

An Ordinance Amendment to the Town of Morrison Code of Ordinances as it relates to Public Health

Chapter ____ - Establishing a Temporary Moratorium on the Land Spreading of Manure and Other Industrial Waste in the Town of Morrison

The Town Board of the Town of Morrison does ordain as follows:

WHEREAS, Town residents have recently suffered detriment to their health, safety and welfare due to their inability to utilize private wells for drinking water. The Town Board has been advised that the primary cause of the contaminated wells involved the land spreading of manure on frozen ground in the Town of Morrison. The land application of manure and other industrial waste in the winter increases the risk of pollution to ground and surface waters; and

WHEREAS, the Town of Morrison's water resources are vital to the high quality of life enjoyed by all who live here. The purity of the Town of Morrison's drinking water is essential to the health, safety and welfare of all Town residents and visitors; and

WHEREAS, pursuant to Wisconsin Statutes §60.22(3), the Town Board has adopted Village powers and pursuant to Wis. Stats. §61.34 the Town Board has authority to enact regulations to promote the health, safety and welfare of the public; and

WHEREAS, the Town has determined that this temporary moratorium will promote the health safety and welfare of Town residents by allowing time for the ground to thaw before additional land spreading of manure and other industrial waste occurs in the Town. Furthermore, this temporary moratorium will allow additional time to study how land spreading of manure and other industrial waste affects private wells in the Town of Morrison and, if deemed necessary by the Town, additional time to amend its ordinance regarding manure and other industrial waste management in the Town; and

The Town Board of the Town of Morrison, pursuant to Wisconsin Statutes, does ordain as follows: AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE LAND SPREADING OF MANURE AND OTHER INDUSTRIAL WASTE IN THE TOWN OF MORRISON.

Section 1. Purpose. The purpose of this Ordinance is to slow the land spreading of manure and other industrial waste in the Town of Morrison in order to promote the health, safety and welfare of the Town by allowing time for the ground to thaw and allow time for study of a comprehensive ordinance regarding manure and other industrial waste management.

Section 2. Moratorium. There is hereby imposed a temporary moratorium on land spreading of manure and other industrial waste in the Town of Morrison. Except as provided in Section 4 herein, no land spreading of manure or other industrial waste shall occur in the Town of Morrison until April 1, 2006.

Section 3. Definitions.

- (a) Manure – means livestock excreta and other materials such as bedding, water, soil, hair, feathers, waste water, contaminated runoff and other debris normally included in manure handling operations.
- (b) Other industrial waste – means industrial wastes which are biodegradable and of animal or plant origin, and includes suspended solids which are in a fluid or semi fluid or solid state. This also includes industrial wash water.
- (c) Land spreading – means the disposal of manure or other industrial waste in thin layers on to the land surface and/or the incorporation into the top several feet of the surface soil for agricultural and/or solid waste disposal.

Section 4. Variance. An applicant may request a variance from the requirements of this ordinance. No variance shall be granted unless applicant demonstrates and the Town Board, as advised by the Brown County Land Conservation Department, finds that all of the following conditions are present:

- (a) Enforcement of the standards set forth in this ordinance will result in unnecessary hardship to the landowner;
- (b) The hardship is due to exceptional physical conditions unique to the property;
- (c) Granting the variance will not adversely affect the public health, safety or welfare, nor be contrary to the spirit, purpose and intent of this ordinance.

Section 5. Implementation and Duration. This ordinance shall take effect immediately after Town Board approval and as allowable by Wisconsin Statutes. This ordinance shall endure until April 1, 2006 at which time it shall have either been replaced by a manure management and other industrial waste ordinance, extended in duration by the Town Board or shall become null and void.

Section 6. Penalties.

- (1) Any person, firm, company or corporation who violates or refuses to comply with the provisions of this ordinance shall be subject to a forfeiture of not less than \$500 or more than \$5000 and the costs of prosecution. Each day that a violation occurs shall constitute a separate offense.
- (2) Any person who has the ability to pay any forfeiture entered against him or her under this ordinance, but refuses to do so, may be confined to the county jail until such forfeiture is paid, but in no event to exceed thirty days. In determining whether an individual has the ability to pay a forfeiture, all items of income and all assets may be considered regardless of whether or not such income or assets are subject to garnishment, lien or attachment by creditors.

- (3) The town attorney is authorized to seek enforcement of any part of this ordinance by court action seeking injunctive relief. It shall not be necessary for the town to seek other remedies before seeking injunctive relief.

Adopted by the Town of Morrison, Town Board this ____ day of February, 2006.

Todd Christensen, Town Chairman

ATTEST:

Colleen Magley, Town Clerk

DATE OF PUBLICATION:
