

**TOWN OF MORRISON ORDINANCE NUMBER 06 –05 –Establishing an Ordinance Requiring Permits for the Land Spreading of Manure and Other Wastes 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 wastes 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 ordinance, 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 waste occurs in the Town. Furthermore, this Ordinance will provide an opportunity for the Town to study how land spreading of manure and other wastes affects private wells in the Town of Morrison; and

WHEREAS, the state of Wisconsin Manure Management Task Force recommends winter spreading plans to help reduce risks related to spreading manure during winter months; and

The Town Board of the Town of Morrison, pursuant to Wisconsin Statutes, does ordain as follows: AN ORDINANCE TO REQUIRE PERMITS REGARDING THE LAND SPREADING OF MANURE AND OTHER WASTES IN THE TOWN OF MORRISON.

**Section 1. Purpose.** The purpose of the Ordinance is to implement a permit procedure regarding the land spreading of manure and other waste in the Town of Morrison in order to promote the health, safety and welfare of the Town.

**Section 2. Ordinance.** There is hereby adopted an ordinance regarding the land spreading of manure and other wastes in the Town of Morrison. Except as provided in Section 4 herein, no land spreading of manure or other wastes shall occur in the Town of Morrison from December 1, to April 1.

### **Section 3. Definitions.**

- (a) **Manure** – means livestock excreta and other materials such as bedding, water, soil, hair, feathers, wastewater, contaminated runoff and other debris normally included in manure handling operations.
- (b) **Other waste or wastes** – means any or other wastes as defined in Wisconsin Administrative Codes NR 113, NR 204, NR 206, NR 214, and NR 225.
- (c) **Land spreading** – means the disposal of manure or other wastes 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 other waste disposal.

**Section 4. Permit.** An applicant must apply for a permit prior to land spreading from December 1 through April 1 of each year. No permit 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 permit will not adversely affect the public health, safety or welfare, nor be contrary to the spirit, purpose and intent of this ordinance.
- (d) Applicant has submitted a winter spreading plan that identifies high-risk fields where land spreading should be completely avoided or restricted. Maps are available from the Brown County Land Conservation Department for this purpose
- (e) Applicant has submitted documentation to the Town of Morrison to verify that all permits required by the Wisconsin Department of Natural Resources, Brown County and the State of Wisconsin have been obtained and are valid.

**Section 5. Implementation and Duration.** This ordinance shall take effect immediately after Town Board approval and as allowable by Wisconsin Statutes.

**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 \$ 5,000 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 3<sup>rd</sup> day of OCTOBER, 2006

  
Todd Christensen, Town Chairman

ATTEST:

  
Colleen Magley, Town Clerk

DATE OF PUBLICATION:

October 9, 2006