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TOWN OF SEVASTOPOL
Door County, Wisconsin

ORDINANCE No. 2014 - 01
ORDINANCE PROHIBITING APPLICATION OF
LIQUID ANIMAL MANURES AND
AGRICULTURAL WASTEWATER
USING SPRAY IRRIGATION SYSTEMS

10 The Town Board of Supervisors of the Town of Sevastopol ("Town Board"), Door County, Wisconsin, does
11 ordain as follows:

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13 **1. AUTHORITY.**

14 This ordinance is adopted pursuant to the authority granted under Wis. Stats. §60.22 (3) and 61.34
15 to enact ordinances and regulations promoting and protecting the health, safety, welfare, and
16 convenience of the public, and defining and prohibiting public nuisances.

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18 **2. PURPOSE.**

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

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23 A. University of Nebraska – Lincoln Extension publication entitled "Application of Liquid
24 Animal Manures Using Center Pivot Irrigation System", which suggests that the application
25 of manure by center pivot manure distribution systems offers a large potential for
26 significant odor release.
- 27 B. Report of Ben Brancel, Secretary of Wisconsin Department of Agriculture, Trade and
28 Consumer Protection to members of the Department of Agriculture, Trade and Consumer
29 Protection Board dated August 17, 2011 relating to use of center pivots for spreading
30 manure on farm fields. In such report, Mr. Brancel related that "spray irrigation systems
31 and surface applied liquid manure have high odors and emissions compared to
32 applications that inject or incorporate liquid manure."
- 33 C. Report of Robert Thiboldeaux, Wisconsin Division of Public Health, to Ken Johnson,
34 Regional Water Leader, Wisconsin Department of Natural Resources, dated February 17,
35 2011, regarding public health setbacks for manure spray irrigation, which recognized that
36 the Division of Health Services recommends that land application of manure liquids be
37 managed to minimize impacts, particularly nuisance odor, that might inhibit the full use and
38 enjoyment of neighboring private residences.

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40 The Town Board of the Town of Sevastopol has determined, based upon its review and research of
41 materials as described above, that spray irrigation systems for irrigating liquid manure and
42 agricultural wastes through sprinkler systems, traveling guns, and center pivot irrigation systems
43 are a detriment to the health, safety, welfare, and convenience of the public, as they distribute
44 manure odors recognized as a contributing factors to reduced quality of life, and that prohibition of
45 spray irrigation systems for liquid manure and other agricultural wastes are in the best interests of
46 the Town of Sevastopol residents' public health, safety, general welfare and convenience.

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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 Sevastopol.

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 Sevastopol.

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:

s/ _____
Chuck Tice, Supervisor

Roll Call Board Members	Aye	Nay	Exc.
John Staveness	X		
Chuck Tice	X		
Dick Weidman	X		
Dan Woelfel	X		
Leo Zipperer	X		

94 Certification

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96 I, Linda Wait, Clerk/Treasurer of Sevastopol,
97 hereby certify that the above is a true and correct
98 copy of a ordinance that was adopted on the
99 27th day of October, 2014, by the
100 Town Board of Supervisors.

101 s/ _____

102 Linda Wait, Clerk/Treasurer

103 Town of Sevastopol

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