions.
 - 4) Have access to premises for the purpose of performing official duties as prescribed by law, subject to **11.4 A.3.** below.
 - 5) Investigate violations and enforce this chapter.
 - 6) For purposes of inspection, obtain and execute special inspection warrants under Wisconsin Statutes §66.0119.
 - 7) Upon determination of noncompliance with a permit, this chapter, applicable Wisconsin Statutes or applicable Wisconsin Administrative Code chapters, revoke or suspend any permit and issue cease and desist orders requiring the cessation of any construction, alteration, use or operation of a manure storage facility until compliance is obtained.
- b. Town deputy code administrators are not authorized to issue construction or operation permits for manure storage facilities or operations.

3. RIGHT OF ENTRY AND INSPECTION

- a. The Community Development Department or Land and Water Conservation Department staff may inspect any existing or proposed manure facility or operation subject to this chapter for the purpose of ascertaining compliance with this chapter.
- b. Before engaging in any inspection, staff shall seek permission from the owner/operator, or authorized agent thereof, to inspect.
- c. Submitting an application for a construction or operation permit is considered the owner/operator's consent to enter and inspect the premises for purposes of the application process. In this situation, no applicant may refuse entry to an existing or proposed manure facility or operation, subject to d. and e. below.
- d. Staff shall present to the owner/operator, or authorized agent, appropriate credentials, identifying them as a representative of St. Croix County.

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- e. Staff will not inspect the property unless accompanied by the owner/operator, or authorized agent, and will take necessary precautions to prevent cross-contamination from bio-hazards to or from the property.
 - f. If violations are identified, enforcement procedures shall be commenced.

B. FEES

1. APPLICATION FEES

- a. A construction permit application fee shall be paid at the time an application for a manure storage facility is submitted. The fee's purpose is to contribute to or cover the cost of processing and reviewing the application, publishing public notices, conducting public hearings, and inspecting sites.
- b. A use conversion fee may be charged, the fee shall be paid at the time an application for use conversion is submitted. The fee's purpose is to contribute to or cover the cost of processing and reviewing the application and inspecting the site.
- c. The amount of the application fee and use conversion fee shall be established by the St. Croix County Community Development Committee. The amount of the fees shall be modified from time to time to reflect current costs. All fees shall be published in a fee schedule available from the Community Development Department.
- d. No fee shall be charged for manure storage facility closure or operation permit.
- e. The fees shall be paid to the Community Development Department at the time an application for a construction permit or use conversion is submitted.
- f. An additional application fee shall be paid when a request for a substantial modification to an existing construction permit is submitted by an operator. The fee shall be for the same purpose and paid in the same manner as stated above.

2. AFTER-THE-FACT PERMIT FEES

- a. An additional fee will be charged for all after-the-fact permit applications to partially recover the cost of obtaining compliance.

3. REFUNDS

- a. If a construction permit application is submitted and subsequently withdrawn before any review actually begins, the application fee shall be refunded.
- b. No portion of the application fee shall be refunded after actual review of the application begins.

C. ENFORCEMENT & APPEALS

1. PROCEDURES

- a. The Code Administrator may institute any action or proceeding against violators of this chapter as provided by law or this chapter, including issuing citations pursuant to St. Croix County Code of Ordinances Chapter 1 Citation Ordinance or commencing a lawsuit seeking forfeitures and/or injunctive relief.
- b. In general, the Code Administrator shall use the following, in the order listed, to address violations of this chapter:
 - 1) Issue a notice of violation and request that specified corrective action be taken.
 - 2) Issue a citation.

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- 3) Request the Corporation Counsel Department to commence a lawsuit seeking appropriate relief.
 - c. The Code Administrator is not required to follow this order of possible action if, in the Code Administrator's judgment, a situation requires different action.

2. PENALTIES

- a. Any person, firm or corporation who is adjudicated for violating this chapter shall pay a forfeiture of not less than \$10 per violation nor more than \$1,000 per violation and/or be subject to injunctive relief. Each day a violation exists is a separate violation.
- b. Additionally, the person, firm or corporation adjudicated for violation of this chapter shall pay court costs and reasonable attorney's fees.

3. APPEALS

- a. Decisions made by the Code Administrator are administrative decisions. All administrative decisions shall be in writing.
- b. Any person, company, partnership, corporation or government unit aggrieved by an administrative decision (aggrieved person) made by the Code Administrator, or his/her designee, may appeal the decision to the Board of Adjustment.

4. PROCEDURE FOR APPEAL

- a. An aggrieved person who wishes to appeal an administrative decision to the Board of Adjustment shall commence the appeal within 30 days of the date of the administrative decision.
- b. An appeal of an administrative decision shall be commenced on a form provided by the Community Development Department and shall be filed with the Community Development Department.
- c. The Community Development Department will prepare notices and schedule the appeal with the Board of Adjustment.

11.5 DEFINITIONS

A. PURPOSE

1. INTERPRETATION

- a. For purposes of this chapter, the terms or words used herein shall be interpreted as follows:
 - 1) Words used in the present tense include the future: in the singular include the plural and in the plural include the singular.
 - 2) The word “shall” is mandatory, not permissive.
 - 3) All distances, unless otherwise specified shall be measured horizontally.
 - 4) All definitions that refer to Wisconsin Statutes shall incorporate any revisions or amendments to statutory language.
 - 5) All definitions, other than those referenced below, are found in the Wisconsin Statute Ch. 281, Wisconsin Administrative Code Chs. ATP 50 and 51, NR 151, or, if not there, a standard dictionary.

B. DEFINITIONS

1. **Animal Unit** – unit of measure used to determine animal production facility sized based on the amount of potential manure production from the facility.
2. **Applicant:** Any person who applies for a permit under this chapter.
3. **ATCP 50:** State of Wisconsin Administrative Code that identifies conservation practices that agricultural producers must follow to meet state performance standards.
4. **ATCP 51:** State of Wisconsin Administrative Code that outlines livestock facility siting.
5. **Bedrock:** The solid rock that underlies the soil and other unconsolidated material or that is exposed at the surface.
6. **Best Management Practices (BMP's):** Practices and industry standards designed to minimize environmental damage.
7. **Board of Adjustment:** St. Croix County Board of Adjustment.
8. **Chapter 92:** Wisconsin's Soil and Water Conservation and Animal Waste Management enabling legislation for Counties and Land Conservation Departments.
9. **CAFO** – Confined Animal Feeding Operation – generally associated with animal production facilities having 1000 or more animal units. An operation of 300 to 999 animal units can be categorized as a CAFO by WI DNR if the facility has a history of significant pollution discharge.
10. **Conservation Practice:** A facility or practice that is designated to prevent or reduce soil erosion, prevent or reduce non-point pollution, or achieve or maintain compliance with soil and water conservation standards; it includes a nutrient management plan.
11. **Conservation Practice Standards** – standards developed by USDA-NRCS that are referenced in this ordinance:
 - 313 – Waste Storage Facility Standard
 - 318 – Short-Term Storage of Animal Waste Standard
 - 342 – Critical Area Planting Standard
 - 360 – Waste Facility Closure Standard

382 – Fencing Standards for Waste Storage
558 – Roof Run-off Structure Standard
590 – Nutrient Management Standard
634 – Manure Transfer Standard

12. **Construction Permit:** A written document issued by the Code Administrator authorizing design, location, construction, enlargement and/or reconstruction of an manure storage facility or part thereof.
13. **Groundwater:** Any of the waters of the state, as defined in Wisconsin Statutes § 281.01(18), occurring in a saturated subsurface geological formation of rock or soil.
14. **Karst Feature:** An area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.
15. **Manure:** Excreta from livestock kept at a livestock facility. “Manure” includes livestock bedding, water, soil, hair, feathers, process wastewater, and other debris that becomes comingled with livestock excreta in normal manure handling operations. [Source: Wisconsin Administrative Code ATCP §51.01 (23)]
16. **Manure Processing Facility – Commercial:** A facility that specializes in the processing of comingled livestock manure and industrial and municipal wastes into fertilizer and other byproducts.
17. **Manure Processing Facility – Farm Based:** A facility that specializes in the processing of livestock manure, generated on the property of the farm operation and processed into fertilizer and other products for use or sale as part of the farm operation.
18. **Manure Storage Structure:** A waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure to contain manure and other wastes. It does not include equipment used to apply waste to land. [Source: Wisconsin Administrative Code NR 151.015]
19. **NR 151:** State of Wisconsin Administrative Code that establishes state performance standards and prohibitions that control polluted runoff from agricultural lands.
20. **NR 243:** State of Wisconsin Administrative Code related to animal feeding operations that are 1000 Animal Units or larger.
21. **Nutrient Management Plan:** A document that determines the application of manure on suitable land in a manner which will achieve compliance with livestock performance standards and prohibitions established in Wisconsin Administrative Code Chs. NR 151 and ATCP 50, NRCS Conservation Practice Standard Code 590, and meets other designated water quality objectives.
22. **Nutrient Management Planner:** A person who is certified with one of the following qualifications: NAICC-CPCC, ASA-CCA, ASA-Professional Agronomist, SSSA-Soil Scientist, DATCP approved training course or other credentials approved by DATCP.
23. **Operation Permit:** A written document issued by the Code Administrator authorizing operation, closure or use conversion of an manure storage facility or part thereof.
24. **Ordinary High Water Mark (OHWM):** 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.

- 25. **Person:** An individual or group of individuals, firm, corporation, partnership, association, municipality or state agency.
- 26. **Plan Revision:** A modification to an approved application where a valid permit is in effect.
Pollution: Contaminating or rendering unclean or impure the land and/or waters of the state or making the same injurious to public health, harmful for commercial or recreation use or deleterious to fish, bird, animal or plant life.
- 27. **Process Wastewater:** Wastewater from an animal production area directly or indirectly used in an animal feeding operation that has come in contact with any raw materials or animal byproducts including manure, feed, milk, eggs, or bedding.
- 28. **Professional Engineer:** One who is trained, registered and professionally engaged in a specific branch of engineering pursuant to Wisconsin Statutes §443.04.
- 29. **Setback:** The minimum horizontal distance between a structure and the OHWM, bluff line, side and rear lot lines and road.
- 30. **SNAP PLUS:** Soil Nutrient Management Planner (SNAP) is Wisconsin's nutrient management planning software used for plans to meet USDA NRCS's 590 Nutrient Management Standard.
- 31. **Structure:** Any human-made object with form, shape and utility, that is constructed or otherwise erected, attached to or permanently or temporarily attached to or placed either upon the ground, riverbed, streambed or lakebed or upon another structure. swimming pool, hot tub, patio, deck and retaining wall, but does not include landscaping or earthwork such as graded area, filled area, ditch, berm or earthen terrace. Structure does not include small objects that are easily moved by hand, such as lawn chair, portable grill, portable picnic table, bird feeder, birdhouse and birdbath.
- 32. **Waters of the State:** Those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water courses, drainage systems and other surface water or groundwater, natural or artificial, public or private within the state or under its jurisdiction, except those waters which are entirely confined and retained completely upon the property of a person.
- 33. **Well:** An excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.