

**CHAPTER 4
ANIMAL MANURE STORAGE ORDINANCE**

SECTION:

- 9-4-1: Animal Manure Storage Ordinance Adopted**
- 9-4-2: Definitions**
- 9-4-3: Activities Subject to Regulation**
- 9-4-4: Standards**
- 9-4-5: Application For and Issuance of Permits**
- 9-4-6: Administration**
- 9-4-7: Violations**
- 9-4-8: Appeals from Administrative Decisions**

9-4-1: ANIMAL MANURE STORAGE ORDINANCE ADOPTED

- A. Authority And Name: This Ordinance is adopted under authority granted by §92.16, Wis. Stats.

This Ordinance shall be known as, referred to, and may be cited as the *GREEN COUNTY ANIMAL MANURE STORAGE ORDINANCE* and is hereinafter referred to as this "Chapter".

- B. Findings And Declaration Of Policy: The Green County Board of Supervisors finds that storage of animal manure in storage facilities not meeting technical design and construction standards may cause pollution of the surface and ground waters of Green County, and may result in actual or potential harm to the health of County residents and transients; to livestock, aquatic life and other animals and plants; and to the property tax base of Green County.

The Green County Board of Supervisors also finds that improper management of animal manure storage facilities, and utilization, including land application of stored animal manure, may cause pollution of the ground and surface waters of Green County.

The Green County Board of Supervisors further finds that the technical standards issued by the U.S.D.A. Natural Resources Conservation Service and developed with the assistance of the interagency Standards Oversight Committee provide effective, practical, and environmentally safe methods of storing and utilizing animal manure.

- C. Purpose: The purpose of this Chapter is to regulate the location, design, construction, installation, operation, alteration and use of animal manure storage facilities, as well as abandonment and the application of manure from these facilities in order to prevent water pollution and thereby protect the health of Green County residents and transients; prevent the spread of disease; and promote the prosperity and general welfare of the citizens of Green County. It is also intended to provide for the administration and enforcement of this Chapter and to provide penalties for its violation.

- D. Interpretation: In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- E. Severability Clause: If any section, provision, or portion of this Chapter is ruled invalid by a court, the remainder of the Chapter shall not for that reason be rendered ineffective.
- F. Applicability: This Chapter applies to the unincorporated areas of Green County and to all animal manure storage facilities constructed therein. (Ord. 97-0510) (Ord. 00-0102)

9-4-2: DEFINITIONS:

ABANDONMENT: Any animal manure storage facility not used for that purpose for two (2) consecutive years and is shown to be a potential threat to groundwater or surface water pollution, shall be abandoned following the procedure as stated in Standard 313 of Section IV of the Technical Guide.

ANIMAL MANURE: Excrete from livestock, poultry and other materials, such as bedding, rain or other water, soil, hair, feathers, and other debris normally included in animal manure handling operations.

ANIMAL MANURE STORAGE FACILITY: Both fabricated and earthen facilities as herein defined.

APPLICANT: Any person who applies for a permit under this Chapter.

DISCONTINUE OF USE: A farming operation that has removed the livestock units that were principally using the animal manure storage facility must empty that animal manure storage facility within one hundred twenty (120) days or when land becomes fit based on weather conditions and at such time as the animal manure may be utilized following the nutrient management plan for that farm.

EARTHEN ANIMAL MANURE STORAGE FACILITY: A facility above or below grade, excavated, or constructed of earth berms or dikes, or utilizing pits, depressions or ponds to contain animal manure and associated liquids for storage which may be lined with earth, nonstructural concrete, or a flexible membrane material for a period of thirty (30) or more days or that has the capacity to store 5,000 cubic feet or more of animal manure.

FABRICATED ANIMAL MANURE STORAGE FACILITY: A concrete, steel, or otherwise fabricated storage of animal manure with one or more walls to contain manure and associated liquids for a period of thirty (30) or more days or that has the capacity to store 5,000 cubic feet or more of animal manure.

HIGH GROUND WATER LEVEL: The higher of either the elevation to which the soil is saturated as observed as a free water surface in an unlined hole, or the elevation to which the soil has been seasonally or periodically saturated as indicated by soil redoxamorphic features throughout the soil profile.

NUTRIENT MANAGEMENT PLAN: Written plan detailing the amount, form, placement, and timing of application of plant nutrients, including animal manure.

PERMIT: The signed, written statement issued by the Green County Department of Land and Water Conservation under this Chapter authorizing the applicant to construct, abandon, install, enlarge, or substantially alter an animal manure storage facility and to use or dispose of manure from the facility.

PERMITTEE: Any person to whom a permit is issued under this Chapter.

PERSON: Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county, or State agency within Wisconsin, the Federal Government, or any combination thereof.

TECHNICAL GUIDE: The United States Department of Agriculture (U.S.D.A.) Natural Resources Conservation Service Technical Guide, Section IV as adopted by the Green County Land and Water Conservation Committee and the Department of Land and Water Conservation shall provide the minimum guidelines for this Ordinance. Any more restricting requirements above and beyond the Technical Guide may be set by Green County for use in this Ordinance.

UNCONFINED MANURE STACK: Any uncontained mechanically deposited animal manure placed on an earthen, concrete, or other surface meeting Standard 313 of Section IV of the Technical Guide for a period of less than thirty (30) days and/or having a total accumulation of less than 5,000 cubic feet to facilitate daily or periodic land spreading. These will not be regulated by this Ordinance, but may be regulated due to a NR243 Notice of Discharge complaint.

WATER POLLUTION: 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. (Ord. 97-0510) (Ord. 00-0102)

9-4-3: ACTIVITIES SUBJECT TO REGULATION

- A. General Requirement: Any person who designs, constructs, installs, reconstructs, enlarges, abandons or alters an animal manure storage facility; or who employs another person to do the same, on land subject to this Chapter, shall be subject to the provisions of this Chapter.
- B. Compliance With Permit Requirements: A person is in compliance with this Chapter if he or she follows the procedures of this Chapter, receives a permit from the Department of Land and Water Conservation before beginning activities subject to regulation under this Chapter, and complies with the requirements of the permit. (Ord. 97-0510) (Ord. 00-0102)

9-4-4: STANDARDS

- A. Standards For Animal Manure Waste Storage Facilities: The standards for design and construction of animal manure storage facilities are the current standards in Section IV of the Technical Guide, Standards 313 and 634 as it existed on the date of adoption of this Chapter including any and all existing and future standards amended thereto.
- B. Standards For Nutrient Management Plan: The standards for a nutrient management plan shall be as provided in Section IV of the Technical Guide, Standard 590, including any and all existing and future standards amended thereto.

- C. Subsequent Modification Of Standards: The standards of the Technical Guide are adopted and by reference made a part of this Chapter as if fully set forth. Any future amendment, revision or modification of the standards incorporated herein are made a part of this Chapter.
- D. Human Household Wastewater Prohibited: Human household wastewater shall not be discharged into animal manure storage facilities unless provided for through other permitting process outside of this Chapter.
- E. Standards: Any or all standards contained or referenced in this Chapter shall be maintained and available through the Green County Department of Land and Water Conservation. (Ord. 97-0510) (Ord. 00-0102)

9-4-5: APPLICATION FOR AND ISSUANCE OF PERMITS

- A. Permit Required: No person may undertake an activity subject to this Chapter without obtaining a permit from the Department of Land and Water Conservation prior to beginning the proposed activity.
- B. Exception To Permit Requirements: 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 significantly alter the original design and construction of the facility, a report shall be made to the Department of Land and Water Conservation within two (2) work days of the emergency for a determination by the Department of Land and Water Conservation on whether a permit will be required for any additional alteration or repair to the facility.
- C. On-Site Investigation Required: Each application for a permit under this Section shall require an on-site inspection prior to issuance and include a summary report of on-site conditions. The site inspection shall be conducted by the Department of Land and Water Conservation staff.
- D. Fee: The nonrefundable fee for a permit under this Chapter shall be \$500.00. (Ord. 14-0301, 3/11/2014)
- E. Animal Manure Storage Facility Plan And Nutrient Management Plan Required: Each application for a permit under this Section shall include an animal manure storage facility plan and nutrient management plan. The plan shall specify:
 1. The number, kinds, and weights of animals for which storage is provided and the duration for which storage is to be provided. Storage volume computations and the storage facility volume shall be provided.
 2. A plan view of the facility and its location in relation to buildings and homes within one thousand feet (1,000') of the proposed facility. The plan view shall be drawn to scale, with a scale no smaller than one inch equals one hundred feet (1" = 100'), the North arrow, scale of drawing, township, range, and quarter - quarter section of the proposed facility, and location, description and elevation of temporary bench mark.
 3. The structural details, load assumptions, design computations, dimensions, cross sections, concrete thickness, reinforcing steel to be used, and facility elevations.

The construction and material specifications set forth in Section IV of the Technical Guide including any and all existing and future amendments including, but not limited to, applicable specifications for earthen fill quantities and soil types, excavation quantities and soil types, timber and pipes.

4. The location of any existing or proposed well within one thousand feet (1,000') of the facility.
 5. The soil test pit locations and soil descriptions to a depth of at least five feet (5') below the planned bottom of the facility. Surface elevation of soil test pits shall be provided. Also results of any laboratory tests performed on the soils shall be provided.
 6. The elevation of high ground water level or bedrock if encountered in the soil profile and the date of any such determinations.
 7. Provisions for adequate drainage and control of runoff to prevent pollution of surface water and ground water. If a navigable body of water lies within five hundred feet (500') of the facility, the location and distance to the body of water shall be shown.
 8. A time schedule for construction of the facility.
 9. A description of the method and materials proposed in transferring animal manure into and from the facility.
 10. A nutrient management plan for utilization of the animal manure, including, but not limited to, the amount of land available for application of manure, identification of the areas where the manure will be used, soil types and any limitations on manure application due to soil limitations, crop rotations, type and proximity of bedrock or water table, slope of land, and proximity to surface water. The nutrient management plan is required to ensure that suitable acreage is available for land application and crop uptake of manure nutrients.
 11. An operation and maintenance plan, operating safety provisions, and details of the manure transfer system, including, but not limited to, materials quality, shall be provided.
 12. The type of fencing to be used around the facility. Fencing shall be a minimum of eleven (11) gauge, forty-seven (47) inch woven wire with at least one barbed wire above it **or** nine (9) gauge, fifty-two (52) inch woven livestock panels, **or** eleven and one-half gauge chain link no less than forty-eight (48) inches high **or** any other fence that will provide greater protection. The facility shall be posted for "No Trespassing" and/or "Warning" **MANURE STORAGE FACILITY**. These signs shall be spaced at intervals of no more than two hundred feet (200').
- F. Written Approval From Green County Zoning: Each application for a permit under this Section shall include written approval from the Green County Zoning Department.
- G. Review Of Application: The Department of Land and Water Conservation shall receive and review all permit applications and shall determine if the proposed facility meets required

standards set forth in Section 9-4-4 of this Chapter. Within thirty (30) working days after receiving the completed application and fee, the Department of Land and Water Conservation shall inform the applicant in writing whether the permit application is approved or disapproved. If additional information is required, the Department of Land and Water Conservation shall notify the permit applicant. The Department of Land and Water Conservation shall have thirty (30) working days from the receipt of the additional information in which to approve or disapprove the application. No construction may commence without the final approval by the Department of Land and Water Conservation. If after thirty (30) days the Department of Land and Water Conservation has not responded, the application is considered approved and may go ahead with the project. If the plan is to be reviewed by the Natural Resources Conservation Service, Department of Natural Resources, or Department of Agriculture, Trade and Consumer Protection, another thirty (30) working days is needed. (Ord. 17-0302, 3/14/17)

H. Permit Conditions: All permits issued under this Chapter shall be issued subject to the following conditions and requirements:

1. Animal manure storage facility design and construction, management, and utilization activities shall be carried out in accordance with the animal manure facility plan and applicable standards specified in Section 9-4-4 of this Chapter. (Ord. 17-0302, 3/14/17)
2. The permittee shall give two (2) working days' notice to the Department of Land and Water Conservation before starting any construction activity authorized by the permit.
3. Approval in writing must be obtained from the Department of Land and Water Conservation prior to any modifications to the approved animal manure facility plan.
4. The permittee and, if applicable, the contractor, shall certify in writing that the facility was installed as planned.
5. The Department of Land and Water Conservation staff may conduct on-site inspections before, during and after construction.

Activities authorized by permit must be completed within two (2) years from the date of issuance after which such permit shall be void. (Permit for construction may also be subject to County Zoning Ordinance time limitations.)

I. Permit Revocation: The Department of Land and Water Conservation may revoke any permit issued under this Chapter if the holder of the permit misrepresents any of the materials to be used for constructing and/or reconstructing the animal manure facility, misrepresents the plans of the animal manure facility, makes statements within the permit application which misrepresent the facts, or if the holder of the permit violates any of the conditions of the permit. The permittee shall be immediately notified of the revocation in writing giving reason(s) for the revocation. (Ord. 97-0510) (Ord. 00-0102)

9-4-6: ADMINISTRATION

- A. Delegation Of Authority: Green County Board of Supervisors hereby designates the Green County Department of Land and Water Conservation to administer and enforce this Chapter.
- B. Administrative Duties: In the administration of this Chapter, the Department of Land and Water Conservation shall:
 - 1. Keep an accurate record of all permit applications, animal manure facility plans, permits issued, inspections made, and other official actions.
 - 2. Review permit applications and issue permits in accordance with Section 9-5-5 of this Chapter. (Ord. 17-0302, 3/14/17)
 - 3. Inspect animal manure storage facility construction to ensure the facility is being constructed according to plan specifications.
 - 4. Investigate complaints relating to compliance with this Chapter.
 - 5. Perform other duties as specified in this Chapter.
- C. Design and Construction Plan Approval: Storage facility design and construction plans may be provided through the Department of Land and Water Conservation, cooperating members or County, State, or Federal government agencies, and private consultants. Private consultants shall be registered professional engineers, licensed in the State of Wisconsin. Storage facility designs, construction plans, and specifications utilizing preapproved or prequalified Natural Resources Conservation Service plans must be prepared by a registered professional engineer, licensed in the State of Wisconsin. The approval of preapproved or prequalified plans must state that plan meets the requirements of this Chapter. Construction plans utilizing a preapproval or prequalified plan must be adapted to fit site conditions making it comply with Standard 313
- D. Inspection Authority: The Department of Land and Water Conservation is authorized to enter upon any lands affected by this Chapter to inspect the land prior to or after permit issuance to determine compliance with this Chapter. If permission cannot be received from the applicant or permittee, the permit may be denied or entry by the Department of Land and Water Conservation shall be in accordance with §92.07(14), Wis. Stats.
- E. Enforcement Authority: The Department of Land and Water Conservation is authorized to post an order stopping work upon land which has had a permit revoked or on land in violation of this Chapter. Notice is given by both posting upon the land where the violation occurs one or more copies of a poster stating the violation, and by mailing a copy of the order by certified mail, return receipt requested, to the person whose activity is in violation of this Chapter. The order shall specify that the activity must cease immediately and be brought into compliance within five (5) working days.

Any permit revocation or order stopping work shall remain in effect unless retracted by the Department of Land and Water Conservation, or until the activity is brought into compliance with this Chapter. The Department of Land and Water Conservation is authorized to refer

any violation of this Chapter or of any order stopping work issued pursuant to this Chapter to the District Attorney for commencement of further legal proceedings. (Ord. 97-0510) (Ord. 00-0102)

9-4-7: VIOLATIONS

- A. Any person who violates, neglects, refuses to comply with or resists the enforcement of any of the provisions of this Chapter shall be subject to a forfeiture of not less than \$100.00 nor more than \$1,000.00 for each violation. A violation includes failure to comply with any standard of this Chapter or with any condition or qualification attached to the permit. Each day that a violation exists shall be a separate offense. The County Conservationist may refer violations of this Chapter to Corporation Counsel for enforcement. (Ord. 14-0601, 6/10/2014)
- B. Enforcement Of Injunctions: As a substitute for or as an addition to forfeiture actions, Green County may seek enforcement by injunction order at the suit of the County or the owner or owners of the land within the district affected by the regulations of this Title. (Ord. 97-0510)

9-4-8: APPEALS FROM ADMINISTRATIVE DECISIONS

- A. Authority: The Green County Land and Water Conservation Committee shall hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination by Department of Land and Water Conservation staff in administering this Chapter.
- B. Procedure: Any appeal shall be made by written request, mailed or delivered to the Green County Land and Water Conservation Committee, c/o Department of Land and Water Conservation, 1627 4th Avenue W, Monroe, WI 53566. The appeal shall be requested 90 calendar days from the issuance of the order, requirement, decision, or determination. The request shall state the ground or grounds upon which it is contended that the decision should be modified or reversed. The appeal shall be heard within sixty (60) days of the date the appeal is filed with the Department. A copy of the meeting notice shall be sent to the applicant and the appropriate town Board. The Department shall transmit to the Committee all documents constituting the record from which the appeal was taken. The Committee shall issue a written decision regarding the appeal within sixty (60) days after the appeal hearing. (Ord. 17-0302, 3/14/17)
- C. Statutory Administrative Review And Certiorari: The decision of the Green County Land and Water Conservation Committee shall be subject to judicial review if, within 30 days after the decision of the Green County Land and Water Conservation Committee, an action seeking the remedy available by certiorari is commenced, as authorized by this County Code and §59.694, Wis. Stats. (Ord. 97-0510) (Ord. 07-0801; 8/14/07) (Ord. 14-0601, 6/10/2014)

**CHAPTER 5
ANIMAL FEEDLOT ORDINANCE**

SECTION:

- 9-5: Animal Feedlots**
- 9-5-1: Administration**
- 9-5-2: Siting of Residential Buildings Limited**
- 9-5-3: General Setbacks for Animals Feedlots Permitted Under Section 9-4-4**
- 9-5-4: Feedlot Performance Standards**
- 9-5-4-1: Feedlot – General Restrictions**
- 9-5-4-2: Permitting Procedure; Permit Criteria**
- 9-5-4-3: Repealed and Reserved for Future Use Pursuant to Ord. 03-0201**
- 9-5-4-4: Violations**
- 9-5-4-5: Appeals from Administrative Decision**
- 9-5-4-6: Definitions**

9-5: ANIMAL FEEDLOTS

9-5-1: ADMINISTRATION

The County Conservationist shall administer this section and is assigned all necessary duties and powers in accordance with this Code. The Land and Water Conservation office shall maintain any written record relating to each application including a written decision, with findings of fact, in support of the approval or denial of the application. These records will be maintained for not less than seven (7) years.

9-5-2: SITING OF RESIDENTIAL BUILDINGS LIMITED

For the purposes of this Section, a permitted feedlot shall be one for which a permit has been issued pursuant to Section 9-5-7 of the Green County Code and shall not refer to a feedlot which was in existence at the time of enactment of this Ordinance but for which a permit has not been obtained. (Ord. 00-0101)

9-5-3: GENERAL SETBACKS FOR ANIMAL FEEDLOTS PERMITTED UNDER SECTION 9-4-4

- A. New or expanding feedlots are prohibited in the one hundred (100) year floodplain or in a floodway.
- B. All wells located within a livestock facility shall comply with Chapters NR 811 and 812. New or substantially altered livestock structures shall be separated from existing wells by distances required in Chapters NR 811 and 812 regardless of whether the livestock facility operator owns the land on which the wells are located. A livestock structure in existence on May 1, 2006, may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well. These provisions shall not apply if the Department of Natural Resources grants an appropriate variance as provided in Chapters NR 811 and 812.

- B. Setbacks for new or expanding feedlots from non-farm related dwellings and lands shall be in accordance with Table 1.

TABLE 1.

CATEGORY	501-999 Animal Units	1000+Animal Units
Property Line	100 feet	100 feet
Public Road Right-of-Way	100 feet	150 feet
Public Lands, including Public Parks	150 feet	200 feet
Wetland	150 feet	200 feet
Drainage Ditch	300 feet	300 feet
Navigable Waters Exclusive of Lakes	300 feet	300 feet
Lake	1000 feet	1000 feet

- D. For the purposes of determining setbacks, any manure storage facility utilized by the animal feedlot shall be considered part of the animal feedlot.
- E. All measurements shall be from the closest edge of any manmade structure or natural structure converted for use with an animal feedlot. For those feedlots which are facilities with a production of poultry, livestock or dairy cattle, all measurements shall be from the closest edge of those areas to which the animals have regular and intended access.
- F. For the purpose of this section, expansion means an increase in the largest number of animal units kept at a livestock facility on at least 90 days in any 12-month period. The acquisition of an existing livestock facility, by the operator of an adjacent livestock facility, does not constitute an “expansion” unless the operator increases the numbers of animal units kept on the combined livestock facilities on at least 90 days in any 12-month period.

Any expansion as a result of a change in construction or operation as defined above, for an animal feedlot which is already located within the preceding setbacks may be allowed, but such changes shall not further encroach upon the setbacks. Expansions as a result of the accumulation of additional animal units shall not be permitted unless the entire animal feedlot as defined in §9-5-4-5 also meets all setback requirements for the size of the operation requested to be permitted. (Ord. 00-0101; Ord. 01-0401, 4/17/01; Ord. 03-0201, 2/11/03)

9-5-4: FEEDLOT PERFORMANCE STANDARDS

9-5-4-1: FEEDLOT - GENERAL RESTRICTIONS

- A. New or expanding existing livestock facilities shall comply with all provisions of this Code and those of Chapter ATCP 51, Wisconsin Administrative Code. Where the Wisconsin Administrative Code differs or is more restrictive that Code shall govern except as specifically provided and allowed in ATCP 51.10(3), Wis. Adm. Code.
- B. New or expanding existing farms in Green County shall be classified in one or more of the following two levels, based on the total number of animal units of all types of animals which are fed, confined, maintained or stabled on the premises: 0-500 animal units: allowable with no permit required; 501-999 animal units: permit required.
- C. A feedlot existing and operational at the time of this ordinance's passage that is not in compliance with the regulations of this ordinance shall be considered a non-conforming use. An existing non-conforming feedlot that is reduced in its operation to levels below those requiring a conditional use permit, abandoned or not operational for a period of five (5) consecutive years shall no longer retain its non-conforming status and must comply with all the regulations set forth in the Green County Code prior to the reintroduction of livestock. The sole exception to this provision will be in the event that the result of an involuntary change of ownership including, but not limited to, a mortgage or land contract foreclosure or bankruptcy proceeding, the feedlot ceases operation, the lender or subsequent owner will have five (5) years from the original date of acquisition to restock the feedlot and retain the non-conforming status of that feedlot.
- D. Feedlot permits required.

For the following conditions, a feedlot permit is required:

- 1. A feedlot which is proposed for a lot or a site where a feedlot does not exist at the time of the application for permit;
 - 2. Expansion of an existing animal feedlot such that it will need a permit as defined by §9-5-4-1-A. Pursuant to ATCP 51.06(2), Wis. Adm. Code, expansions of 20% or less do not require a permit;
 - 3. An existing permitted feedlot is to be restocked after being abandoned or unused for a period for five (5) or more consecutive years unless excepted pursuant to Sub B, above.
- E. For the purposes of this code, if through accident, act of God, or otherwise, a non-conforming animal feedlot is destroyed or damaged in excess of one-half of the replacement value, any reconstruction or use shall be in conformity with all existing ordinances. (Ord. 01-0401, 4/17/01)
 - F. Permits will not expire so long as applicant adds animals and starts construction within two (2) years. Failure to do so without a written extension from the County Conservationist will require a new application. Absent changes, permits will remain in effect as long as the operation remains in compliance. If a permit holder wishes to transfer the permit, the permit

holder may do so but shall notify the County Conservationist in writing of the transfer and a new permit will be issued.

- G. Existing permits may be modified without re-application so long as compliance with this Ordinance and Chapter ATCP 51, Wis. Adm. Code are maintained.

9-5-4-2: PERMITTING PROCEDURE; PERMIT CRITERIA

- A. All applicants shall follow the current procedure for Animal Feedlot applications as established and revised from time to time, by the Green County Land and Water Conservation Committee. Copies of the procedures are available from the office of the Green County Conservationist.

In addition, the following standards shall be met by all feedlots subject to a permit:

1. As part of the permitting process, the NRCS Nutrient Management Plan shall be submitted with the application. Further, the applicant shall submit any annual updates of the Nutrient Management Plan. Applicants must further complete ATCP 51 Worksheet 3 or substitute the relevant information from the applicant's WPDES permit.
 2. All feedlot designs must be reviewed and approved by the Land and Water Conservation Department. The Land and Water Conservation Department shall further review all feedlot projects to ensure that runoff water from storm water or other sources does not create a pollution or sedimentation problem.
 3. At all times during the exercise of the permit, the applicant shall have ownership of acreage, or shall provide to the County Conservationist copies of contracts for the spreading of manure on acreage, sufficient to comply with the NRCS Nutrient Management Plan. If rental agreements do not include full cropping rights to the land, said contracts shall require a minimum of a four year limited term easement allowing the applicant access to said acreage for the purposes of spreading manure and shall be recorded in the Register of Deeds office in the county of location.
 4. For the purpose of developing the nutrient management plan, two or more animal feedlot operations under common ownership, farmed and/or managed by a common operator or two or more animal feeding operations utilizing a common area or system for the disposal of waste, shall require filing and adherence to an acceptable nutrient management plan which covers all acreage to be spread. (Ord. 00-0101; Ord. 01-0401, 4/17/01)
 5. All adjoining landowners shall be invited to attend an informational meeting before issuance of a permit, with notification being provided by the County Conservationist.
 6. Applicant shall submit with the completed application a permit fee in the amount of \$1,000.00. (Ord. 14-0301, 3/11/2014)
- B. Applicants who submit a complete application, together with the fee, will be approved unless there is clear and convincing information that the proposed facility does not meet the standards of this Ordinance, or Chapter ATCP 51, Wis. Adm. Code.

9-5-4-3: REPEALED AND RESERVED FOR FUTURE USE PURSUANT TO ORD. 03-0201

9-5-4-4: VIOLATIONS

- A. Any person who violates, neglects, refuses to comply with or resists the enforcement of any of the provisions of this Chapter shall be subject to a forfeiture of not less than \$100.00 nor more than \$1,000.00 for each violation. A violation includes failure to comply with any standard of this Chapter or with any condition or qualification attached to the permit. Each day that a violation exists shall be a separate offense. The County Conservationist may refer violations of this Chapter to Corporation Counsel for enforcement.
- B. Enforcement Of Injunctions: As a substitute for or in addition to forfeiture actions, Green County may seek enforcement by injunction order at the suit of the County or the owner or owners of the land within the district affected by the regulations of this Title.
(Ord. 14-0601, 6/10/2014)

9-5-4-5: APPEALS FROM ADMINISTRATIVE DECISION

- A. Authority: The Green County Land and Water Conservation Committee shall hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination by Land and Water Conservation staff in administering this Chapter.
- B. Procedure: Any appeal shall be made by written request, mailed or delivered to the Green County Land and Water Conservation Committee, c/o Land and Water Conservation, 1627 4th Avenue W, Monroe, WI 53566. The appeal shall be requested 90 calendar days from the issuance of the order, requirement, decision, or determination. The request shall state the ground or grounds upon which it is contended that the decision should be modified or reversed. The appeal shall be heard within 60 days of the date the appeal is filed with the Department. A copy of the meeting notice shall be sent to the applicant and the appropriate town board. The Department shall transmit to the Committee all documents constituting the record from which the appeal was taken. The Committee shall issue a written decision regarding the appeal within 60 days after the appeal hearing. (Ord. 17-0302, 3/14/17)
- C. Statutory Administrative Review And Certiorari: The decision of the Green County Land and Water Conservation Committee shall be subject to judicial review if, within 30 days after the decision of the Green County Land and Water Conservation Committee, an action seeking the remedy available by certiorari is commenced, as authorized by this County Code and §59.694, Wis. Stats.
(Ord. 14-0601, 6/10/2014)

9-5-4-6: DEFINITIONS

LIVESTOCK FACILITY: "Livestock facility" means a feedlot, dairy farm or other operation where livestock are, or will be, fed, confined, maintained or stabled for a total of 45 days or more in any 12-month period. A livestock facility includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single "livestock facility" for the purposes of this Code, except than an operator may elect to treat a separate species facility as a separate "livestock facility."

LIVESTOCK STRUCTURE: “Livestock structure” means a building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. Livestock structure includes a barn, milking parlor, feed storage facility, feeding facility, animal lot or waste storage facility. “Livestock structure” does not include a pasture or winter grazing area, a fence surrounding a pasture or winter grazing area, a livestock watering or feeding facility in a pasture for winter grazing or a winter grazing area, or a machine shed or like facility that is not used for livestock.

(Ord. 07-0801, 8/14/07)(Ord. 14-0601, 6/10/2014)