

TOWN OF FORESTVILLE, DOOR COUNTY  
Ordinance # 2017-01  
Installation and Operation of Above Ground Manure Lines

**Section I: Purpose**

The purpose of this ordinance is to provide for the safe transport of manure by issuing permits for the use of manure pipelines in the town right of way or across support structures.

**Section II: Authority**

This ordinance is adopted pursuant to the powers granted under the Wisconsin Statutes including but not limited to Sections 82.03, 86.07 and 86.16 of the Wisconsin Statutes, and Section ATCP 50.54, Wisconsin Administrative Code.

**Section III: Definitions**

Above ground manure line: A temporary manure line that is located on or above the surface of the ground, which includes manure lines running through culverts, tunnels, or similar underground structures originally installed for purposes other than manure transport.

Liquid Manure: A material that consists primarily of litter or excreta, treated or untreated, from livestock, poultry or other animals. Manure includes material mixed with runoff, bedding contaminated with litter or excreta, or processed wastewater.

Manure line: Any hose, pipeline, or other conduit, whether temporary or permanent in nature, for the transmission of liquid manure within or across the right of way of a highway to a destination for application on a farm field or for storage.

**Section IV: Permitting of Manure Lines**

A person or entity shall obtain a permit from the town before the installation of any manure line(s) in the town right of way is allowed. Issuance of a permit grants the Permittee the authority to install manure lines in the right of way subject to all applicable permit terms and conditions and any applicable federal, state or local laws.

## **Section V: Above Ground Manure Lines**

- (a) Upon receipt of a completed written application and the required fee the town may issue a permit for above ground manure lines within or across the road right of way. All Permits will be valid until December 31<sup>st</sup> of the year the permit is issued. The town may attach additional conditions to any permit prior to issuance, including but not limited to inspection requirements, hours of operation, bond amounts, or any other condition the town deems necessary.
- (b) Upon receipt of a written application and the required fee the town may issue a permit to temporarily affix hoses or pipes to support structures across the town right of way. As part of the application, the applicant must submit a plan specifying how the manure hose or pipe would be attached to or supported by the support structure. The town may attach conditions to any permit prior to issuance, including but not limited to inspection requirements, hours of operation, bond amounts, or any other condition the town deems necessary.

## **Section VI: Application Materials**

Any request to install manure lines in the right of way shall not be considered until all required information is provided. Applicants must use the standard manure line application form provided by the town. All applications shall contain the following:

- 1. Adequate drawings showing the existing and/or proposed location of all manure lines within the right of way with respect to the planned installation. The drawings shall include dimensions from the proposed manure line to the commonly accepted right of way line and to the edge of the traveled way.
- 2. The applicant shall include information concerning the installation of the manure lines. The application shall include, but is not limited to:
  - a. A detailed description of the location, size, type, and the extent of manure lines to be installed.
  - b. Proposed construction procedures.
  - c. Special Traffic control and protection measures as it relates to the installation of the manure lines.
- 3. Any other information that the town deems necessary.

## **Section VII: Fees**

Above-Ground Permit Fee:      \$100.00

## **Section VIII: Removal**

When deemed necessary by the Town Board for purposes of public health, safety, or welfare, the owner of the pipeline may be required to remove any pipeline located in the

town right of way. If prompt removal does not occur after proper notice, the town may remove the line and bill the cost to the owner of doing so.

#### **Section IX: Enforcement and Penalties**

Any manure line installed in the town right of way without the proper permit is punishable by a fine of no more than \$50.00. Each day a violation continues shall constitute a separate offense. The town may also seek injunctive relief or other declaratory actions.

#### **Section X: Liability**

The person or entity that owns the manure lines shall indemnify the Town and its supervisors and employees from any claims related to such manure lines and any leakage or output from such manure lines.

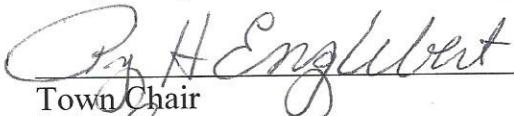
#### **Section XI: Severability**

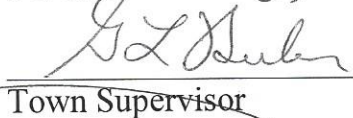
Should any portion of this ordinance be declared invalid by a court of competent jurisdiction the remainder of this ordinance shall not be affected.

#### **Section XII: Effective Date and Publication**

This ordinance shall become 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 the Town Board this 28<sup>th</sup> day of March, 2017.

  
Town Chair

  
Town Supervisor

  
Town Supervisor

Attested to this 28<sup>th</sup> of March, 2017

  
Town Clerk