

***Rescission and Recreation of the
Clark County Animal Manure Management Ordinance***

Whereas, the Clark County Board of Supervisors adopted an Animal Waste Storage Facility Ordinance on April 17, 1985 for the purpose of regulating the design and construction of animal waste storage facilities, and,

Whereas, the Animal Waste Storage Facility Ordinance prevents water pollution and thereby protects the health of Clark County residents and transients, prevents the spread of disease and promotes the prosperity and general welfare of the citizens of Clark County, and,

Whereas, the Clark County Land Conservation Committee concurs that the Animal Manure Management Ordinance needs to be recreated to comply with changes in Animal Waste Management Standards and Specifications.

Now, THEREFORE BE IT RESOLVED, by the Clark County Board of Supervisors that the Clark County Animal Waste Storage Facility Ordinance be rescinded and recreated to read as follows:

Chapter 16.16

ANIMAL MANURE MANAGEMENT ORDINANCE

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ARTICLE I: INTRODUCTION

- 16.16.010 **Authority**
This section is adopted under authority granted by Sections 59.01, 59.02, 59.03, 59.04, 59.54, 59.69, 59.70, 66.0113, 92.07, 92.09, 92.11, 92.15, and 92.16 Wisconsin Statutes.
- 16.16.020 **Title**
This ordinance shall be known as, referred to and may be cited as the Clark County Animal Manure Management Ordinance and is hereinafter referred to as the ordinance.
- 16.16.030 **Findings and Declaration of Policy**
(1) The Clark County Board of Supervisors finds that manure generated by the livestock industry, when properly managed is important for maintaining soil quality, reduces reliance on commercial fertilizer, and is of significant importance for the agricultural economy of Clark County. The Clark County Board of Supervisors finds that storage of manure in facilities not meeting technical design and construction standards or livestock operations having any overflow of manure from storage facilities or any unconfined manure piles in a water quality management area may cause pollution of the surface and ground waters of Clark County, and may result in actual or potential harm to the health of county residents and transients; and to livestock, aquatic life and other animals and plants.
(2) The Clark County Board of Supervisors also finds that improper land application of manure, may cause pollution of the ground and surface water of Clark County.
(3) The Clark County Board of Supervisors further finds that the technical standards developed and maintained by the USDA-Natural Resources.
(4) Conservation Service and adopted by the Land Conservation Committee provide effective, practical and environmentally safe methods of storing and utilizing animal manure. The Board further finds that where operations have ceased, the manure storage facility shall be closed according to USDA-NRCS standards.
- 16.16.040 **Purpose**
The purpose of this ordinance is to regulate the design, construction, maintenance and proper closure of manure storage facilities; and provide for proper utilization of manure. It is also intended to provide for the administration and enforcement of this ordinance and to provide penalties for its violation.

- 16.16.050 **Applicability**
This ordinance applies to the entire geographical area of Clark County, except as otherwise provided by law.
- 16.16.060 **Interpretation**
The interpretation and application of the provisions of this ordinance shall be minimum requirements, be liberally construed in favor of Clark County, and not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- 16.16.070 **Severability Clause**
If any section, provision, or portion of this ordinance is ruled invalid by a court, the remainder shall not for that reason be rendered ineffective.
- 16.16.080 **Authority Cited**
References herein to the Wisconsin Statutes or Wisconsin Administrative Code are to those in effect as of the date this ordinance is enacted or the Statutes or Code as subsequently amended or revised.
- 16.16.090 **Effective Date**
This Ordinance shall become effective upon its enactment and publication by the Clark County Board of Supervisors.

ARTICLE II: DEFINITIONS

- 16.16.100 **Definitions**
- 16.16.110 (1) “Adequate sod, or self-sustaining vegetative cover” means maintenance of sufficient vegetation types and densities such that the physical integrity of the streambank or lakeshore is preserved. Self-sustaining vegetative cover includes grasses, forbs, sedges and duff layers of fallen leaves and woody debris.
- 16.16.120 (2) “Agricultural land use” means the use of land for agricultural practices.
- 16.16.130 (3) “Agricultural practice” means beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; grazing; livestock raising; orchards; poultry raising; raising of grain, grass, mint or seed crops; raising of fruits, nuts or berries; sod farming; placing land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; or vegetable raising.
- 16.16.140 (4) “Animal manure” means livestock excreta. “Animal manure” includes livestock bedding, water, soil, hair, feathers, and other debris that becomes intermingled with livestock excreta in normal waste handling operations.
- 16.16.150 (5) “Best management practices” or “BMP’s” means structural or non-

- structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to water of the state.
- 16.16.160 (6) “County Land Conservation Committee” means the committee created by a county board under s. 92.06, Stats. “County Land Conservation Committee” includes employees or agents of a County Land Conservation Committee who, with committee authorization, act on behalf of the committee.
- 16.16.170 (7) “DATCP” means the Department of Agriculture, Trade and Consumer Protection.
- 16.16.180 (8) “Direct runoff” means a discharge of a significant amount of pollutants to waters of the state resulting from any of the following practices:
- a. Runoff from a manure storage facility.
 - b. Runoff from an animal lot that can be predicted to reach surface waters of the state through a defined or channelized flow path or man-made conveyance.
 - c. Discharge of leachate from manure piles.
 - d. Seepage from a manure storage facility.
 - e. 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).
- 16.16.190 (9) “DNR” means the state of Wisconsin Department of Natural Resources.
- 16.16.200 (10) “Floodplain” means land which has been or may be hereafter covered by floodwater during the regional flood. The floodplain includes the floodway and the flood fringe, and may include other designated floodplain areas for regulatory purposes.
- 16.16.210 (11) “Idle storage facility” means an animal waste storage facility where the operations cease or manure has not been added or removed for 24 months.
- 16.16.220 (12) “Landowner” means any of the following:
- a. A person who owns a parcel of land.
 - b. A person who rents, controls or uses a parcel of land for agricultural purposes.
- 16.16.230 (13) “Livestock” means domestic animals such as cattle, horses, sheep, hogs, poultry, fish, etc., or exotic animals such as llamas, ostriches, etc.
- 16.16.240 (14) “Livestock operation” means a feedlot or other facility or pasture where animals are fed, confined, maintained or stabled.
- 16.16.250 (15) “Manure storage facility” means an impoundment made by constructing an embankment or excavating a pit or dugout or by fabricating a structure to contain manure and other animal or agricultural wastes.
- 16.16.260 (16) “Navigable waters” or “navigable waterway” means any body of water, which is navigable under the laws of this state.

- 16.16.270 (17) “NRCS” means the Natural Resources Conservation Service of the U.S. Department of Agriculture.
- 16.16.280 (18) “Nutrient management plan” means any of the following:
- a. A plan required under s. ATCP 50.04 (3) or 50.62 (5)(f).
 - b. A farm nutrient plan prepared or approved, for a landowner, by a qualified nutrient management planner.
- 16.16.290 (19) “Operator” means a person responsible for the oversight or management of equipment, facilities or livestock at a livestock operation, or is responsible for land management in the production of crops.
- 16.16.300 (20) “Permit” means the signed, written statement issued by the Clark County Land Conservation Department under this chapter authorizing the applicant to construct, install, reconstruct, enlarge, substantially alter or close an animal manure storage facility.
- 16.16.310 (21) “Permittee” means any person to whom a permit is issued under this chapter.
- 16.16.320 (22) “Stored manure” means manure that is kept in a manure storage facility or an unconfined manure pile.
- 16.16.330 (23) “Substantially altered” means a change initiated by an owner or operator that results in a relocation of a structure or facility or significant changes to the size, depth or configuration of a structure or facility including:
- a. Replacement of a liner in a manure storage structure.
 - b. An increase in the volumetric capacity or area of a structure or facility.
 - c. A change in a structure or facility related to a change in livestock management from one species of livestock to another such as cattle to poultry.
- 16.16.340 (24) “Technical guide” means the current Wisconsin version of the United States Department of Agriculture Natural Resources Conservation Service Technical Guide as adopted by the Clark County Land Conservation Committee.
- 16.16.350 (25) “Technical standard” means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
- 16.16.360 (26) “Unconfined manure pile” means a quantity of manure that is at least 175 ft³ 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.
- 16.16.370 (27) “Water pollution” means contaminating or rendering unclean or impure the groundwater or surface waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life.
- 16.16.380 (28) “Water quality management area” or “WQMA” 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 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.

16.16.390 (29) “Waters of the state” means those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water courses, drainage systems and other surface water or groundwater, natural or artificial, public or private within the state or under its jurisdiction, except those water which are entirely confined and retained completely upon the property of a person.

16.16.400 (30) “Wetlands” means an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

ARTICLE III: ADMINISTRATION

16.16.410 **Delegation of Authority**
Clark County hereby designates the Clark County Land Conservation Department to administer and enforce this ordinance.

16.16.420 **Administrative Duties**
The provisions of this ordinance shall be administered by the Clark County Land Conservation Department under the oversight of the Land Conservation Committee. The Clark County Land Conservation Department shall be primarily responsible for:
(1) Keep an accurate record of all permit applications, animal waste facility plans, permits issued, inspections made, and other official actions.
(2) Review permit applications and issue permits in accordance with this ordinance.
(3) Investigate complaints relating to compliance with this ordinance.
(4) Perform other duties as specified in this ordinance.

16.16.430 **Entry and Inspection Authority**
The Clark County Land Conservation Department is authorized to enter upon any lands affected by this ordinance to inspect the land to determine compliance with this ordinance pursuant to the authority granted by Section 92.07 (14), Wis. Stats. If permission cannot be received from the applicant or permittee, entry by Clark County Land Conservation Department shall be according to Sections 66.0119 and

66.0119 (3), Wis. Stats. Refusal to grant permission to enter lands affected by this ordinance for purposes of inspection shall be grounds for order of non-compliance, permit denial or revocation.

16.16.440

Enforcement Authority

- (1) The Clark County Land Conservation Department is authorized to issue an order to stop work upon land which has had a permit revoked or on land currently undergoing activity in violation of this ordinance. The order shall specify that the activity must cease immediately and remain stopped until a plan to bring the project into compliance is approved by the Clark County Land Conservation Department.
- (2) Any permit revocation or order stopping work shall remain in effect unless retracted by the Clark County Land Conservation Department, or by a court of record; or until the activity is brought into compliance with the ordinance. The Clark County Land Conservation Department is authorized to refer any violation of this ordinance or of any order stopping work issued pursuant to this ordinance to the District Attorney or Corporation Counsel for commencement of further legal proceedings.
- (3) County may institute other proceedings in any court of competent jurisdiction and pursue any remedy or relief afforded by law, including a civil forfeiture or injunction.

ARTICLE IV: ACTIVITIES SUBJECT TO REGULATION

16.16.450

General Requirement

Any person who constructs, installs, substantially alters, or closes an animal waste storage facility, or possesses an idle storage facility; or who employs another person to do the same on land subject to this ordinance shall be subject to the provisions of this ordinance.

16.16.460

Compliance with Permit Requirements

A person is in compliance with this ordinance if he or she follows the procedures of this ordinance, receives a permit from the Clark County Land Conservation Department before beginning activities subject to regulation under this ordinance, and complies with the requirements of the permit. Modification or closure of preexisting facilities requires a permit, subject to all terms of the ordinance.

16.16.470

Manure Management Prohibitions

- (1) All livestock operations shall comply with the following:
 - a. A livestock operation shall have no overflow of manure storage facilities.
 - b. A livestock operation shall have no unconfined manure pile in a water quality management area.

- c. A livestock operation shall have no direct runoff from a feedlot or stored manure into the waters of the state.
 - d. 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. This prohibition does not apply to properly designed, installed and maintained livestock or farm equipment crossings.
- (2) Cost-sharing requirement pursuant to Section 281.16 (3) of the Wisconsin Statutes, a livestock operation that is in existence prior to October 1, 2002 shall not be required to comply with the manure management prohibitions unless cost-sharing is made available.
 - (3) Non-compliance with the manure management prohibitions shall result in enforcement actions in accordance with s NR.151.095, Wi. Admin. Code.

ARTICLE V: SETBACKS

16.16.480 **Setbacks from Roadways**

- (1) All state and federal highways, county trunks, town roads, and public streets are designated as roadways.
- (2) The setback from roadways shall be 110 feet from the centerline of the roadway or 50 feet from the right-of-way line, whichever is greater.
- (3) Visual Clearance Triangle. In each quadrant of every public road intersection, there shall be a visual clearance triangle bounded by the road centerlines and a line connecting points on them three hundred feet from an intersection. Except for open fences, no part of any animal waste storage facility shall be more than three (3) feet above the natural grade within the visual clearance triangle.

16.16.490 **Setbacks from Water**

Animal waste storage facilities shall be located at least three hundred feet from any navigable water and shall be designed, as specified in NRCS Field Office Technical Guide, to protect navigable waters and drainage ways from accidental spills and runoff from loading areas.

16.16.500 **Floodplains and other Water Bodies**

- (1) No animal waste storage facility will be permitted to be built in the 100-year flood plain of a stream, lake or flowage.
- (2) No animal waste storage facility will be permitted to be built in a wetland, or within 100 feet of its outermost boundary.

16.16.510 **Lot Lines**
Animal manure storage facilities shall be located at least 100 feet from a property line.

16.16.520 **Residences**
Animal manure storage facilities shall be located not less than 300 feet from any residential building other than that of the owner of the premises, or owned by the owner of the premises but occupied by his/her family, agent or employee.

ARTICLE VI: STANDARDS

16.16.530 **Animal Manure Storage Facilities**
Standards and specifications for design, construction and management of animal manure storage facilities are those in Standard 313 (Waste Storage Facility), and Standard 634 (Waste Transfer) of the USDA Natural Resources Conservation Service Field Office Technical Guide. Construction specifications referenced within the above listed standards shall be included.

16.16.540 **Nutrient Management**
The standards for nutrient management of land-applied animal wastes are those in Standard 590 of the USDA Natural Resources Conservation Service Field Office Technical Guide.

16.16.550 **Animal Manure Storage Facility Closure**
Standards for closure of an idle storage facility are those in Standard 360 of the USDA Natural Resources Conservation Service Field Office Technical Guide.

16.16.560 **Subsequent Modification of Standards**
The standards of the Technical Guide are adopted and by reference made a part of this Article as if fully set forth herein. Any future amendment, revision or modification of the standards incorporated herein are made a part of this article, unless otherwise acted upon by the Land Conservation Committee.

ARTICLE VII: APPLICATION FOR AND ISSUANCE OF PERMITS

16.16.570 **Permit Required**
No person may undertake an activity subject to this ordinance without obtaining a permit from the Clark County Land Conservation Department prior to beginning any of the following activities:
(1) The construction of a manure storage facility.
(2) The closure of a manure storage facility.

- (3) Substantially altering an existing facility involving the relocation of an existing structure or facility or significant changes to the size, depth or configuration of a structure or facility including:
 - a. Replacement of a liner in a manure storage facility.
 - b. An increase in volumetric capacity or area of a structure.
 - c. A change in a structure or facility related to a change in livestock management due to livestock species change.

16.16.580

Exception to Permit Requirements

Emergency repairs for broken pipes or equipment, leaking dikes or removal of obstructions may be performed without an Animal Manure Storage Facility Permit. Emergency repairs shall not result in increased capacity to the animal manure storage facility. The responsible person (owner or operator) shall contact the Clark County Land Conservation Department on the first working day following emergency repairs for determination by the department on whether a permit will be required for any additional modification or repair to the facility.

16.16.590

Fee

All applicants, except those applying for an Animal Manure Storage Facility Closure Permit, shall be required to pay a \$200.00 non-refundable fee at the time of permit application.

If the application is submitted after the commencement of activities requiring a permit, then the fee will be doubled. All applicable federal, state, and local standards and ordinance provisions still apply. Applications received after the commencement of activities requiring a permit do not preclude the Land Conservation Department from taking enforcement action.

16.16.600

Permit Application

An application for an Animal Manure Storage Facility Permit or Animal Waste Storage Facility Closure Permit shall be filed with the Land Conservation Department on forms supplied by the Land Conservation Department. The Land Conservation Department shall mail a copy of the approved permit application to the appropriate Town Board. In addition the Land Conservation Department may mail a copy of the approved permit to other agencies or units of government that may have jurisdiction over the proposed activity.

Each application for an Animal Manure Storage Facility Permit under this ordinance shall include an Animal Manure Storage Facility Plan and a Nutrient Management Plan.

16.16.610

Manure Storage Facility Plan Required

Each application for a permit under this section shall at a minimum include:

- (1) A management assessment that addresses the storage components, available resources, waste manure disposal schemes and waste characterization consistent with Standard 313 and Standard 634.
- (2) A site assessment that describes the physical characteristics that will influence the placement, construction, maintenance and environmental integrity of the proposed site consistent with Standard 313.
- (3) A facility design, construction plan preparation and operation and maintenance plan consistent with Standard 313, prepared by a professional engineer registered with the Wisconsin examining board of architects, professional engineers, designers and land surveyors under ch. 443, Stats., or by an agricultural engineer practitioner certified under s. ATCP 50.46, Wis. Admin. Code.

16.16.620

Nutrient Management Plan Required

A nutrient management plan that conforms to Standard 590. The plan shall be developed by individuals with qualifications described in s. ATCP 50.04 (3), Wis. Admin. Code. The plan shall be updated and implemented on an annual basis. The nutrient management plan shall include:

- (1) All land on which the landowner mechanically applies manure.
- (2) Soil nutrient tests conducted at a laboratory certified under s. ATCP 50.50, Wis. Admin. Code.
- (3) Compliance with Standard 590.
- (4) Recommendations for nutrient management applications in the University of Wisconsin Extension *Soil Test Recommendations for Field and Vegetable, and Fruit Crops*, UWEX Publication A-2809 (1998), unless it is established that the circumstances of the particular land requires nutrients in excess of the recommended application.

16.16.630

Facility Closure Plan Required

- (1) Closure of a manure storage facility shall occur when a facility ceases operations, or manure has not been added to or removed from the facility for a period of 24 consecutive months. Manure storage facilities shall be closed in a manner that will prevent contamination of groundwater and surface waters.
- (2) The owner or operator may retain the facility for a longer period of time by demonstrating to the department that all of the following conditions are met:
 - a. The facility is designed, constructed and maintained in accordance with NRCS Field Office Technical Guide Standard 313.

- b. The facility is designed to store manure for a period of time longer than 24 months.
 - c. Retention of the facility is warranted based on anticipated future use.
- (3) To close a facility, a site-specific design and inspection plan will be developed. A closure plan will be consistent with Standard 360, prepared by a professional engineer registered with the Wisconsin examining board of architects, professional engineers, designers and land surveyors under Chapter 443, Stats., or by an agricultural engineer practitioner certified under s.ATCP 50.46, Wis. Admin. Code.
- (4) A facility closure plan shall be approved by the department prior to implementation.

16.16.640

Review of Application

The department shall receive and review all permit applications and shall determine if the proposed facility meets required standards. Within 20 working days after receiving the completed application, the department shall inform the applicant in writing whether the permit application is approved or disapproved. If additional information is required, the department shall so notify the permit applicant. The department has 10 working days from the receipt of the additional information in which to approve or disapprove the permit application. If the department fails to approve or disapprove the permit application or additional information, as appropriate, the application shall be deemed approved and the applicant may proceed as if a permit had been issued.

16.16.650

Permit Conditions

- (1) All permits issued under this subchapter shall be issued subject to the following conditions and requirements:
- a. Manure storage facilities design and construction shall be carried out in accordance with the manure storage facility plan and applicable standards of this ordinance.
 - b. The permittee shall give two (2) working days notice to the department before starting any construction activity authorized by the permit.
 - c. Approval in writing must be obtained from the department prior to any modifications to the approved manure storage facility plan.
 - d. Prior to use of the facility, a certificate of installation signed by a professional engineer registered with the Wisconsin Examining Board of architects, professional engineers, designers and land surveyors under Chapter 443, Stats., or by an agricultural engineer practitioner certified under s.ATCP 50.46, Wis. Admin. Code.

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

16.16.660

Permit Revocation

The department may revoke any permit issued under this subchapter if the holder of the permit has misrepresented any material fact in the permit application or manure facility plan, or if the holder of the permit violates any of the conditions of the permit.

ARTICLE VIII: VIOLATIONS

16.16.670

Penalties

Any person who violates, or fails, neglects, or refuses to comply with any of the provisions of the ordinance shall upon conviction thereof, forfeit up to Two Hundred (\$200.00) Dollars, and costs of prosecution for each violation. Each day a violation exists or continues to exist shall constitute a separate offense. An unlawful violation includes failure to comply with any standard of this ordinance or with any condition or qualification attached to the permit, or any failure to comply with notice of a permit revocation or stop work order.

16.16.680

Enforcement by Injunction

As a substitute for, or in addition to forfeiture actions, Clark County may seek enforcement of any part of this ordinance by court actions seeking injunctions or restraining orders.

ARTICLE IX: APPEALS

16.16.690

Authority

Under the authority of Chapter 68 Wisconsin Statutes, the Clark County Land Conservation Committee, created under Section 59.878, Wisconsin Statutes and acting as an appeal authority under Section 68.09 (2) Wisconsin Statutes, is authorized to hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination by the Clark County Land Conservation Department in administering this ordinance.

16.16.700

Who May Appeal

Appeals may be taken by any person having a substantial interest that is adversely affected by the order, requirement, decision, or determination made by the Clark County Land Conservation Department.

- 16.16.710 **Limitations of Appeal**
Only one appeal on a particular concern can be made of an order, requirement, decision, or determination made by the Clark County Land Conservation Department.
- 16.16.720 **Procedure**
Any appeal shall be made by written request mailed or delivered to the Clark County Land Conservation Department. The request shall state the grounds upon which it is contended that the order, requirement, decision, or determination should be modified or reversed, and/or the grounds upon which a variance is sought. The request shall be filed within 30 calendar days of the date when the order, requirement, decision was received. The Clark County Land Conservation Committee shall schedule a hearing within 15 working days of the filing of the appeal. The hearing shall be conducted in accordance with Chapter 68, Wisconsin Statutes. A copy of the hearing notice shall be sent to the applicant and the appropriate Town Board.

The final decision on an appeal shall be made within 20 working days of completion of the hearing and shall be in the form of a written determination signed by the Chair of the Land Conservation Committee. The determination shall state the specific facts, which are the basis for the Committee's decision, and shall affirm, reverse, vary, or modify the order, requirement, decision, or determination appealed, in whole or in part; deny the appeal for lack of justification; or grant or deny the application for a variance. The reasons or justifications for granting an appeal, which were demonstrated by the applicant in the case of a variance, shall be clearly stated in the recorded minutes of the Committee meeting. If a final decision on an appeal is not made within 20 working days, the appeal shall be deemed approved and the applicant may proceed with activities that were requested in the appeal.

ARTICLE X: VARIANCES

- 16.16.730 **Variances**
- (1) The Board of Adjustment, may, upon application, grant a variance from the dimensional standards of this title where an applicant convincingly demonstrates that:
 - a. Literal enforcement of the provisions of the title will result in practical difficulty or unnecessary hardship on the applicant.
 - b. The hardship is due to adoption of this ordinance and special conditions unique to the property.
 - c. Such variance is not contrary to the public interest.
 - (2) A variance shall not:
 - a. Grant, extend or increase any use of property prohibited in the zoning district.

- b. Be granted for a hardship based solely on an economic gain or loss.
 - c. Be granted for a hardship which is self-created.
 - d. Damage the rights of property values of other persons in the area.
- (3) The Department of Natural Resources may grant a variance to the manure management prohibitions, technical standards or other non-statutory requirements of this ordinance in accordance with s. NR 151.097, Wi. Admin. Code.