

**SAWYER COUNTY BOARD OF SUPERVISORS
RESOLUTION NO. _____**

RESOLUTION TO ADOPT SAWYER COUNTY WASTE STORAGE ORDINANCE

WHEREAS, on March 20, 1997, Sawyer County adopted its current Waste Storage Ordinance repealing any existing animal waste storage ordinances; and

WHEREAS, the Sawyer County Zoning & Conservation Department is charged with protecting the groundwater, surfaces water, public health, and natural resources of Sawyer County through this ordinance by regulating new agricultural waste storage facilities, closure of waste storage facilities, and safe handling of spreading of manure; and

WHEREAS, it is necessary to repeal the current ordinance to incorporate Wis. Admin. Code Ch. NR 151, and NRCS Technical Standards as intended and to bring up to date definitions and references therein; and

WHEREAS, it is also necessary to amend the current ordinance to protect the health, welfare and safety of Sawyer County, its residents, and its natural resources.

WHEREAS, the Sawyer County Land, Water, and Forest Resource Committee voted at its February 12, 2020 meeting to recommend approval of the Waste Storage Ordinance adoption and repeal any existing Animal Waste Storage Ordinances to the Sawyer County Board of Supervisors; and

WHEREAS, the Sawyer County Board of Supervisors determined, at its meeting on March 19, 2020, that adopting the Ordinance as set forth in Exhibit A is warranted to protect both the agricultural industry and natural resources of Sawyer County, in addition to protecting the health, welfare and safety of Sawyer County, its residents and natural resources.

NOW, THEREFORE BE IT RESOLVED, by the Sawyer County Board of Supervisors does ordain as follows:

1. Adoption. The Sawyer County Waste Storage Ordinance is hereby adopted as set forth in Exhibit A.
2. Repeal of Conflicting Ordinances. Any ordinance or code in conflict with the Sawyer County Waste Storage Ordinance is hereby deemed repealed.
3. Administration. Sawyer County Zoning and Conservation Department Administrator is hereby directed and empowered to take the steps necessary to implement the Sawyer County Waste Storage Ordinance.

SEE ATTACHED EXHIBIT A

This Resolution is recommended for adoption by the Sawyer County Board of Supervisors at its meeting on March 19, 2020 by this Sawyer County Land, Water & Forest Resource Committee meeting on February 12, 2020.

Bruce Paulsen, Chairman

Brian Bisonette, Vice-Chairman

James Bassett, Member

Elaine Nyberg, Member

Marc Helwig, Member

This Resolution and the Sawyer County Waste Storage Ordinance is hereby adopted by the Sawyer County Board of Supervisors this ____ day of _____, 20__.

Tweed Shuman,
Sawyer County Board of Supervisors Chairman

Carol Williamson,
County Clerk

EXHIBIT A
Sawyer County Waste Storage Ordinance

Published and Effective xx/xx/xxx

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
- 1-6** Administration
- 1-7** Violations
- 1-8** Appeals and Variances

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 and communities within Sawyer County, under authority granted by Wis. Stat. § 59.69 and Wis. Stat. § 92.16.
- (2) **Title.** This Ordinance shall be known as, referred to, and may be cited as the Sawyer County Waste Storage Ordinance and is hereinafter known as the Ordinance.
- (3) **Findings and Declaration of Policy.** 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.

The Sawyer County Board of Supervisors also recognizes that the proper management of animal waste contributes to the protection of groundwater and surface water, public health, and natural resources.

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 waste storage facilities. This ordinance also regulates the closure of waste 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 article 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.
- (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.

- (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 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 animal unit is equivalent to 1000 pounds of livestock live weight.
- (3) **“Applicant”** means any person who applies for a permit under this Ordinance
- (4) **“As-built report”** 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 Wisconsin Department of Agriculture, Trade and Consumer Protection.
- (8) **“Direct conduits to groundwater”** means wells, sinkholes, swallets, fractured bedrock at the surface, mine shafts, non-metallic mines, tile inlets discharging to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.
- (9) **“DNR”** means the Wisconsin Department of Natural Resources.
- (10) **“Earthen manure storage facility”** means a facility constructed of earth dikes, pits or ponds used for temporary storage of manure including other allowed wastes.
- (11) **“Groundwater”** means any of the waters of the state, occurring in a saturated subsurface geological formation of rock or soil.
- (12) **“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. Stats. § 59.70(20) and Wis. Stat. § 92.07, determine policy and give direction for soil and water conservation activities, and provides direction for the Sawyer County Zoning and Conservation Department (ZAC).
- (13) **“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.
- (14) **“Manure stack”** means an uncontained deposit of animal waste placed on an earthen, concrete or other surface for limited periods necessary to facilitate daily or periodic land spreading.
- (15) **“Manure storage 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 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.
- (16) **“Margin of safety level”** is the maximum operating level of a manure storage facility. This includes one foot of free board plus the increase in elevation necessary to store the volume of runoff and precipitation that enters the facility from a 25-year, 24-hour storm event.
- (17) **“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.

- (18) **“NRCS technical guide”** means the most current stated version of the NRCS field office technical guide, as may be amended. Copies of the NRCS technical guide are on file with the State of Wisconsin Department of Agriculture, Trade and Consumer Protection Department and the legislative reference bureau. Copies of individual standards contained in the NRCS technical guide may be obtained from the county ZAC or from an NRCS field office.
- (19) **“Nutrient management plan”** means an annual written plan that complies with Wis. Admin. Code Ch. ATCP 50.04(3) and details the amount, form, placement, and timing of the application of plant nutrients, including animal manure. The plan must also meet NRCS Conservation Practice Standard 590.
- (20) **“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.
- (21) **“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.
- (22) **“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 ZAC and its employees under Wis. Stat. § 92.09.
- (23) **“Permittee”** means any person to whom a permit is issued under this Ordinance.
- (24) **“Person”** means any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county or state agency within Wisconsin, the federal government, or any combination thereof.
- (25) **“Safety Devices”** means devices, which are designed to protect humans and livestock from the hazards associated with a storage facility.
- (26) **“Stop work order”** means an order to cease any activity in the operation of, or construction of an activity subject to regulation.
- (27) **“Substantially altered”** 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:
- Replacement of a liner and liner reconstruction in a manure storage structure.
 - An increase in the volumetric capacity or area of a structure or facility.
 - A change in a structure or facility 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.
- (28) **“Technical Guide”** The document provided by the USDA Natural Resources Conservation Service which contains technical data, including the standards referenced

within this ordinance to properly and safely locate, construct, install, alter, design, operate, maintain and close a waste storage facility and/or the associated manure transfer system.

- (29) **“Technical Standard 313”** is a practice standard within the Technical Guide that covers the proper location, design, construction, installation, alteration, operation and maintenance of a manure storage facility.
- (30) **“Technical Standard 360”** is a practice standard within the 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.
- (31) **“Technical Standard 634”** is a practice standard within the 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.
- (32) **“Technical Standard 590”** is a practice standard within the Technical Guide that covers managing the amount, form, placement and timing of plant nutrients associated with organic wastes (manure and organic by-products), commercial fertilizers, legume crops and crop residues.
- (33) **“Waste transfer system”** means components such as pumps, pipes, conduits, valves, and other mechanisms installed to convey manure, leachate and contaminated runoff, and milking center wastes from livestock structures to a storage structure, loading area, or treatment area.
- (34) **“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.
- (35) **“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.
- (36) **“Water Quality Management Area” or “WQMA”** means the area within 1,000 feet from the ordinary high watermark of navigable waters that consist of a river or stream; and a site that is susceptible to groundwater contamination, or that has the potential to be a direct conduit for contamination to reach groundwater.
- (37) **“Zoning and Conservation Department” or “ZAC”** means the Sawyer County Zoning and Conservation Department Administrator and 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 transfer systems, or who employs another person to do the same, shall be subject to the permit requirements of this Ordinance.

- (2) **New Construction.** New or substantially altered manure storage facilities shall be designed, constructed and maintained to minimize the risk of structural failure of the facility and 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 Sawyer County Zoning and Conservation Department upon request.
- (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 a such facilities. Safety devices shall be designed and installed as required by Technical Standard 313.
- (4) **Abandoned Manure Storage Facility.** 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 facility for a period of 24 months. Any person who owns a storage facility that has been determined to have been abandoned must lower the level of the facility to an elevation of one foot above the floor of the facility within a period of six months from the date the facility was determined to be abandoned. The abandoned facility shall be subject to Standard 360, Closure of Waste Impoundments. The animal waste shall be uniformly spread on cropland or pasture according to an approved nutrient management plan.

The owner or operator may retain the facility for a longer period of time by demonstrating to the ZAC that all of the following conditions are met:

The facility is designed, constructed and maintained in accordance with subsection (2).

Retention of the facility is warranted based on anticipated future use.

- (5) **Existing Facilities.** 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.

Levels of materials in storage facilities may not exceed the margin of safety level.

Sec. 1-4 Standards.

- (1) All standards and specifications for design, construction, and closure of animal waste storage facilities are those in Code 313 "Waste Storage Facility," Code 634 "Manure Transfer," and Code 360 "Closure of Waste Impoundments" of the NRCS Technical Guide.
- (2) The standards for management and utilization of animal waste are those in Code 590 "Nutrient Management" of the NRCS Technical Guide and shall comply with 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 ZAC.
- (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 may be performed without a permit. If repairs will alter the original design and construction of the facility, a report shall be made to the ZAC within two 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 Sawyer County Board/ of Supervisors. Copies of the current fee schedule are kept on file at the Sawyer County Zoning and Conservation Department. A non-refundable permit application fee is payable upon submission of a permit application. Permit fees will double if a facility is constructed or closed prior to issuance of a permit. Separate fees may apply for engineering or other professional assistance provided by the County, or obtained to assist the County, to design a manure storage facility or in the process of reviewing an application for permit under this Ordinance.
- (4) **Manure Storage Facility Construction Plan and Nutrient Management Plan Required.** Each application for a Waste Storage Facility Construction Permit or Waste Storage Facility Closure Permit shall be filed with the ZAC department.

Each application for a Waste Storage Facility Construction Permit under this ordinance shall include a Waste Storage Facility Plan and a nutrient management plan. Plans for the storage facility (including 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 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 (1000) feet of the proposed facility or system.

2. The location of any wells within 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 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 requested by the County to comply with 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 (1000) feet of the existing facility.
 2. The scale of the drawing and the north arrow.
 3. The date the general location map was prepared.
- (b) A description of the method and specifications in transferring manure into and from the manure storage facility to ensure proper closure of transfer systems.
- (c) Provisions to remove or permanently plug the manure transfer system serving the manure storage facility.
- (d) Provisions to remove and properly dispose of all accumulated manure in the manure 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 ground 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 by ZAC
- (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.
- (h) Any other additional information required by the County to protect water quality and 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 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 under 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.

- (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 Standards and Specifications.** All standards and specifications are incorporated by reference and made part of this Ordinance. Any future amendment, revision or modification of the 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 standards and specifications may be obtained from the Sawyer 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. 1-9 of this Ordinance
- (7) **Review of Application.** The Sawyer County Zoning and Conservation Department shall receive and review all permit applications and shall determine if the proposed facility meets required standards set forth in this Ordinance. Within 45 calendar days after receiving the completed application and fee, the Sawyer 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 Sawyer County Zoning and Conservation Department shall so notify the permit applicant. The Sawyer 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 may commence without the final approval form and permit issued by the Sawyer 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 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 Sawyer County Zoning and Conservation Department before starting any construction activity authorized by the permit.
 - (d) Approval in writing must be obtained from the Sawyer County Zoning and Conservation

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 or NRCS or ZAC engineering practitioner and the permittee and, if applicable, the contractor, shall certify in writing on forms provided by the Sawyer County Zoning and Conservation Department that all facilities and systems were installed as planned, including as-built dimensions and changes or modifications as authorized per sub. (8)(d) made during construction.
- (f) The Sawyer 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 provides its final approval. No manure may be emptied from permitted manure storage facility until the county approves the nutrient management plan submitted by the applicant.
- (9) **Permit Expiration.** All activities authorized by a permit shall be completed within two (2) years from the date of issuance after which time such permit shall be void.
- (10) **Permit Revocation.** In addition to any other actions authorized under this Ordinance, the Sawyer County Zoning and Conservation Department may revoke any permit issued under this Ordinance if the permittee, owner or operator has misrepresented any material fact in the permit application, plan or specification, or if the 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 LLC

Sec. 1-6 Administration and Enforcement

- (1) **Delegation of Authority.** The LCC, on behalf of the Sawyer County Board of Supervisors hereby designates the Sawyer 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 Sawyer County Zoning and Conservation Department shall:
 - (a) Keep an accurate record of all permit applications, animal waste facility plans, nutrient management plans, permits issued, inspections made, and other official actions.
 - (b) Review permit applications and issue permits in accordance with Section 1-5 of this Ordinance.
 - (c) Conduct, or cause to be conducted, inspections of manure storage facilities to determine if the facility construction, closure or operation meet the requirements of this Ordinance.
 - (d) Conduct, or cause to conduct, 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 Sawyer 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 storage facilities. If permission cannot be received from the applicant or permittee, entry by the Sawyer 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 Sawyer County Zoning and Conservation Department is authorized to issue a stop work order(s). The Sawyer 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 (e.g., Land Conservation Committee, the County Zoning and Conservation Administrator, or by a court of general jurisdiction); or until the activity is brought into compliance with this Ordinance. The Sawyer 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 Sawyer 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 Sawyer 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 Sawyer 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. 1-8 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 an official 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, 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. 1-9 Appeals and Variances

- (1) **Appeals.**
 - a) Under authority of Chapter 68, Stats., the Sawyer County Board of Appeals, created under Section 59.69(7)(a), Stats Wis. Stats., is authorized to hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination by the Sawyer County Zoning and Conservation Department in administering this Ordinance.
 - (b) Any person having a substantial interest, which is adversely affected by the order, requirement, decision, or determination made under this ordinance may file an appeal.
 - (c) All appeals shall specify written evidence and the reason for the request, including which requirements from this Ordinance are involved, and shall be filed via certified mail.
 - (d) The Board of Appeals shall set a meeting to hear the appeal within ten (10) calendar days of receipt of the appeal.
 - (e) A written decision shall be mailed to the appellant within thirty (30) days of the appeal. The decision will affirm, deny, or modify the initial determination.
 - (f) The rules, procedures, duties, and powers of the Board of Appeals shall apply to appeals filed under this section.
- (2) **Variances** The LLC may upon appeal 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.