

**ANIMAL WASTE TRANSPORT ORDINANCE**  
**ORDINANCE NO. \_\_\_\_\_**

**TOWN OF DECATUR**  
**GREEN COUNTY, WISCONSIN**

**The Town Board of the Town of Decatur, 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.

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

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. If any surface hose or pipe discharges any animal waste within the right-of-way, the owner of the animal waste transport operation shall be responsible for the immediate clean-up of such animal waste. In no case, shall any surface hose or pipe be placed or located across, on, or over the travelled portion of a town road.

**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.
  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 on a weekly basis when the pipeline is in use.
  4. The applicant shall provide express written permission from the owner(s) of property adjoining the town road or town right-of-way where the pipeline will be located.
  5. The applicant shall post a bond in an amount to be determined by the town as a condition of receiving a permit.
  6. Such other conditions as may be required by the Town for the health safety and welfare of the public.
- b. Licenses shall be good 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.
- c. A license application or renewal may be denied if any of the provisions of this ordinance are not adhered to, any county, state or federal regulations are not adhered to, or for any other reason deemed pertinent by the Town Board.
- d. 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.
- e. A separate or renewed license shall be required for the expansion of an existing licensed underground pipeline.
- f. 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**

Notwithstanding 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. Severability**

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

## **Section 11. 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.

## **By the Town Board of the Town of Decatur**

\_\_\_\_\_  
Allen Schneider, Town Chair

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Ronald L. Schwartzlow, 1<sup>st</sup> Supervisor

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Robert A. Gadow, 2<sup>nd</sup> Supervisor

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

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Ann L. Schwartz, Town Clerk