

Sawyer County Waste Storage Ordinance

Published and Effective June 18, 2020

The County Board of Supervisors of the County of Sawyer does hereby ordain as follows:

- 1-1 General Provisions
- 1-2 Definitions
- 1-3 Activities Subject to Regulation
- 1-4 Performance Standards and Prohibitions
- 1-5 Manure Storage Permits
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Sec. 1-1 General Provisions.

- (1) **Authority and Purpose.** The general purpose of this Ordinance is to protect and promote the health, safety, prosperity, aesthetic conditions and general welfare of the people, natural resources and communities within Sawyer County, under authority granted by the Wisconsin Statutes.
- (2) **Title.** This Ordinance shall be known as, referred to, and may be cited as the Sawyer County Waste Storage Ordinance and is hereinafter referred to as the Ordinance.
- (3) **Findings and Declaration of Policy.**
 - (a) The Sawyer County Board of Supervisors recognizes the importance of our quality groundwater and surface water resources, the need to maintain these resources for our future generations, and the need to protect the overall health, welfare and safety of Sawyer County's residents, visitors, and natural resources.
 - (b) The Sawyer County Board of Supervisors also recognizes that the proper management of animal waste contributes to the protection of groundwater and surface water, and its natural resources and to protect public health, welfare and safety.
 - (c) The Sawyer County Board of Supervisors recognizes the necessity of complying with state law and regulations when regulating waste storage, and therefore recognizes the necessity of incorporating state standards into the Ordinance. In addition to complying with state law, consistency in regulation will assist the public to ensure the applicable regulations are met.
- (4) **Purpose.** The purpose of this Ordinance is to regulate the location, design, construction, installation, alteration, operation, and maintenance of all new and Substantially Altered Manure Storage Facilities. This Ordinance also regulates the closure of Manure Storage Facilities and assures safe handling and spreading of Manure in order to prevent Water

Pollution. It is further intended to provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.

- (5) **Applicability.** The Permit and other requirements in this Ordinance apply to all of the unincorporated areas of Sawyer County.
- (6) **Interpretation.** In its interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of Sawyer County, and shall not be deemed a limitation of any other power granted to Sawyer County by Wisconsin law or other applicable law, code or regulation.
- (7) **Abrogation, Greater Restrictions, Severability and Repeal Clause.**
 - (a) **Abrogation and Greater Restrictions.** This Ordinance is not intended to repeal, annul, abrogate, impair or interfere with any existing covenants, deed restrictions, agreements, ordinances (other than existing Sawyer County Waste Storage Ordinance), 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.
 - (b) **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 thereof other than the portion affected by such decision.
 - (c) **Repeal.** All other Ordinances or parts of Ordinances of Sawyer County inconsistent or conflicting with this Ordinance to the extent of the inconsistency only, are hereby repealed.
- (8) **Effective Date.** This Ordinance shall become effective upon its adoption by the Sawyer County Board of Supervisors and publication.

Sec. 1-2 Definitions. The following capitalized terms shall have the specific meaning accompanying the term. However, the use of another lower case term or similar term shall not be deemed to limit or otherwise abrogate the intended meaning set forth in the Ordinance.

- (1) **“Abandoned Manure Storage Facility”** means where the Facility is located ceases operations, or Manure has not been added or removed from the Facility for a period of twenty-four (24) months.
- (2) **“Animal Unit”** means a unit of measure used to determine the total number of single animal types or combination of animal types which are fed, confined, maintained, or stabled in an animal feeding operation. For the purpose of this Ordinance, one (1) Animal Unit is equivalent to one thousand (1,000) pounds of livestock live weight.
- (3) **“Applicant”** means any Person who applies for a Permit under this Ordinance.

- (4) “**As-built Plans**” is the documentation showing actual construction of any Facility subject to this Ordinance.
- (5) “**Bedrock**” means the solid or consolidated rock formation typically underlying loose surficial material such as soil, alluvium or glacial drift. Bedrock includes, but is not limited to, limestone, dolomite, sandstone, shale and igneous and metamorphic rock.
- (6) “**County**” means Sawyer County.
- (7) “**DATCP**” means the Wisconsin Department of Agriculture, Trade and Consumer Protection.
- (8) “**DNR**” means the Wisconsin Department of Natural Resources.
- (9) “**Groundwater**” means any of the waters of the state, occurring in a saturated subsurface geological formation of rock or soil.
- (10) **Land Water Forest Resource Committee (“LWFRC”)** acting as the **Land Conservation Committee (“LCC”)** is a committee made up of members of the Sawyer County Board of Supervisors and others who, by authority from Wis. Stat. § 59.70(20) and Wis. Stat. § 92.07, determine policy and give direction for soil and water conservation activities, and provides direction to the County Zoning and Conservation Department.
- (11) “**Manure**” means livestock excreta and the following when intermingled with excreta in normal farming operations: debris, including bedding, water, soil, hair, and feathers; processing derivatives, including separated sand, separated manure solids, precipitated manure sludges, supernatants, digested liquids, composted bio solids, and process water; and runoff collected from barnyards, animal lots, and feed storage areas.
- (12) “**Manure Storage Facility**” or “**Facility**” means one or more impoundments made by constructing an embankment, excavating a pit or dugout, or fabricating a structure specifically for the purpose of temporarily storing Manure and related wastes. A Manure Storage Facility includes stationary equipment and piping used to load or unload a Manure storage structure if the equipment is specifically designed for that purpose and is an integral part of the Facility, and specifically includes components to transfer waste from milking centers, runoff from barnyards, and leachate and contaminated runoff to feed storage.
- (13) “**Margin of Safety Level**” is the maximum operating level of a Manure Storage Facility. This includes one (1) foot of free board plus the increase in elevation necessary to store the volume of runoff and precipitation that enters the Facility from a twenty-five (25)-year, twenty-four (24)-hour storm event.
- (14) “**Natural Resources Conservation Service (NRCS)**” is an agency of the United States Department of Agriculture which, for purposes of this Ordinance, develops and maintains a technical guide with conservation practice standards and specifications, engineering manuals and handbooks, and other technical documentation related to Manure Storage

Facilities, Nutrient Management Plans, and other technical matters covered by this Ordinance.

- (15) **“NRCS Technical Guide”** means the most current stated version of the NRCS field office technical guide, as may be amended, provided by the USDA Natural Resources Conservation Service (NRCS), which contains technical data, including the standards referenced within this Ordinance to properly and safely locate, construct, install, alter, design, operate, maintain and close a Manure Storage Facility and/or the associated Manure Transfer System. Copies of the NRCS Technical Guide are on file with DATCP and the Wisconsin Legislative Reference Bureau. Copies of individual standards contained in the NRCS Technical Guide may be obtained from the County Zoning and Conservation Department or from an NRCS field office.
- (16) **“Nutrient Management Plan”** means an annual written plan that complies with Wis. Admin. Code Ch. ATCP 50.04(3), as may be amended, and details the amount, form, placement, and timing of the application of plant nutrients, including animal Manure. The plan must also meet NRCS Technical Standard 590.
- (17) **“Ordinance”** means this Sawyer County Waste Storage Ordinance, as may be amended.
- (18) **“Ordinary High Water Mark (OHWM)”** 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.
- (19) **“Permit”** means the signed, written statement issued under this Ordinance authorizing the Applicant to construct, install, reconstruct, extend, enlarge, substantially alter or close a Manure Storage Facility, and to use or dispose of waste from the Facility, pursuant to the terms of this Ordinance and as set forth in the Permit.
- (20) **“Permitting Authority”** means the entity within the County government legally responsible for administering and enforcing this Ordinance. The LCC shall have full authority for carrying out the duties under Ordinance, including the decision making authority, unless the authority is delegated to the County Zoning and Conservation Department and its employees under Wis. Stat. § 92.09 or as otherwise set forth in this Ordinance.
- (21) **“Permittee”** means any Person to whom a Permit is issued under this Ordinance.
- (22) **“Person”** means any individual, corporation, partnership, joint venture, other business organization, agency, unincorporated association, municipal corporation, county or state agency within Wisconsin, the federal government, or any combination thereof.
- (23) **“Safety Devices”** means devices, which are designed to protect humans and livestock from the hazards associated with a Manure Storage Facility.
- (24) **“Stop Work Order”** means an order to cease any activity in the operation of, or construction of an activity subject to regulation.

- (25) “**Substantially Alter**” means a change initiated by an owner, operator, or Permittee that results in a relocation of a structure or Facility or significant changes to the size, depth, or configuration of a structure or Facility, including:
- (a) Replacement of a liner and liner reconstruction in a Manure Storage Facility or structure.
 - (b) An increase in the volumetric capacity or area of a Manure Storage Facility or structure.
 - (c) A change in a Manure Storage Facility or structure related to a change in livestock management from one species of livestock to another, such as cattle to poultry, or changes in Manure consistency such as what would occur in using a separator.
- (26) “**Technical Standard**” is any practice standard within the NRCS Technical Guide.
- (27) “**Technical Standard 313**” is a practice standard within the NRCS Technical Guide that covers the proper location, design, construction, installation, alteration, operation and maintenance of a Manure Storage Facility.
- (28) “**Technical Standard 360**” is a practice standard within the NRCS Technical Guide that covers decommissioning of Facilities, and/or the rehabilitation of contaminated soil, in an environmentally safe manner, where agricultural waste has been handled, treated, and/or stored and is no longer used for the intended purpose.
- (29) “**Technical Standard 634**” is a practice standard within the NRCS Technical Guide that covers the design, material types and quality, and installation of components such as conduits, pumps, valves, and other structures or devices to transfer Manure and waste from buildings and yards and other sources to storage, loading areas, crop fields and other destinations. The standard establishes the minimum acceptable requirements for design, construction, and operation of Waste Transfer System components.
- (30) “**Technical Standard 590**” is a practice standard within the NRCS Technical Guide that covers managing the amount, form, placement and timing of plant nutrients associated with organic wastes (Manure, other waste, and organic by-products), commercial fertilizers, legume crops and crop residues.
- (31) “**Waste Transfer System**” or “**Manure Transfer System**” means components such as pumps, pipes, conduits, valves, and other mechanisms installed to convey Manure, other waste, leachate and contaminated runoff, and milking center wastes from livestock structures to a storage structure, loading area, or treatment area.
- (32) “**Unpermitted Manure Storage Facility**” means a Manure Storage Facility constructed, modified, or placed in use without first obtaining Permit, including facilities constructed before (the first date of the adoption this Ordinance), and may include an earthen structure or impoundment made with a concrete liner which fully or partially covers the bottom and/or the sidewalls of the impoundment.

- (33) **“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.
- (34) **“Zoning and Conservation Department” or “ZAC”** means the Sawyer County Zoning and Conservation Department, the Sawyer County Zoning and Conservation Department Administrator, and the Sawyer County Zoning and Conservation Department staff designated for oversight, enforcement and providing technical and administrative support for this Ordinance.

Sec. 1-3 Activities Subject to Regulation.

- (1) **Permit Requirements.** Any Person who constructs, Substantially Alters, changes use of or closes a Manure Storage Facility and related Waste Transfer Systems, or who employs another Person to do the same, shall be subject to the requirements of this Ordinance, including, but not limited to, all Permit requirements.
- (2) **New Construction.** Any new Manure Storage Facility or Substantially Altered Manure Storage Facility shall be designed, constructed and maintained to minimize the risk of structural failure of the Facility and minimize leakage of the Facility. Permit requirements include design, construction and As-built Plans approved by a professional engineer or engineer practitioner and meeting requirements of NRCS standards and specifications. Permit requirements also include an approved Nutrient Management Plan and an updated checklist submitted annually, with the updated plan available to the County Zoning and Conservation Department upon request, and any other information or materials requested by the LCC or the County Zoning and Conservation Department.
- (3) **Safety Devices.** All Manure Storage Facilities shall be equipped with Safety Devices, including fences and warning signs, intended to protect humans and livestock from the hazards associated with such Facilities. Safety Devices shall be designed and installed as required by Technical Standard 313.
- (4) **Abandoned Manure Storage Facility.**
- (a) Closure of a Manure Storage Facility shall occur when an operation where the Facility is located ceases operations, or Manure has not been added or removed from the Manure Storage Facility for a period of twenty-four (24) months. Any Person who owns a Manure Storage Facility that has been determined to have been abandoned must lower the level of the Manure Storage Facility to an elevation of one (1) foot above the floor of the Manure Storage Facility within a period of six (6) months from the date the Manure Storage Facility was determined to be abandoned. The Abandoned Manure Storage Facility shall be subject to Standard 360, Closure of Waste Impoundments. The Manure shall be uniformly spread on cropland or pasture according to an approved Nutrient Management Plan.

- (b) The owner or operator of the Manure Storage Facility may retain the Facility for a longer period of time by demonstrating to the County Zoning and Conservation Department that all of the following conditions are met:
 - 1. The Manure Storage Facility is designed, constructed and maintained in accordance with subsection (2).
 - 2. Retention of the Manure Storage Facility is warranted based on anticipated future use.
- (c) Manure Storage Facilities that pose an imminent threat to public health, surface water, or groundwater shall be upgraded, replaced, or abandoned in accordance with this section.
- (d) Levels of materials in Manure Storage Facilities may not exceed the Margin of Safety Level.

Sec. 1-4 Standards.

- (1) **Manure and Waste Storage.** All standards and specifications for design, construction, and closure of Manure Storage Facilities or other animal waste storage facilities are those in Technical Standard 313 “Waste Storage Facility,” Code 634 “Manure Transfer,” Technical Standard 360 “Closure of Waste Impoundments” of the NRCS Technical Guide.
- (2) **Nutrient Management.** The standards for management and utilization of animal waste are those in Technical Standard 590 “Nutrient Management” of the NRCS Technical Guide and shall comply with Wis. Admin. Code Ch. ATCP 50.04(3).

Sec. 1-5 Manure Storage Permits.

- (1) **Permit Required.** No Person may undertake any activity subject to this Ordinance without obtaining a Permit from the County Zoning and Conservation Department.
- (2) **Exception to Permit Requirement.** A Permit is not required for emergency repairs, such as repairing a broken pipe or equipment, leaking dikes, or the removal of stoppages to a Manure Storage Facility, which may be performed without a Permit. If repairs will alter the original design and construction of the Manure Storage Facility, a report shall be made to the County Zoning and Conservation Department within two (2) working days of the emergency for determination on whether a Permit will be required for any additional alteration or repair to the Facility.
- (3) **Fee.** All fees under this Ordinance are established pursuant to a Fee Schedule duly adopted by the County Board of Supervisors. Copies of the current fee schedule are kept on file at the County Zoning and Conservation Department. A non-refundable Permit application fee is payable upon submission of a Permit application. Permit fees shall double if a Facility is constructed or closed prior to issuance of a Permit. Separate fees to be paid by an Applicant may apply for engineering or other professional assistance

provided by the County in the enforcement of this Ordinance, or obtained to assist the County to design a Manure Storage Facility, or in the process of reviewing an application for Permit or amendment to a Permit under this Ordinance.

- (4) **Manure Storage Facility Construction Plan and Nutrient Management Plan Required.** Each application for a Manure Storage Facility construction Permit or Waste Storage Facility Closure Permit shall be filed with the County Zoning and Conservation Department. Each application for a Manure Storage Facility construction Permit under this Ordinance shall include a Waste Storage Facility Plan and a Nutrient Management Plan. Plans for the Manure Storage Facility (including Waste Transfer System) and the management of Manure shall be prepared in accordance with following requirements:

- (a) A narrative of the general criteria required within Technical Standard 313, and of other applicable NRCS Technical Standards, including management and site assessments. The narrative should include, but is not limited to:

1. The number and type of animals for which storage is provided, the duration for which storage is to be provided, daily gallons and/or cubic feet of waste and Manure produced, bedding type, and Manure handling practices.
2. A description and construction plan of the method of transferring animal waste into and from the Manure Storage Facility.
3. Soil test pit or boring logs and their locations with soil descriptions and test results. Soil test pit or boring criteria should follow Technical Standard 313V.A.2.b and characterize the subsurface (soils, saturation, and Bedrock). This includes the elevation of redoximorphic features (mottling), gleyed soil and moisture condition.

- (b) A general location map drawing of the site, which shall include:

1. The location of structures in relation to buildings, homes, property lines, roads, wells, karst features, public or private drainage ditches and creeks, flowages, rivers, streams, lakes, or wetlands within one thousand (1,000) feet of the proposed Facility or system.
2. The location of any wells within two hundred fifty (250) feet of the Facility.
3. The scale of the drawing and the north arrow with the date the general location map was prepared.
4. The location of any floodplains.

- (c) Engineering design drawings of the Manure Storage Facility or Waste Transfer System, which shall include:
 - 1. Specific design components that shall comply with Technical Standard 313, and additional applicable NRCS Technical Standards, such as Technical Standard 634.
 - 2. A recoverable benchmark(s), including elevation(s) expressed in feet and tenths.
 - 3. The scale of the drawings and the north arrow. The engineering design drawing shall be drawn to a scale no smaller than one (1) inch equals one hundred (100) feet.
 - 4. The date the engineering design drawings were prepared, name and signature of preparer, and identification of any professional status of the preparer, such as those set forth in Wis. Admin. Code Ch. ATCP 50, Subchapter VI – Soil and Water Professionals.
 - (d) The structural details, including, but not limited to, dimensions, cross-sections, concrete thickness, concrete joint design and placement, design loads, design computations, reinforcement schedules, thickness and placement of groundwater protection liners, and all material specifications.
 - (e) Provisions for adequate drainage and control of runoff to prevent pollution of surface water and Groundwater.
 - (f) A construction site erosion control plan.
 - (g) Estimated start of construction and construction schedule.
 - (h) A safety plan that identifies hazards to animals and people in the production area, and design features to minimize those hazards.
 - (i) An operation and maintenance plan for installed practices.
 - (j) A Nutrient Management Plan prepared in compliance requirements of this Ordinance, including sub. (6).
 - (k) Other additional information reasonably requested by the LCC or the County Zoning and Conservation Department to protect water quality and the public health, welfare and safety, or to achieve compliance with the requirements of this Ordinance.
- (5) **Manure Storage Closure Plan Required.** Each application for a closure Permit under this Ordinance shall include a site-specific design for closure as specified in Technical Standard 360. The plan shall include:

- (a) A general location map drawing of the Manure Storage Facility, which shall include:
 - 1. The location of the Manure Storage Facility in relation to buildings, homes, property lines, roads, wells, karst features, public or private drainage ditches and creeks, flowages, rivers, streams, lakes, or wetlands within one thousand (1,000) feet of the existing Facility.
 - 2. The scale of the drawing and the north arrow.
 - 3. The date the general location map was prepared.
 - 4. The date the engineering design drawings were prepared, name and signature of preparer, and identification of any professional status of the preparer, such as those set forth in Wis. Admin. Code Ch. ATCP 50, Subchapter VI – Soil and Water Professionals.
- (b) A description of the method and specifications in transferring Manure into and from the Manure Storage Facility to ensure proper closure of Waste Transfer Systems.
- (c) Provisions to remove or permanently plug the Waste Transfer System serving the Manure Storage Facility.
- (d) Provisions to remove and properly dispose of all accumulated Manure in the Manure Storage Facility in compliance with applicable Technical Standards.
- (e) For all waste impoundments, plan requirements and provisions shall be in compliance and consistent with applicable Technical Standards.
- (f) The Manure Storage Facility may be converted to other uses, where as it is demonstrated the conversion will not result in a degradation of Groundwater and/or surface waters or be a threat to public health, safety or general welfare. A detailed description of intended alternative use must be described for all Manure Storage Facility conversions for determination if conversions will be allowed the County Zoning and Conservation Department.
- (g) Provisions to ensure that Manure Storage Facility closures and conversions shall implement safety measures to ensure the protection of the public from hazardous conditions and protect the public health, welfare and safety.
- (h) Other additional information reasonably requested by the County Zoning and Conservation Department to protect water quality and the public health, welfare and safety, or to achieve compliance with the requirements of this Ordinance.

(6) Permit Standards.

- (a) **Manure Storage Construction.** Permit applications shall provide sufficient documentation to demonstrate that a new or Substantially Altered Manure Storage Facility:
 - 1. Is designed in accordance with the following technical standards:
 - a. Technical Standard 313.
 - b. Technical Standard 634.
 - (b) **Manure Storage Closure.** Permit applications shall provide sufficient documentation to demonstrate that the plan for Manure Storage Facility closure meets Technical Standard 360.
 - (c) **Manure and Nutrient Management.** Nutrient Management Plans shall comply Technical Standard 590, Wis. Admin. Code Ch. ATCP 50.04 (3) and Wis. Admin. Code Ch. NR 151.07, as each may be amended.
 - (d) **Other Standards.** Other technical guides such as AWMFH or EFH may be used to evaluate compliance with the requirements of this Ordinance.
 - (e) **Incorporation of Technical Standards and Specifications.** All Technical Standards and specifications are incorporated by reference and made part of this Ordinance. Any future amendment, revision or modification of the Technical Standards or specifications incorporated herein are made a part of this Ordinance, unless the LCC specifically affirmatively acts to a different version. Copies of all applicable Technical Standards and specifications may be obtained from the County Zoning and Conservation Department.
 - (f) **Certification.** All Permit applications must include a certification provided by a qualified Person that designs and plans meet the Technical Standards and specifications in this Ordinance, including, but not limited to, the requirements of this subsection.
 - (g) **Variances.** Variances from these standards and specifications can only be granted in accordance with Sec. 1-8 of this Ordinance.
- (7) **Review of Application.** The County Zoning and Conservation Department shall receive and review all Permit applications and shall determine if the proposed Manure Storage Facility meets required standards set forth in this Ordinance. Within forty-five (45) calendar days after receiving the completed application and fee, the County Zoning and Conservation Department shall inform the Applicant in writing whether the Permit application is approved or disapproved. If additional information is required, the County Zoning and Conservation Department shall so notify the Applicant. The County Zoning and Conservation Department has thirty (30) calendar days from the receipt of the additional information in which to approve or disapprove the application. No construction or use of any Facility may commence without the final approval form and Permit issued by the County Zoning and Conservation Department.

(8) **Permit Approval Conditions.** All Permits issued under this Ordinance shall be issued subject to the following conditions and requirements:

- (a) Facility and system design, construction, and closure shall be carried out in accordance with the approved plans and applicable standards.
- (b) Permittees must obtain all required permits, approvals and authorizations before commencing construction activities.

Note: DNR and other permits may be needed for construction site erosion control and stormwater management, floodplain and shoreland construction, and livestock facilities with 1,000 or more Animal Units.

- (c) The Permittee shall give five (5) working days' written notice to the County Zoning and Conservation Department before starting any construction activity authorized by the Permit.
- (d) Approval in writing must be obtained from the County Zoning and Conservation Department prior to making any changes or modifications to the approved plans and specifications.
- (e) Following completion of construction and prior to use, an agricultural or civil engineer registered in the State of Wisconsin, or DATCP, NRCS or County Zoning and Conservation Department engineering practitioner and the Permittee and, if applicable, the contractor, shall certify in writing on forms provided by the County Zoning and Conservation Department that all Facilities and systems were installed as planned, including As-built Plan dimensions and changes or modifications as authorized per sub. (8)(d) made during construction.
- (f) The County Zoning and Conservation Department shall provide onsite inspection and final approval for all construction projects conducted under a Permit issued under this Ordinance. To receive final approval, a Manure Storage Facility must be fully constructed as designed, including the marking of the maximum operating level and implementation of all Safety Devices.
- (g) No permitted Manure Storage Facility may receive Manure until the County Zoning and Conservation Department provides its final approval and issues the required Permit. No Manure may be emptied from permitted Manure Storage Facility until the County Zoning and Conservation Department approves the Nutrient Management Plan submitted by the Applicant.
- (h) Other additional conditions, requirements or restrictions required by the County Zoning and Conservation Department to protect water quality and the public health, welfare and safety, or to achieve compliance with the requirements of this Ordinance.

- (9) **Permit Expiration.** All activities authorized by a Permit shall be completed within two (2) years from the date of issuance of the Permit, after which time such Permit shall be void.
- (10) **Permit Revocation.** In addition to any other actions authorized under this Ordinance, the County Zoning and Conservation Department may revoke any Permit issued under this Ordinance if the Applicant, Permittee, owner or operator of a Facility has misrepresented any material fact in the Permit application, plan or specification, or if the Applicant, Permittee, owner or operator violates any of the conditions of the Permit or this Ordinance. The decision of the Zoning and Conservation Department may be appealed to the LCC as set forth in Sec. 1-8 of this Ordinance.

Sec. 1-6 Administration and Enforcement.

- (1) **Delegation of Authority.** The LCC, on behalf of the County Board of Supervisors, hereby designates the County Zoning and Conservation Administrator as the permitting authority, and delegates the authority to administer and enforce this Ordinance.
- (2) **Administrative Duties.** In the administration and enforcement of this Ordinance, the County Zoning and Conservation Department shall:
 - (a) Keep an accurate record of all Permit applications, Manure Storage Facility or other Facility plans, Nutrient Management Plans, Permits issued, inspections made, and other official actions.
 - (b) Review Permit applications and issue Permits in accordance with the terms of this Ordinance.
 - (c) Conduct, or cause to be conducted, inspections of Manure Storage Facilities to determine if a Facility construction, closure or operation meet the requirements of this Ordinance.
 - (d) Conduct, or cause to be conducted, reviews of the Nutrient Management Plans and their implementation.
 - (e) Investigate complaints relating to compliance with the requirements of this Ordinance and act upon the findings in accordance with provisions of this Ordinance.
 - (f) Perform other duties as specified in this Ordinance.
- (3) **Inspection Authority.** The County Zoning and Conservation Department, as agent for the LCC, or its representative(s), is authorized to enter upon any lands affected by this Ordinance to inspect the land, and request records to determine compliance with this Ordinance, including inspection of sites prior to or after the issuance of a Permit and sites with Unpermitted Manure Storage Facilities. If permission cannot be received from the Applicant or Permittee, entry by the County Zoning and Conservation Department, or its representative may proceed in accordance with Wis. Stat. § 66.0119. Refusal to grant

permission to enter lands affected by this Ordinance for purposes of inspection shall be grounds for Permit denial or revocation. The County may take any action authorized by this Ordinance to enforce this right of inspection.

- (4) **Enforcement Authority.** In addition to the authority to revoke Permits specified in this Ordinance, the County Zoning and Conservation Department is authorized to issue a Stop Work Order(s). The County Zoning and Conservation Department 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, and such posting shall be deemed sufficient for providing requisite notice to the Permittee, owner and operator. Notice is given by both posting upon the land where the violation occurs one or more copies of the order 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.
- (5) **Permit Revocation** or order stopping work shall remain in effect unless or until a Permit is reinstated or a Stop Work Order is canceled by the LCC, the County Zoning and Conservation Administrator, or by a court of general jurisdiction and the activity is brought into compliance with this Ordinance. The County Zoning and Conservation Department is authorized to refer any violation of this Ordinance or of any Stop Work Order issued pursuant to this Ordinance to the County's corporation counsel or district attorney for commencement of further legal proceedings.
- (6) **Abatement Order Authority.** The County Zoning and Conservation Department may issue an order to abate any violation of this Ordinance. In the event an offense is not abated as ordered, the County may take such action as is necessary to abate the offense and the cost of such abatement will become a lien upon the real property upon which the violation occurred and may be collected in the same manner as other taxes.
- (7) **Citation Authority.** Upon receipt of a verified report and request from the County Zoning and Conservation Department, the County Sheriff or other authorized person shall issue a citation to a violator pursuant to law for violations of this Ordinance.
- (8) **Referral Authority.** The County Zoning and Conservation Department may refer a violation of this Ordinance to the County's corporation counsel to pursue legal action, including, but not limited to, the enforcement of any part of this Ordinance through injunctions or restraining orders.
- (9) **Other Lawful Remedies.** Nothing in this section may be construed to prevent the County from using any other lawful means to enforce this Ordinance.

Sec. 1-7 Violations and Penalties.

- (1) It is unlawful for a Person to violate any provision of this Ordinance or any condition contained in a Permit issued pursuant to this Ordinance.

- (2) It is unlawful for any Person to knowingly provide false information, make a false statement, or fail to provide or misrepresent any material fact to a County agent, board, commission, committee, department, employee, officer, or official acting in any capacity under this Ordinance.
- (3) It is unlawful for a Person to disobey, fail, neglect, or refuse to comply with, or otherwise resist an order issued pursuant to this Ordinance.
- (4) Any Person who fails to comply with the provisions of this Ordinance, conditions of a Permit, or any order of the County issued in accordance with this Ordinance, or resists enforcement, shall be subject to a citation or other enforcement action listed in Sawyer County Citation Ordinance 89-1.
- (5) Any Person, firm or corporation who violates or refuses to comply with any of the provisions of this Ordinance shall be subject to a forfeiture of not less than (\$10.00) nor more than two hundred (\$200.00) dollars per offense, together with a taxable cost of action.
- (6) A separate offense is deemed committed on each day that a violation occurs or continues.

Sec. 1-8 Appeals and Variances.

(1) Appeals.

- (a) Any Applicant, Permittee or other individual having a substantial interest, which is adversely affected by the order, requirement, decision, or determination made under this Ordinance, may file an appeal pursuant to the terms of this Sec. 1-8.
- (b) All appeal requests shall be filed within 30 calendar days of the date of the order, requirement, decision, or determination that is the subject of the appeal was made. The LCC shall hear and consider the appeal at their next scheduled meeting, and not more than 45 days from when the appeal was filed. All appeal requests shall be sent via certified mail to the LCC at the address of the County Zoning and Conservation Department.
- (c) All appeal requests shall state the grounds upon which the appeal is made, specify written evidence and the reason for the request, including which requirements from this Ordinance are involved, and other applicable facts, information or evidence supporting the appeal request.
- (d) A written decision of the appeal shall be mailed to the appellant within thirty (30) days of the appeal decision. The decision will affirm, deny, or modify the initial determination.
- (e) Nothing in this Section 1-8(1) is intended to limit the appeal right of any appellant including but not limited, to an appeal pursuant to Wis. Stat. Ch. 68.

(2) **Variations.** The LCC may, upon the request of an Applicant, authorize a variance from the requirements of this Ordinance when, upon showing by the Applicant, unnecessary hardship would result from literal enforcement of this Ordinance.

(a) A variance shall:

1. Be consistent with the spirit and purpose of this Ordinance.
2. Be based on unique circumstances and not to the general conditions of the area.
3. Not be granted for a self-created hardship.
4. Not permit an activity or practice that may fail structurally or otherwise and cause significant Water Pollution or other off-site impacts.
5. Not be granted if the variance will result in an outcome that is contrary to the public interest and be damaging to the rights of other persons.
6. Not be granted solely on the basis of economic gain or loss.
7. Not be granted solely on the fact that certain conditions existed prior to the effective date of the Ordinance.

(b) No variance from the standards in Technical Guide may be approved unless the County receives a variance or waiver from the Technical Standards through the NRCS or other authorized authority. If public funds are involved, this may be a program requirement at the County's discretion.

(c) No variance from any State of Wisconsin code or standard may be approved unless the County receives a variance or waiver from the State of Wisconsin code or standard by DATCP, DNR, or other authorized authority.