

48 **SECTION 5.** License Required. No person or entity shall operate a Spray
49 Irrigation Manure Distribution System in Adams County unless such person or
50 entity shall first obtain a license for such operation from Adams County.
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52 **SECTION 6.** Application. Any person or entity desiring or intending to operate
53 a Spray Irrigation Manure Distribution System in Adams County shall, before
54 operating the same, apply to Adams County for a license for such operation.
55 Said license application shall include, at a minimum, the following:
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- 57 a. The name and address of the applicant.
- 58 b. The name and address of the owner of the property upon which said
59 System is intended to be operated.
- 60 c. The dates or range of dates when such operation is intended to occur.
- 61 d. A detailed description of the material intended to be distributed by the
62 System.
- 63 e. The legal description and address of the property upon which the System
64 is to be operated.
- 65 f. The manner in which the volume of material to be distributed by the
66 System is intended to be regulated.
- 67 g. The name and addresses of the owners of all property located within
68 1,000 feet of the property line of any parcel upon which the proposed
69 Spray Irrigation Manure Distribution System is to be operated.
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71 At the time of application, the applicant shall pay to Adams County an application
72 fee in the amount of \$400.00 or such other fee as may be determined by the
73 Adams County board by resolution.
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75 **SECTION 7.** Public Hearing. Upon receipt of an application for a license for
76 operation of a Spray Irrigation Manure Distribution System, Adams County shall
77 hold a public hearing within forty-five (45) days upon receipt of an application for
78 a license for operation of a Spray Irrigation Manure Distribution System. Notice
79 of such hearing shall be mailed by the Land and Water Department, by certified
80 mail, not later than ten (10) days before the date of the hearing to all property
81 owners of property located within 1,000 feet of the property line of any parcel
82 upon which the proposed Spray Irrigation Manure Distribution System is to be
83 operated. If direct service is used in lieu of certified mail, service shall occur no
84 later than five (5) days before the public hearing. Such notice shall also be
85 published as a Class 2 notice.
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87 **SECTION 8.** Standards and Conditions. In addition to holding a public hearing,
88 before issuing a license for operation of a Spray Irrigation Manure Distribution
89 System, Adams County shall review the application for such permit. No permit
90 shall be issued unless the Board first determines that the proposed operation will
91 not cause undue harm to the health of nearby residents. The Board may impose

92 appropriate conditions upon the proposed operation as necessary to protect such
93 residents and the health and safety of other persons living and traveling through
94 the County. Signs advising the public shall be posted in the public road right-of-
95 way 100 feet before and after on any roadway abutting said property on which
96 manure is being sprayed, commencing one (1) day prior to dispersal, and these
97 signs shall remain posted for a one (1) day period after dispersal is complete.
98 Said signs shall at a minimum be 8½" X 11" and the wording shall advise the
99 public of the spraying application in letters at least 1½ inches in height. The
100 lettering shall be in contrast with the background color of the sign. The violation
101 of any such conditions imposed by the Board shall be deemed a violation of this
102 Ordinance.

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104 **SECTION 9.** Enforcement. Any person who operates or causes the operation
105 of a Spray Irrigation Manure Distribution System without first obtaining a lawful
106 license for such operation under this Ordinance, or operates or causes the
107 operation of such a System in a manner which violates any conditions imposed
108 by Adams County upon any such license shall be deemed in violation of this
109 Ordinance and Adams County may take action to enjoin such violation and/or to
110 impose a fine by initiating an action in Adams County Court. Any person shall,
111 upon conviction of any such violation, forfeit not less than \$1,000.00 nor more
112 than \$10,000.00 plus court costs, for each day the violation continues, together
113 with the costs of prosecution.

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115 **SECTION 10.** Lien on Real Estate. In all cases in which the County Board or its
116 duly appointed representative, takes action to enforce the provisions of this
117 Ordinance because of the unlawful operation of a Spray Irrigation Manure
118 Distribution System, the sum expended in accomplishing such enforcement shall
119 become a lien on the property where such System is located in the same manner
120 as any tax upon real estate. The Adams County Treasurer shall certify the
121 description of such property, and the costs of such removal, and the Treasurer
122 shall include the same in the annual schedule of land subject to special taxation.
123 Payment of costs included in a lien hereunder shall be enforced in the same
124 manner as a special tax upon real estate levied and collected in Adams County.

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126 **SECTION 11.** Emergency dispersion of liquid manure. It is understood that
127 there may be times when liquid manure distribution, due to natural or
128 unforeseen events, needs to be dispersed forthwith. Such things as an
129 inordinate amount of rain, or a breach in a manure pit wall, may require liquid
130 manure to be dispersed. If such an emergency occurs, it is the responsibility of
131 the Owner to get DNR permission, through the Agricultural Runoff Specialist for
132 the West Central Region, to disperse the liquid manure immediately.

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134 **SECTION 12.** Severability. If any section, clause, provision or other portion of
135 this Ordinance is adjudged unconstitutional or invalid by a court of competent
136 jurisdiction, the remainder of this Ordinance, or Section of which it is a part, shall

137 not be affected thereby. If any application of this Ordinance to a particular
138 structure or parcel of land is adjudged unconstitutional or invalid by a court of
139 competent jurisdiction, such judgment shall not be applicable to any other
140 structure or parcel of land not specifically included in the court's judgment except
141 as expressly ordered by the court.

142

143 **SECTION 13.** Effective Date. This Ordinance shall take effect and be in force
144 from and after the day of passage and publication as required by law. This
145 Ordinance is to be reviewed annually, and is to be further reviewed after the
146 completion of the study being conducted by the UW-Extension System regarding
147 liquid manure distribution through Spray Distribution Irrigation Systems or will
148 sunset unless passed again.

149

150 Recommended for enactment by Land & Water Conservation Committee this
151 14th day of September, 2015.

152

153 /s/ Joe Stuchlak, /s/ Heidi S Roekle, /s/ Paul Pisellini, /s/ Dan Wysocky, /s/
154 Barbara A. Morgan, /s/ Onfry Karch

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156 **Enacted** by the Adams County Board of Supervisors this 20th day of October,
157 2015.

158

159 /s/ John West, Chairman /s/ Cindy Phillippi, County Clerk

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162 Reviewed by Corporation Counsel

163 Reviewed by Administrative Coordinator/Director of Finance

State of Wisconsin

County of Adams

This document is a full, true and correct copy
of the original on file and of record in my
office and has been compared by me

Attest: Oct 21 2015
Barb Waugh, Deputy
County Clerk