

TOWN OF SYLVESTER

GREEN COUNTY, WISCONSIN

Ordinance Prohibiting Application of Liquid Animal Manures

Using Center Pivot Irrigation Systems

RECITALS

Ordinance Number 09-30-15 - 02

- A. According to studies including, but without limitation, Application of Liquid Animal Manures Using Center Pivot Irrigation Systems published by the University of Nebraska-Lincoln Extension, the application of manure by center pivot manure distribution systems offers a large potential for significant odor release during short periods of time.
- B. The use of center pivot irrigation systems for spreading manure has not been extensively used in the State of Wisconsin, but it has been proposed for use by certain producers.
- C. A memorandum prepared by Robert Thiboldeaux, a toxicologist for the Wisconsin Division of Public Health, raises the potential for substantial health concerns resulting from the land application of liquid manure using center pivot sprinkler technology.
- D. The Town Board of the Town of Sylvester has power under Village Powers pursuant to Wis. Stat. 60.22(3), to enact ordinances defining and prohibiting public nuisances.
- E. The Town Board of the Town of Sylvester believes that prohibiting the use of center pivot manure distribution systems will reduce the potential for creation of offensive and unhealthful odors and disease created by such systems.

NOW, THEREFORE, in consideration of the findings, the town board of the Town of Sylvester, Green County does hereby ordain the following:

Section 1 – PROHIBITION OF CENTER PIVOT MANURE DISTRIBUTION SYSTEM

SUBSECTION A: Public Nuisance

The use of all center pivot manure distribution system is hereby declared to be a public nuisance and the use of Center Pivot Manure Distribution Systems is strictly prohibited within the Town of Sylvester. For purposes of this section “center pivot manure distribution system” refers to a system for spreading manure that involves spreading the manure in liquid form through nozzles attached to a pivoting arm located in a farm field.

SUBSECTION B: Enforcement

This Ordinance shall be enforced pursuant of the Town of Sylvester Ordinance Chapter 12 Section 6 Public Nuisances.

Section 2 – ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. **However, when this Ordinance imposes greater restrictions, the provision of the Ordinance shall govern.**

Section 3 - INTERPRETATION

In its interpretation and application, the provisions of this Ordinance shall be liberally construed in favor of the Town and shall not be construed to be a limitation or repeal of any other power granted by the Wisconsin Statutes except as expressly set forth herein.

Section 4 – EFFECT 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 5 - 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 6 – 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 _____ for and _____ against on this ____ day of _____, 2015.

TOWN OF SYLVESTER

Anna Anderson, Town Chair Terry Reed, 1st Supervisor Mike Hasse, 2nd Supervisor

Attested to this ____ day of _____, 2015

TOWN OF SYLVESTER

Jacqueline Witt, Town Clerk/Treasurer