

**ANIMAL WASTE TRANSPORT ORDINANCE  
ORDINANCE NO. 09-30-15-03**

**TOWN OF SYLVESTER  
GREEN COUNTY, WISCONSIN**

**The Town Board of the Town of Sylvester, Green County does hereby ordain as follows:**

**Section 1. Authority**

This ordinance is adopted pursuant to the powers granted under Wisconsin Constitution and Wisconsin Statutes including but not limited to Section 82.03 of the Wisconsin Statutes and the powers granted to the Town Board under the grant of village powers pursuant to Sections 60.22 and 61.34 of the Wisconsin Statutes, for the management and control of highways, and for the protection and promotion of the health, safety and welfare of the public.

**Section 2. Purpose and Findings**

The purpose of this ordinance is to minimize the potential for manure spills and leakage from pipes or hoses transporting animal waste on, over, under or across, town roads and town right-of-ways, to minimize the potential for damage to town roads and town right-of-ways caused by pipes or hoses for the transport of animal waste, and to protect the health, welfare and safety of the public.

**Section 3. Definitions**

- a. "Animal waste" means manure from livestock, poultry or other animals; manure processing derivatives; leachate from manure piles manure storage, or feed storage; and runoff or wastewater that contains manure.
- b. "Manure" means excreta from livestock and includes feathers, hair, livestock bedding, soil, water, and other debris that becomes intermingled with livestock excreta in normal manure handling operations.

**Section 4. Hoses and Pipes for Transport of Animal Waste**

Except as provided in Sections 5 and 6, no hoses or pipes used or intended for the transport of animal waste shall be located on, over, under, across or within a town road or town right-of-way. There shall be no discharge of animal waste onto or within the town right-of-way except as contained within the hoses or pipes.

**Section 5. Temporary Surface Hoses and Pipes**

- a. The owner of a parcel of land adjoining a town road, may place surface hoses or pipes used or intended for the transport of animal waste within a town right-of-way during two continuous two-week periods annually without a license. In no case, shall any surface hose or pipe be placed or located across, on, or over the travelled portion of a town road.
- b. If any surface hose or pipe discharges any animal waste within the right-of-way, the property and any person or company involved with the installation, operation or removal of the hoses or pipes shall be responsible for the immediate clean-up of such discharge and for any damages caused by the failure to immediately clean up such waste as well as damages remaining after clean up.

- c. If the discharge is not cleaned up promptly and upon notice from the town, the town may, in its discretion, have the discharge cleaned up and charge the expense to the property owner and/or any person or company involved with the pipes or hoses.

## **Section 6. License for Underground Pipeline**

- a. Upon receipt of a written license application in the form required by the Town Board and an application fee, the Town Board may permit the installation of an underground pipeline used or intended for the transport of animal waste, under a town road or a town right-of-way consistent with the following:
  - 1. The design of the pipeline shall be in accordance with sound engineering principles considering the animal waste properties, management operations, exposure and other relevant factors. The Town may specify the location and depth of any such pipes and type of pipe material used and may require any such pipes be installed in private culverts at the expense of the individual and in accordance with sound engineering design, as well as, County and State laws or requirements.
  - 2. The pipeline shall be designed to convey the required flow without plugging or backups.
  - 3. Clean-out access shall be provided for within 50 feet of any location where the pipeline is located under a town Road or town right-of-way and the pipeline shall be inspected and cleaned by the pipeline owner regularly when the pipeline is in use.
  - 4. The applicant shall be liable for any damages arising in any way from the installation, removal or operation of the pipeline.
  - 5. As condition of receiving a permit, the applicant shall post a bond in a reasonable amount to be determined by the town for the purpose of securing payment for any potential clean-up, damages or removal under the terms of this ordinance.
  - 6. Such other conditions as may be required by the Town for the health safety and welfare of the public.
- b. Licenses shall be valid for one year and an application for renewal must be received and approved by the Town Board prior to the end of the licensing year.
  - 1. There shall be a presumption that the license will be renewed unless the board determines: (a) that there have been violations of this ordinance or county, state or federal law in the past year, (b) that there has been a substantial change in circumstances of the town right-of-way, including but not limited to repair or improvement of the road or development along the road, or (c) that there are additional or more significant health hazards posed by the pipeline than were known or understood by the board before the initial license was granted or before a prior renewal of the license.
  - 2. A license application or renewal may be denied or additional conditions placed on a renewal for any of the reasons specified in section 6.b.1 of this ordinance or on any other reasonable grounds deemed by the Town Board to pose a threat to the health, safety, or welfare of the town and its residents.
  - 3. A license may be revoked at any time by the town board for violations of town, county, state or federal law.
- c. The license application fee and the yearly license fee shall be in an amount set by the Town Board and shall be paid to the Town Treasurer prior to the issuance or renewal of any license.

- d. A separate or renewed license shall be required for the expansion of an existing licensed underground pipeline.
- e. A separate license shall be required for each location where a pipeline crosses under a town road or town right-of-way, from one side to the other.

### **Section 7. Removal**

When deemed necessary by the Town Board for purposes of public health or safety, or in connection with developments such as highway improvement or repair, the owner of the pipeline may be required to remove at any time, at their own expense and without any right of compensation, any pipeline located on, over, under, across or within a town road or town right-of-way.

### **Section 8. Enforcement and Penalties.**

- a. The penalty for violation of any portion of this ordinance shall be a fine of not less than \$20.00 nor more than \$500.00 for each offense.
- b. Each day a violation continues shall constitute a separate offense.

### **Section 9. Encroachments**

In addition to the foregoing, any hose or pipe used or intended for the transport of animal waste that is placed or located on, over, under, across or within a town road or town right-of-way in violation of this Ordinance, shall constitute a highway encroachment. The Town Board may order removal or any such highway encroachment pursuant to Sec. 86.04 of the Wisconsin Statutes.

### **Section 10. Effects on Other Ordinances**

This ordinance shall not terminate, repeal or otherwise affect the duration or imposition of the Town of Sylvester Moratorium on Livestock Facilities, ordinance #09-21-15.

### **Section 11. Severability**

Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected. This ordinance shall not terminate, repeal or otherwise affect the duration or imposition of the Town of Sylvester Moratorium on Livestock Facilities, ordinance #09-21-15.

**Section 12. Effective Date and Publication**

This ordinance shall be effective upon adoption by a majority of those present and voting at a duly noticed meeting of the Town Board, and proper publication or posting, as required by law.

ADOPTED by a vote of 3 for and 0 against on this 30 day of September, 2015.

**By the Town Board of the Town of Sylvester**

\_\_\_\_\_  
Anna Anderson, Town Chair

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Terry Reed, 1<sup>st</sup> Supervisor

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Mike Hasse, 2<sup>nd</sup> Supervisor

Attested to this \_\_\_\_ day of \_\_\_\_\_, 2015 by:

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Jacqueline Witt, Town Clerk/Treasurer