

VILLAGE OF NASHOTAH

ORDINANCE NO. 211

AN ORDINANCE TO CREATE SECTION 10.095 OF THE VILLAGE OF NASHOTAH MUNICIPAL CODE TO PROHIBIT THE APPLICATION, DISPERSAL OR LAND SPREADING OF UNMANIPULATED ANIMAL OR VEGETABLE MANURE

WHEREAS, application, dispersal or land spreading of unmanipulated animal or vegetable manure frequently causes strong unpleasant odor to emanate from the property adversely affecting abutting lands, and creates a risk of runoff of such materials onto abutting lands; and

WHEREAS, this risk is largest when the materials are transported to the property from outside of the Village, because the quantities can be significantly larger than the land can support in such situations, and can exceed the quantities that abutting owners might reasonably expect from the uses occurring on the abutting lands.

NOW, THEREFORE, the Village Board of Trustees for the Village of Nashotah, Waukesha County, Wisconsin **DOES HEREBY ORDAIN AS FOLLOWS:**

SECTION 1: Chapter 10 of the Village of Nashotah Municipal Code entitled, "Public Nuisance," Section 10.095 entitled, "Application, Dispersal or Land Spreading of Unmanipulated Animal or Vegetable Manure Prohibited" is hereby created and inserted in the Municipal Code immediately after Section 10.09, as follows:

10.095 APPLICATION, DISPERSAL OR LAND SPREADING OF UNMANIPULATED ANIMAL OR VEGETABLE MANURE PROHIBITED

- (1) **PURPOSE.** The Village Board has determined that the application, dispersal or land spreading of unmanipulated animal or vegetable manure within the Village of Nashotah are a detriment to the health, safety, welfare, and convenience of the public as such activities reduce the use and enjoyment of property within the Village and reduce the quality of life for residents of the Village, and accordingly, that prohibiting the application, dispersal or land spreading of unmanipulated animal or vegetable manure is in the best interests of the Village of Nashotah residents' public health, safety, general welfare or convenience.
- (2) **DEFINITION.** *Unmanipulated animal or vegetable manure* means animal or vegetable manure which has not been treated by mechanical drying, grinding or pelletizing, by adding a substance or by any other means. This definition shall be interpreted in conjunction with Wisconsin Statutes §94.64(1)(t).

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- (3) **APPLICATION, DISPERSAL OR LAND SPREADING OF UNMANIPULATED ANIMAL OR VEGETABLE MANURE PROHIBITED.** No person, unless otherwise exempted from the provisions of this Ordinance, shall apply, disperse or land spread unmanipulated animal or vegetable manure within the Village of Nashotah. Any person who violates the prohibition contained in this Ordinance creates a substantial threat to the public health and safety of the residents of the Village of Nashotah, and accordingly, such activity shall constitute a public nuisance.
- (4) **EXEMPTION.** This Ordinance does not apply to unmanipulated animal or vegetable manure that is applied, dispersed or land spread on lands located within the Village of Nashotah provided that the unmanipulated animal or vegetable manure is generated as a result of agricultural or farming activities conducted solely within the boundaries of the Village of Nashotah.

SECTION 2: Severability

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: Effective Date

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

This ordinance passed this ____ day of _____, 2018.

BY THE VILLAGE BOARD OF THE
VILLAGE OF NASHOTAH:

Richard Lartz, Village President

ATTEST:

Cynthia M. Pfeifer, Administrative
Director/Village Clerk/Treasurer