

**CHAPTER 26**  
*(Revised 11-12-2019)*  
**ANIMAL WASTE MANAGEMENT**

**26.01 AUTHORITY.** This ordinance is adopted under authority granted under Section 59.70(1), 92.15 and 92.16 of the Wisconsin Statutes. The title of this ordinance is "Brown County Animal Waste Management Ordinance" and it regulates design, construction, abandonment and maintenance of animal waste storage facilities, animal feedlots, and nutrient management.

**26.02 FINDINGS AND DECLARATION OF POLICY.** The Brown County Board finds this ordinance is designed to protect and promote our agricultural industry and also to promote and enhance the aesthetic conditions and general welfare of the people and communities within Brown County.

The County of Brown permits operation of properly conducted agricultural operations within the county. If the property you are purchasing or own is located near agricultural lands of operation or included within an area zoned for agricultural purposes, you may be subject to outcomes arising from such operations. Such outcomes may include, but are not limited to: noises, odors, lights, fumes, dust, smoke, insects, chemicals, operation of machinery (including aircraft) during an 24 hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. One or more of the outcomes described may occur as a result of any agricultural operation which is in conformance with existing laws and regulations and accepted customs and standards. If you live near an agricultural area, you should be prepared to accept such outcomes as a normal and necessary aspect of living in a county with a strong rural character and an active agricultural sector. Brown County has established the Land Conservation Sub-Committee to assist in the resolution of any animal waste management disputes which might arise between residents of the county regarding agricultural operations.

**26.03 PURPOSE.** The purpose of this ordinance is to regulate the location, construction, installation, alteration, design and use of animal waste storage facilities and animal feedlots so as to protect the health and safety of residents and transients; prevent the spread of disease and promote the prosperity and general welfare of the citizens of Brown County. It is also intended to provide for the administration and enforcement of the ordinance and to provide penalties for its violation. It is also intended to protect the groundwater and surface water resources of Brown County. The ordinance also implements the agricultural performance standards and manure management prohibitions.

**26.04 INTERPRETATION.** In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of Brown County, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

**26.05 SEVERABILITY CLAUSE.** If any section, provision or portion of this ordinance is ruled invalid by a court, the remainder of the ordinance shall not for that reason be rendered ineffective.

**26.06 APPLICABILITY.** This ordinance applies only in unincorporated areas of Brown County and incorporated areas of Brown County which have delegated such authority to Brown County. Abandonment requirements apply to all animal waste storage facilities regardless of the date of construction. Nutrient Management Plan (590) provisions shall apply to all animal waste storage facilities issued a permit under this ordinance regardless of the date of construction. Animal feedlot requirements shall apply only to sites that exceed the prohibitions in section 26.11 of this ordinance or the standards in Section 10.04(1)(b), Brown County Code; or receive a notice of discharge under ch. 283 Wis. Statutes; or existing sites that exceed 500 animal units; or new animal feedlots that exceed 40 animal units.

**26.07 EFFECTIVE DATE.** This ordinance shall become effective upon adoption and publication by Brown County.

**26.08 DEFINITIONS.** Definitions herein are to conform to the provisions set forth in the Wisconsin Administrative Code and Brown County Code.

“Abandonment” means a livestock waste storage facility is no longer being used for its intended purpose, and is no longer receiving animal wastes, has not received any animal wastes for a period of two years and, based on available evidence, will not receive animal wastes from an active livestock operation within the next six months.

“Animal Feedlot” means a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals, specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts. New animal feedlots are those that are established after the effective date of this ordinance.

“Animal Unit” means a unit of measure used to determine the total number of single animal types or combination of animal types, as specified in NR243, which are fed, confined, maintained, or stabled in an animal feeding operation.

“Animal Waste” means livestock excreta and other materials such as bedding, rain or other water, soil, hair, feathers and other debris normally included in animal waste handling operations.

“Animal waste storage facility” means concrete, steel or otherwise fabricated structure and earthen animal waste storage facility used for temporary storage of animal waste or other organic waste.

“Applicant” means any person who applies for a permit under this ordinance.

“Brown County Land Conservation Sub-Committee” means an operating committee of the Brown County Board of Supervisors.

"Brown County Land and Water Conservation Department" means the enforcing authority of this ordinance.

"Clean water diversion" has meaning in s. NR 151.06

"Direct conduits to groundwater" means wells, sinkholes, swallets, fractured bedrock at the surface, mine shafts, non-metallic mines, tile inlets discharging to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.

"Direct runoff" includes any of the following:

- (a) Runoff from a feedlot that can be predicated to discharge a significant amount of pollutants to surface waters of the state or to a direct conduit to groundwater.
- (b) Runoff of stored manure, including manure leachate, that discharges a significant amount of pollutants to surface waters of the state or to a direct conduit to groundwater.
- (c) Construction of a manure storage facility in permeable soils or over fractured bedrock without a liner designed in accordance with s. NR 154.04 (3)
- (d) Discharge of a significant amount of leachate from stored manure to waters of the state.

"Earthen animal waste storage facility" means a facility constructed of earth dikes, pits or ponds used for temporary storage of animal waste.

"Karst Feature" means an area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.

"Liquid Manure" means manure that contains less than 12 percent solid material by volume.

"Manure" means livestock excreta. "Manure" includes the following when intermingled with excreta in normal farming operations: debris including bedding, water, soil, hair, feathers; processing derivatives including separated sand, separated manure solids, precipitated manure sludges, supernatants, digested liquids, composted biosolids, and process water; and runoff collected from barnyards, animal lots and feed storage areas.

"Manure storage facilities" has meaning given in NR 151.05.

"Navigable water" and "navigable waterway" has the meaning given in s. 30.01 (4m), Stats.

"Nonpoint source" has the meaning given in s. 281.65 (2)(b), Stats.

"Nonpoint source water pollution" has the meaning given in s. 281.16 (1) (f), Stats.

"Nutrient management" has given meaning in s. NR 151.07

"Nutrient Management Plan (590)" means a plan that balances the nutrient needs of a crop with the nutrients available from legume crops, manure, fertilizers or other sources. Management includes the rate, method, and timing of the application of all sources of nutrients to minimize the amount of nutrients entering surface and groundwater. The requirements for a nutrient management plan are as established in ATCP 50.04(3).

"Other Waste" means industrial waste as defined in NR214 Wis. Adm. Code, domestic sewage sludge as defined in NR204 Wis. Adm. Code, septic or holding tank waste as defined in NR113 Wis. Admin. Code or any other material processed and mixed with animal waste to be stored pursuant to the Brown County Animal Waste Management Ordinance.

"Pasture" means land with a permanent, uniform cover of grasses or legumes used as forage for livestock. Pastures do not include areas where supplemental forage feeding is provided on a regular basis.

"Permit" means the signed, written statement issued by the Brown County Land and Water Conservation Department under this ordinance authorizing the applicant to construct, install, reconstruct, enlarge or substantially alter an animal waste storage facility or animal feedlot; or authorizing a winter spreading plan or unconfined manure pile.

"Permittee" means any person to whom a permit is issued under this ordinance.

"Person" means any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county, or state agency within Wisconsin, the federal government, or any combination thereof.

"Phosphorus index" has given meaning in NR 151.04.

"Process wastewater" has the meaning given in s. NR243.03 (53).

"Sheet, rill and wind erosion" has given meaning in s. NR 151.02

"Silurian bedrock" means the area in Wisconsin where the bedrock consists of Silurian dolomite with a depth to bedrock of 20 feet or less. This area comprises portions of the following counties: Brown, Calumet, Dodge, Door, Fond du Lac, Kenosha, Kewaunee, Manitowoc, Milwaukee, Outagamie, Ozaukee, Racine, Sheboygan, Walworth, Washington, and Waukesha. Areas where Silurian bedrock occurs in Wisconsin can be identified by the most current NRCS, Wisconsin Geological Natural History Survey, Department of Agriculture, Trade and Consumer Protection, Department of Natural Resources, county maps, or infield bedrock verification methods

"Silurian bedrock performance standards" has meaning in s. NR 151.075.

"Site that is susceptible to groundwater contamination" under s.281.16 (1)(g), Stats., means any one of the following:

- (a) An area within 250 feet of a private well.
- (b) An area within 1000 feet of a municipal well.
- (c) An area within 300 feet upslope or 100 feet downslope of direct conduit to groundwater.

- (d) A channel that flows to a direct conduit to groundwater.
- (e) An area where the soil depth to groundwater or bedrock is less than 2 feet.
- (f) An area where the soil does not exhibit one of the following soil characteristics:
  - 1. At least a 2-foot soil layer with 40% fines or greater above groundwater or bedrock.
  - 2. At least a 3-foot soil layer with 20% fines or greater above groundwater or bedrock.
  - 3. At least a 5-foot soil layer with 10% fines or greater above groundwater or bedrock.

“Substantial alteration” means a change that results in a relocation of, or significant changes to the size, depth, configuration or use as determined by the Department.

“Technical Guide” means the United States Department of Agriculture (U.S.D.A.) Natural Resources Conservation Service Field Office Technical Guide that is currently in effect, and as amended from time to time.

“Tillage setback” has meaning given in NR 151.03

“Unconfined Manure Pile” means a quantity of manure, at least 175 ft<sup>3</sup> in volume and which covers the ground surface to a depth of at least 2 inches and is not confined within a manure storage facility, livestock housing facility or barnyard runoff control facility or covered or contained in a manner that prevents storm water access and direct runoff to surface water or leaching of pollutants to groundwater.

“Waters of the State” means those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water courses, drainage systems and other surface water and groundwater, natural or artificial, public or private within the state or its jurisdiction as defined in Section 283.01(20) of the Wisconsin Statutes.

“Water Quality Management Areas” means the area within 1,000 feet from the ordinary high water mark of navigable waters that consist of a lake, pond or flowage, except that, for a navigable water that is a glacial pothole lake, the term means the area within 1,000 feet from the high water mark of the lake; the area within 300 feet from the ordinary high water mark of navigable waters that consist of a river or stream; and a site that is susceptible to groundwater contamination, or that has the potential to be a direct conduit for contamination to reach groundwater.

“Winter Spreading Plan” means any plan developed and approved by the Brown County Land and Water Conservation Department and provided to farmers, which identifies high risk fields that should be completely avoided or restricted from receiving winter applications of manure.

## **26.09 ADMINISTRATION.**

(1) Delegation of Authority. Brown County hereby designates the Brown County Land and Water Conservation Department to administer and enforce this ordinance.

(2) Administrative Duties. In the administration and enforcement of this ordinance, the Brown County Land and Water Conservation Department shall:

(a) Keep an accurate record of all permit applications, animal waste facility plans, animal feedlot plans, animal waste storage facility abandonment plans, permits issued, inspections made, and other official actions.

(b) Review permit applications and issue permits in accordance with Section 26.10 of this ordinance.

(c) Inspect animal waste facility and animal feedlot construction and animal waste facility abandonment to insure the facility is being constructed according to plan specifications.

(d) Animal waste storage facility inspections are required for operations with 500 animal units or greater on site. An inspection report will be generated to document and confirm the operation is in compliance with state, federal, and local standards and prohibitions.

(e) Investigate complaints relating to compliance with the ordinance.

(f) Monitor the adequacy of manure storage systems including compliance with nutrient management plans.

(g) Perform other duties as specified in this ordinance.

(3) Inspection Authority. The Brown County Land and Water Conservation Department is authorized to enter upon any lands affected by this ordinance to inspect the land prior to or after permit issuance to determine compliance with this ordinance. If permission cannot be received from the applicant or permittee, entry by the Brown County Land and Water Conservation Department shall be followed according to Sections 66.122 and 66.123, Wisconsin Statutes.

(4) Implementation. The Brown County Land and Water Conservation Department will implement this ordinance in accordance with NR151.09 and NR151.095.

## **26.10 APPLICATION FOR AND ISSUANCE OF PERMITS.**

(1) Permit Required.

(a) No animal waste storage facility, including a facility combining animal waste with other waste or parts thereof may be located, installed, moved, reconstructed, extended, enlarged, converted, substantially altered or its use changed, including abandonment, without an animal waste management permit as provided in this ordinance, and without compliance with the provisions of this ordinance, and without compliance with Natural Resources Conservation Service Technical Guide as adopted as part of this ordinance.

(b) Animal feedlots that exceed the prohibitions in Section 26.11 of this ordinance, or exceed the standards in Section 10.04(1)(b) of the Brown County Code, or receive

a notice of discharge under ch. 283 Wis. Statutes, or exceed 500 animal units shall obtain an animal waste management permit as provided in this ordinance.

(c) The requirements of this ordinance shall be in addition to any other ordinance regulating animal waste management, such as Chapter 22 Brown County Code, Shoreland Floodplain Ordinance, and Chapter 10 Brown County Code, Agricultural Shoreland Management ordinance. In the case of conflict, the most stringent provisions shall apply.

(d) No person may apply animal waste or animal waste combined with other waste/material between December 1<sup>st</sup> and March 31<sup>st</sup> without first obtaining a winter spreading permit as provided in this ordinance. The winter spreading permit shall be issued after the completion of the winter spreading plan as described in this ordinance. Operations with a permitted animal waste storage facility and adequate storage capacity are only eligible to be issued a winter spreading permit in emergency circumstances. Emergency conditions include adequate storage is being fully utilized by manure, extraordinary weather or other unforeseen circumstances.

(e) No unconfined manure pile shall be utilized without a temporary unconfined manure stacking permit as provided in this ordinance, and without compliance with the provisions of this ordinance, and without compliance with Natural Resources Conservation Service Technical Guide as adopted as part of this ordinance.

(2) Emergency Repairs. Emergency repairs such as repairing broken pipe or equipment, leaking dikes or the removal of stoppages may be performed without an animal waste storage facility permit. Such work shall be reported to the Brown County Land and Water Conservation Department as soon as possible for a determination as to whether an animal waste storage facility permit will be required for an additional alteration or repair to the facility. The Brown County Land and Water Conservation Department shall consult with the Brown County Land Conservation Sub-Committee prior to making this determination.

(3) Fee. The fee for a permit or inspection under this ordinance shall be established through the annual budget process.

(4) Animal Waste Storage Facility Plan Requirements. Each application for a permit under this section shall include an animal waste storage facility or transfer system plan. Such plans shall meet all applicable USDA, NRCS technical standards and at a minimum include the following:

(a) The number and kinds of animals for which storage is provided.

(b) A sketch of the facility and its location in relation to buildings within two hundred fifty (250) feet and homes within five hundred (500) feet of the proposed facility. The sketch shall be drawn to scale, with a scale no smaller than one inch equals one hundred (100) feet.

(c) The structural details, including dimensions, cross sections, and concrete thickness.

(d) The location of any wells within three hundred (300) feet of the facility.

(e) The soil test pit locations and detailed soil descriptions to a depth required in Standards 313 and 634, USDA NRCS Technical Guide.

(f) The elevation of groundwater or bedrock if encountered in the soil profile and the date of any such determinations.

(g) Provisions for adequate drainage and control of runoff to prevent pollution of surface water and groundwater such as exposed bedrock or sinkholes. If a navigable body of water lies within five hundred (500) feet of the facility, the location and distance to the body of water shall be shown.

(h) The scale of the drawing and the North arrow.

(i) A time schedule for construction of the facility.

(j) A description of the method in transferring animal waste into the facility.

(k) A recoverable benchmark(s) including elevation(s) expressed in feet and hundredths.

(l) A preliminary Nutrient Management Plan, verifying the ability of the permittee to comply with Standard 590. A Nutrient Management Plan checklist will be reviewed by the Brown County Land and Water Conservation Department for this purpose.

(m) Landowners must plan and document the availability of acceptable acreage of cropland per animal unit for all future expansions of their livestock operations. Use either Phosphorus Index (PI) or Soil Test Phosphorus Management Strategy found in the most current Conservation Practice Standard NRCS 590 Nutrient Management. A Nutrient Management Checklist will be reviewed by the Brown County Land and Water Conservation Department for this purpose.

(n) Prior to issuance of a permit, the landowner must disclose any intention to store animal waste with other waste in the storage facility.

(o) Other conditions to current standards

(5) Animal Feedlot Plan Requirements. Each application for a permit under this section shall include an animal feedlot facility plan. The plan shall specify:

(a) A plan map showing location of the facility, including buildings, homes, and wells within 300 feet of the proposed site. The sketch shall be drawn to scale, with a scale no smaller than 1 inch: 100 feet.

(b) The location of any wells within 300 feet of the facility.

(c) The location of all soil test pits, including a detailed log of each pit, to a depth of at least 3 feet below the planned bottom elevation of the facility. The location of each test pit, prior to digging, and the log descriptions of each pit, as it is excavated, shall be determined and recorded.

(d) Depth of high ground water, estimated or observed, in the soil profile and date determined.

(e) Depth to bedrock, estimated or observed.

(f) Ground contours (2 foot maximum intervals), with spot elevations, indicating land slope at and around the site for a minimum distance of 100 feet.

(g) Provisions for adequate drainage and control of runoff to prevent pollution of surface and ground water such as exposed bedrock or sinkholes. The location of any navigable body of water within 500 feet of the proposed site must be shown. Rivers and streams in Brown County shall be presumed to be navigable if they are designated as continuous waterways or intermittent waterways on U.S. Geological Survey (USGS) quadrangle maps.

(h) Description of the type(s) of materials the facility is to consist of; size, dimensions, and cross sections of the facility, and any other specific details including, but not limited to, concrete thickness in floor and walls, steel schedules, and fencing.

(i) A time schedule for construction of the facility.

(j) Scale of the plan drawing(s) and north arrow.

(k) Description of bench mark(s) including elevation(s) expressed in feet and hundredths.

(l) Landowners must plan and document the availability of acceptable acreage of cropland per animal unit for all future expansions of their livestock operations. Use either Phosphorus Index (PI) or Soil Test Phosphorus Management Strategy found in the most current Conservation Practice Standard NRCS 590 Nutrient Management. A Nutrient Management Checklist will be reviewed by the Brown County Land and Water Conservation Department for this purpose.

(6) Animal Waste Storage Facility Abandonment Plan Requirements. Each application for a permit under this section shall include an abandonment plan. The plan shall specify:

(a) The abandonment plan may include provisions for future operation of the animal waste storage facility. The facility shall meet the standards and specifications in Section 26.11 of the ordinance and shall have a permit issued under this ordinance. Facilities not meeting this requirement shall be properly abandoned under this section.

(b) A preliminary Nutrient Management Plan, verifying the ability of the permittee to comply with Standard 590. A Nutrient Management Plan checklist will be completed by the Brown County Land and Water Conservation Department for this purpose.

(c) Provisions to remove and properly dispose of all accumulated wastes in the manure facility.

(d) Provisions to remove any concrete or synthetic liner, or properly use pieces of the concrete or synthetic liner, or properly use pieces of the concrete or synthetic liner as clean fill at the site.

(e) Provisions to remove and properly dispose of any soil saturated with waste from the manure storage facility.

(f) Provisions to remove any soils, to the depth of significant manure saturation or 2 feet whichever is less, from the bottom and sides of a facility without a constructed liner.

(g) Provision to remove or permanently plug the waste transfer system serving the manure storage facility.

(h) Covering all disturbed area with topsoil, seeding the areas with a grass mixture, and mulching the seeded area. This subdivision does not apply if an alternative use of the site is authorized under an abandonment plan approved by the Brown County Land and Water Conservation Department or town as part of the permit.

(7) Winter Spreading Plan Requirements. Each application for a permit under this section shall include a Winter Spreading Plan. The plan shall specify:

(a) The lowest risk fields for the application of winter spread manure based on slope, length of slope, soils, and depth to bedrock. Permitting shall be based on NRCS 590 winter spreading criteria found in NRCS 590 IV.A.2d.

(b) Specify rates of application and applicable setbacks from the nearest surface waters and/or direct conduit to groundwater as determined by Brown County Land and Water Conservation Department.

(c) The plan must include a description of the emergency response procedures that will be engaged immediately in the event of direct runoff related to the spreading of animal waste as approved by the Brown County Land and Water Conservation Department.

(d) Only maps approved by Brown County Land and Water Conservation Department, using GIS technology, may be used to identify appropriate fields for animal waste applications.

(e) For the purpose of this practice winter spreading plans shall take effect no later than December 1<sup>st</sup> prior to the winter for which the plan is developed and continue through the following March 31<sup>st</sup> unless animal waste can be effectively incorporated.

(f) The landowner shall maintain an accurate record of the date, location, and rate of application for every application of manure on the land that is subject to the winter spreading permit. The record shall be made available to the Brown County Land and Water Conservation Department upon request and shall be retained by the landowner for one year following the date of application.

(8) Temporary Unconfined Manure Stacking Requirements. Each application for a permit under this section shall include a site plan. The plan shall specify:

(a) Waste consistencies.

(b) Size and stacking period.

(c) Hydrologic Soil Groups.

(d) Subsurface Separation Distance.

(e) Surface Separation Distances.

(9) Review of Application. The Brown County Land and Water Conservation Department shall receive and review all permit applications.

(a) The Brown County Land and Water Conservation Department shall determine if the proposed facility meets the required standards set forth in Section 26.11 of this ordinance. Within sixty days after receiving the completed application and fee, the Brown County Land and Water Conservation Department shall inform the applicant in writing whether the permit application is approved or disapproved. If additional information is required, the Brown County Land and Water Conservation Department has thirty days from the receipt of the additional information in which to approve or disapprove the application. If the Brown County Land and Water Conservation Department fails to approve or disapprove the permit application in writing within sixty days of the receipt of the permit application or within thirty days of the receipt of additional information, as appropriate, the application shall be deemed approved and the applicant may proceed as if a permit had been issued.

(b) Prior to approval or disapproval of the permit application, the Brown County Land and Water Conservation Department shall submit a copy of the proposed plan(s) to the town office of the town where the site is located for their review and/or approval if appropriate.

(10) Permit Conditions. All permits issued under this ordinance shall be issued subject to the following conditions and requirements:

(a) Design, construction and management shall be carried out in accordance with the animal waste facility plan and applicable standards specified in Section 26.11 of this ordinance.

(b) The permittee shall give five (5) working days notice to the Brown County Land and Water Conservation Department before starting any construction activity authorized by the permit.

(c) Approval in writing must be obtained from the Brown County Land and Water Conservation Department prior to any modifications to the approved animal waste facility plan.

(d) The permittee and, if applicable, the contractor, shall certify in writing by signing the certification sheet that the facility was installed as planned and designed. A copy of the signed certification sheet shall be mailed to the Brown County Land and Water Conservation Department within thirty days of completion of installation.

(e) Activities authorized by permit must be completed within two years from the date of issuance after which such permit shall be void.

(f) Nutrient management plans shall be submitted to the Brown County Land and Water Conservation Department annually by June 1.

(11) Permit Revocation. The Brown County Land and Water Conservation Department may revoke any permit issued under this ordinance if the holder of the permit has misrepresented any material fact in the permit application or animal waste facility plan, or if the holder of the permit violates any of the conditions of the permit.

## **26.11 STANDARDS AND SPECIFICATIONS.**

(1) Animal Feedlots. The standards and specifications for design, construction, operation and maintenance of animal feedlots are those identified in USDA-NRCS Technical Guide. Feedlots requiring a permit under this ordinance shall not allow direct runoff to waters of the state.

(2) Animal Waste Storage Facilities. The standards and specifications for design, construction, operation, and maintenance of animal waste storage facilities are those identified in Standards 313 and 634, USDA-NRCS Technical Guide. The Standards and Specifications for abandonment/closure of animal waste storage facilities are those identified in Standard 360, USDA-NRCS Technical Guide.

(a) NRCS Standard 313 Waste Storage Facility. Conditions Where Practice Applies. This standard does not apply to: the storage of human waste, routine animal mortality, the unstacked waste that accumulates in animal housing units (barns) or animal production areas not intended to store waste.

(3) Nutrient Management. Animal wastes for which permits are issued under this chapter of the Code and all wastes from existing livestock waste storage facilities shall be managed and utilized in accordance with Standard 590, USDA-NRCS Technical Guide. A current (590) Nutrient Management Plan must be submitted annually to the Brown County Land and Water Conservation Department by June 1<sup>st</sup>.

(4) Temporary Unconfined Manure Stacking Requirements. Each application for a permit under this section shall include plan specifications identified in Standard 318, USDA - NRCS Technical Guide.

(5) Manure Management Prohibitions. The following prohibitions are incorporated into this ordinance:

(a) All livestock producers shall comply with this section.

(b) A livestock operation shall have no overflow of manure storage facilities.

(c) A livestock operation shall have no unconfined manure pile in a water quality management area.

(d) A livestock operation shall have no direct runoff from a feedlot or stored manure into the waters of the state.

(e) A livestock operation may not allow unlimited access by livestock to waters of the state in a location where high concentrations of animals prevent the maintenance of adequate sod or self-sustaining vegetative cover.

1. This prohibition does not apply to properly designed, installed and maintained livestock or farm equipment crossings.

(6) Agricultural Performance Standards. The following standards are incorporated into this ordinance as found in Administrative Rule NR151:

(a) Sheet, rill and wind erosion

- (b) Tillage setback
- (c) Phosphorous index
- (d) Manure storage facilities
- (e) Process wastewater handling
- (f) Clean water diversion
- (g) Nutrient management
- (h) Silurian bedrock

**26.12 VIOLATIONS.** (1) Penalties. Any person who violates, neglects, or refuses to comply with or resists the enforcement of any provision of this ordinance shall be subject to a forfeiture of not less than \$250 nor more than \$5,000 plus costs of prosecution of each violation. An unlawful violation includes failure to comply with any standard of this ordinance or with any condition or qualification attached to the permit. Each day that a violation exists shall be a separate offense. Failure to obtain proper permit is considered a violation. Brown County Land and Water Conservation Department shall refer all enforcements to the Brown County Corporation Counsel for commencement of enforcement action.

(2) Enforcement Actions, Temporary Restraining Orders and/or Other Necessary Remedial Action. As a substitute for or an addition to forfeiture actions, Brown County may seek enforcement of any part of this ordinance by Court Actions seeking injunctions or restraining orders. Brown County has the right to recover all costs associated with manure runoff and spill recovery if responsible party or parties does not properly do so.

**26.13 APPEALS.** (1) Authority. Under authority of Chapter 68, Wisconsin Statutes the Brown County Land Conservation Sub-Committee, created under Sections 59.878 Wisconsin Statutes and by the Brown County Board of Supervisors on May 19, 1982, acting as an appeal authority under Section 68.09(2) Wisconsin Statutes is authorized to hear and decide all appeals where it is alleged that there is error in any order, requirement, decision, or determination by the Brown County Land and Water Conservation Department in administering this ordinance.

(2) Procedure. The rules, procedures, duties and powers of Brown County Land Conservation Sub-Committee and Chapter 68 Wisconsin Statutes, shall apply to this ordinance.

(3) Who May Appeal. Appeals may be taken by any person having a substantial interest which is adversely affected by this order, requirement, decision, or determinations made by the Brown County Land and Water Conservation Department.