

TOWN OF STURGEON BAY
Door County, Wisconsin

ORDINANCE No. _____ - 2014
ORDINANCE PROHIBITING APPLICATION OF
LIQUID ANIMAL MANURE AND
AGRICULTURAL WASTEWATER
USING SPRAY IRRIGATION SYSTEMS

The Town Board of Supervisors of the Town of Sturgeon Bay ("Town Board"), Door County, Wisconsin, does ordain as follows:

1. AUTHORITY.

This ordinance is adopted pursuant to the authority granted under Wis. Stats. §60.22 (1) & (3), 60.23(23) and 61.34 to enact ordinances and regulations promoting and protecting the health, safety, welfare, and convenience of the public, and defining and prohibiting certain conduct including creating and maintaining public nuisances.

2. PURPOSE.

The Town Board has researched the subject of spray irrigation of manure and, in doing so, has reviewed the following materials which raise concerns over the use of spray irrigation of manure and agricultural wastes through sprinkler systems, traveling guns, and center pivot irrigation:

- A. University of Nebraska – Lincoln Extension publication entitled "Application of Liquid Animal Manures Using Center Pivot Irrigation System", which suggests that the application of manure by center pivot manure distribution systems offers a large potential for significant odor release.
- B. Report of Ben Brancel, Secretary of Wisconsin Department of Agriculture, Trade and Consumer Protection to members of the Department of Agriculture, Trade and Consumer Protection Board dated August 17, 2011 relating to use of center pivots for spreading manure on farm fields. In such report, Mr. Brancel related that "spray irrigation systems and surface applied liquid manure have high odors and emissions compared to applications that inject or incorporate liquid manure."
- C. Report of Robert Thiboldeaux, Wisconsin Division of Public Health, to Ken Johnson, Regional Water Leader, Wisconsin Department of Natural Resources, dated February 17, 2011, regarding public health setbacks for manure spray irrigation, which recognized that the Division of Health Services recommends that land application of manure liquids be managed to minimize impacts, particularly nuisance odor, that might inhibit the full use and enjoyment of neighboring private residences.

The Town Board of the Town of Sturgeon Bay has determined, based upon its review and research of materials as described above, that spray irrigation systems for irrigating liquid manure and agricultural wastes through sprinkler systems, traveling guns, and center pivot irrigation systems are a detriment to the health, safety, welfare, and convenience of the public, as they distribute manure odors recognized as a contributing factors to reduced quality of life, and that prohibition of

spray irrigation systems for liquid manure and other agricultural wastes are in the best interests of the Town of Sturgeon Bay residents' public health, safety, general welfare and convenience.

3. LIQUID MANURE AND AGRICULTURE WASTE SPRAYING PROHIBITED.

No person shall spray liquid manure or other agricultural waste above ground by use of a sprinkler system, traveling gun, or center pivot irrigation in the Town of Sturgeon Bay.

4. CREATION OF PUBLIC NUISANCE PROHIBITED.

No person shall create a substantial threat to public health or safety by the spraying of liquid manure or other agricultural waste above ground by use of a sprinkler system, traveling gun, or center pivot irrigation in the Town of Sturgeon Bay.

5. PENALTIES.

Any person violating section 3 of this ordinance shall be subject to a forfeiture of not less than \$500 nor more than \$5,000 for each violation. Any person violating section 4 of this ordinance shall be subject to a forfeiture of not less than \$2,000 nor more than \$10,000 for each violation. Each day that a violation exists shall be considered a separate violation. In addition, upon conviction, the person in violation shall be subject to the imposition of court costs, actual expenses incurred by the Town, engineering expenses if incurred, and actual and reasonable attorney fees incurred.

6. ABATEMENT OF VIOLATION.

The Town Board may, in its discretion, require that a person in violation of this ordinance be enjoined from and prohibited from further violation of this ordinance upon order of a court of competent jurisdiction. In such event, the Town shall be entitled to recovery of all costs and expenses incurred in such action, including engineering fees and actual and reasonable attorney fees.

7. PRIVATE ACTION.

Any person damaged or inconvenienced by a violation of this ordinance may commence an action in his/her/its own name seeking to enjoin or abate violations of this ordinance, without acquiring authority or permission of the Town Board to do so.

8. EFFECTIVE DATE.

This ordinance shall be effective on the day following its passage and publication.

Submitted by:

Roll Call Board Members	Aye	Nay	Exc.
Paul Skup			
Carol Schuster			
Dan Cihlar			

Certification

I, Nancy Anschutz, Clerk of the Town of Sturgeon Bay, hereby certify that the above is a true and correct copy of an ordinance that was adopted on the _____ day of _____, 2014, by the Town Board of Supervisors.

Nancy Anschutz, Clerk
Town of Sturgeon Bay

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