

AMENDMENT NO. 113 TO PEPIN COUNTY ORDINANCE 179

CHAPTER 13 – MANURE STORAGE

BE IT OBTAINED BY THE COUNTY BOARD OF SUPERVISORS OF PEPIN COUNTY:

13 STATUTORY AUTHORIZATION, FINDINGS OF FACT, STATEMENT OF PURPOSE AND TITLE

CHAPTER 13 - MANURE STORAGE (Ord. No. 179. Am.#50, 03-17-04, Am. #113, 12-20-2017

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13.01 - AUTHORITY.

This ordinance is adopted under authority granted by §§59.02, 59.03, 59.69, 59.70 and 92.15, 92.16, Wis. Stats. and §§ ATCP 50.56 and NR 151.05, Wis. Admin. Code.

13.02 - TITLE.

This ordinance shall be known as, referred to, and may be cited as the "Pepin County Manure Storage Ordinance" and is hereinafter referred to as the "ordinance".

13.03 - FINDINGS AND DECLARATION OF POLICY.

The Pepin County Board of Supervisors finds that storage of manure in storage facilities, and management of manure including land application not meeting technical standards is a threat to cause pollution of the surface and ground waters of Pepin County, and may result in harm to the health of county residents and transients; to livestock, aquatic life and other animals and plants; and to the property tax base of Pepin County.

The Pepin County Board of Supervisors also finds that the technical standards developed by the United States Department of Agriculture Natural Resources Conservation Service (NRCS), and performance standards, prohibitions and conservation practices codified by Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) and Department of Natural Resources (DNR), as applied by the Land Conservation Committee (LCC), provide effective, practical, and environmentally safe methods of storing and utilizing manure.

The Pepin County Board of Supervisors further finds that screening and siting requirements may lessen the negative visual impact of a manure storage facility on an existing residential property owner. The Pepin County Board of Supervisors seeks to promote and protect the aesthetics as part of the general welfare that is furthered by the adoption of this ordinance.

13.04 - PURPOSE.

The purpose of this ordinance is to regulate the location, design, construction, installation, alteration, abandonment, and use of manure storage facilities, in order to prevent water pollution and thereby protect the health of Pepin County residents and transients; prevent the spread of disease; and promote the prosperity and general welfare of the citizens of Pepin County. It is also intended to provide for the administration and enforcement of the ordinance and to provide penalties for its violation.

13.05 - 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 Pepin County, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

13.06 - 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.

13.07 - APPLICABILITY.

This ordinance applies to the unincorporated areas of Pepin County.

13.08 - EFFECTIVE DATE.

This ordinance shall become effective upon its adoption by the full Pepin County Board of Supervisors and required publication.

13.09 - DEFINITIONS.

- (1) ABANDONED STORAGE FACILITY means any manure storage facility, permitted under this code, where manure has not been added or removed for a period of 24 months.
- (2) ADEQUATE SCREENING the installation of vegetative or structural measures intended to minimize invasive views from up to 6 feet above the highest point of the planned manure storage structure. Screening shall be more than 50 percent opaque and at the required height listed above within 5 years of the completion of the manure storage structure.
- (3) APPLICANT means any person who applies for a permit under this ordinance.
- (4) COUNTY CONSERVATIONIST means the department head for the Pepin County Land Conservation Department.
- (5) DIRECT CONDUIT 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.
- (6) FEEDLOT means a lot or building or combination of lots or 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 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.
- (6) 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.
- (7) LAND CONSERVATION DEPARTMENT, referred to as the "LCD", means the county staff assigned the responsibility of enforcing and providing technical assistance for this ordinance.
- (8) LAND CONSERVATION COMMITTEE, referred to as the "LCC", formally referred to as Land Conservation / UW-Extension and Community Resources Committee, means the committee of the Pepin County Board assigned the responsibility of supervising the functions and activities of the Pepin County Land Conservation Department.
- (9) MANURE means excreta from livestock, poultry and other materials, such as bedding, rain or other water, soil, hair, feathers, and other debris normally included in manure handling operations.
- (10) MANURE STORAGE FACILITY means one or more impoundments made by constructing an embankment, excavating a pit or dugout, or fabricating a structure specifically for the purpose of temporarily storing manure and related wastes, A facility includes stationary equipment and piping used to load and unload a manure storage structure if the equipment is specifically designed for that purpose and is an integral part of the facility, and specifically includes components to transfer waste from milking centers, runoff from barnyards, and leachate and contaminated runoff to feed storage. For the purposes of this ordinance, a storage area intended to hold an accumulation of manure within an area excavated, or diked for the purpose of storing the manure, no matter how small that accumulation may be or how long the manure is to be stored

there, shall be considered a storage facility. For the purpose of this ordinance, a feedlot or enclosure used for holding livestock is not considered a manure storage facility, except where there is a storage facility constructed below the livestock enclosure.

- (11) NUTRIENT MANAGEMENT PLAN means a written plan detailing the amount, form, placement, and timing of the application of plant nutrients, including manure. The plan must meet NRCS Standard 590, comply with §§ ATCP 50.04(3) and NR 151.07, Wis. Admin. Code, and must be written or approved by a person certified to do nutrient management planning.
- (12) PERMIT means the signed, written statement issued by the Pepin County Land Conservation Department under this ordinance authorizing the applicant to construct, install, substantially alter, or close a manure storage facility and to use or dispose of waste from the facility.
- (13) PERMITTEE means any person to whom a permit is issued under this ordinance.
- (14) 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.
- (15) RURAL SUBDIVISION means 5 or more parcels of 1.5 acres each or less in size created by a division or by successive divisions of a parcel within a period of 5 years by the owner or subsequent owners.
- (16) 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 by greater than 20 percent.
 - (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.
- (17) SUSCEPTIBLE TO GROUNDWATER CONTAMINATION means any one of the following:
 - (a) An area within 250 feet of a private well.
 - (b) An area within 1,000 feet of a municipal well.
 - (c) An area within 300 feet up-slope or 100 feet down-slope of direct conduit to groundwater, including but not limited to karst features.
 - (d) A channel that flows to a direct conduit to groundwater, including but not limited to karst features.
 - (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 characteristics:
 - 1. At least a 2 foot soil layer with 40 percent fines or greater above groundwater and bedrock.
 - 2. At least a 3 foot soil layer with 20 percent fines or greater above groundwater and bedrock.
 - 3. At least a 5 foot soil layer with 10 percent fines or greater above groundwater and bedrock.

[See Wisc. Admin. Code § NR 151.002(32) for definition of percent fine] (Wisc. Admin. Code § NR 151.015)
- (18) TECHNICAL GUIDE means the USDA Natural Resources Conservation Service Field Office Technical Guide, as amended from time to time.
- (19) WASTE TRANSFER SYSTEM means waste transfer system as that term is defined in Wisc. Admin. Code § ATCP 50.93(1).

(20) WATER QUALITY MANAGEMENT AREA means any of the following:

- (a) The area within 1,000 feet of the ordinary high water mark of a navigable lake, pond or flowage other than a glacial pothole lake.
- (b) The area within 300 feet of the ordinary high water mark of a navigable river or stream.
- (c) An area that is susceptible to groundwater contamination, or has the potential to be a direct conduit for contamination to reach groundwater.

NOTE: The water quality management area setback distance shall be measured from the ordinary high water mark to the outside edge of the constructed area. For example purposes only, the toe of the slope of the manure storage embankment is a restrictive feature in the construction area.

13.10 - ACTIVITIES SUBJECT TO REGULATION.

- (1) GENERAL REQUIREMENT. Any person who designs, constructs, installs or substantially alters a manure 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. The requirements of this ordinance are in addition to any other permits or requirements that may apply to construction or abandonment of manure storage facilities.
- (2) CLOSURE REQUIREMENT. An abandoned manure storage facility must be closed and restored to a safe and sanitary condition in compliance with NRCS Technical Standard 360 within 2 years of the time the storage facility is declared abandoned. The owner or operator may retain the facility for a longer period of time by demonstrating to the LCD that all of the following conditions are met:
 - (a) The facility is designed, constructed and maintained in accordance with Wisc. Admin. Code § NR 151.05.
 - (b) The facility is designed to store manure for a period of time longer than 24 months.
 - (c) Retention of this facility is warranted based on anticipated future use.
- (3) FAILING AND LEAKING EXISTING SYSTEMS. Manure storage facilities that pose an imminent threat to public health or fish and aquatic life or are causing a violation of groundwater standards shall be upgraded, replaced or closed in accordance with this section.
- (4) 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 LCD before beginning activities subject to regulation under this ordinance, and complies with the requirements of the permit.

13.11 - STANDARDS.

Compliance with this ordinance shall be through standards, specifications, and policies adopted by the LCC. Standards and specifications are minimums. The following components of the Technical Guide and applicable laws, rules and regulations will be used, applied, and enforced when a storage facility is to be designed, constructed, installed, moved, reconstructed, enlarged, removed, abandoned, or substantially altered:

- (1) STANDARDS FOR MANURE STORAGE FACILITIES. The standards for design and construction of manure storage facilities is standard 313 (waste storage facility) and 634 (manure transfer) in the Technical Guide.
- (2) STANDARDS FOR MANURE MANAGEMENT AND UTILIZATION. The standard for management and utilization of manure is standard 590 (nutrient management) in the Technical Guide.
- (3) STANDARDS FOR MANURE STORAGE FACILITY CLOSURE. The standard for removing a manure storage facility and restoring the area to a safe and sanitary condition is standard 360 (Closure of Waste Impoundments) in the Technical Guide.

- (4) STANDARDS FOR NONPOINT SOURCE WATER POLLUTION ABATEMENT. If applicable, the provisions found in Wis. Stat. § 281.65(4)(g)(5).
- (5) SUBSEQUENT MODIFICATION OF STANDARDS. The standards of the Technical Guide are adopted and by reference made a part of this ordinance as if fully set forth. Any future amendment, revision or modification of the Technical Guide standards are incorporated herein and made a part of this ordinance. Standards are available for review at the LCD office.

NOTE: A permittee is required to comply with this ordinance and standards that are in place at the time the permit is issued. Subsequent changes to this ordinance or its standards do not apply unless there is new construction, or a substantial alteration to the existing manure storage facility, as referenced in § 13.12 hereof.

13.12 - APPLICATION FOR AND ISSUANCE OF PERMITS.

- (1) PERMIT REQUIRED. No person may undertake an activity subject to this ordinance without obtaining a permit from the LCD prior to beginning the proposed activity. A permit from the LCD is required for the following activities:
 - (a) Construction or substantial alteration of a manure storage facility, and or waste transfer systems connected to a manure storage facility.
 - (b) To meet the requirements of §§13.10(2) and 13.10(3) hereof for proper closure and restoration of a facility declared inactive or posing an imminent threat to public health, fish and aquatic life, or groundwater.
 - (c) To close any facility that is no longer used for storage.
- (2) EXEMPTION FROM PERMIT REQUIREMENT. Manure storage facilities existing prior to October 1, 2002, are exempt from the requirements of this §13.12, except where the facility is substantially altered. Emergency repairs such as repairing a broken pipe or equipment, leaking dikes, or the removal of obstructions from transfer pipes may be performed without a permit. If repairs will substantially alter the original design and construction of the facility, the LCD must be notified within 2 work days of the emergency for a determination by the LCD on whether a permit will be required for any additional alteration or repair to the facility.
- (3) FEE. All fees under this ordinance are established pursuant to a Fee Schedule duly adopted by the LCC. Copies of the current fee schedule are kept on file in the LCD. Any permit fee is payable upon submission of a permit application. Permit fees are nonrefundable. Permit fees will double if a facility begins construction or closure prior to issuance of a permit.
- (4) SOILS INVESTIGATION. Any soil investigations that are conducted for the purpose of constructing a manure storage facility shall be done with a NRCS Soil Scientist, DATCP Environmental Engineering Specialist, or LCD staff trained in soil investigations on site. The applicant and/or their engineer is responsible for a proper soils investigation and soil investigation logs.
- (5) MANURE STORAGE FACILITY PLAN. Each application for a permit under this section shall include a manure storage facility plan meeting NRCS 313 and 634 standards. At a minimum, the plan shall include:
 - (a) The number and kinds of animals for which storage is provided, duration of storage, daily gallons and/or cubic feet produced, bedding type, manure handling practices.
 - (b) A plan view of the facility and its location in relation to buildings, homes, property lines, roads, wells, karst features, public or private drainage ditches and creeks, flowages, rivers, streams, lakes, wetlands and floodplains within one thousand (1,000) feet of the proposed facility or system. The sketch shall be

drawn to scale and should include a north arrow, a temporary bench mark and the date the map was prepared.

- (c) Engineer design drawings of the manure storage facility or transfer system to include: (1) Specific design components shall comply with Technical Standard 313 and 634. (2) A recoverable benchmark(s) including elevation(s) expressed in feet and tenths. (3) The scale of the drawings no smaller than one inch equals one hundred feet. (4) The date the engineering design drawings were prepared.
 - (d) The structural details, including dimensions, cross sections showing elevations, concrete thickness and quantity, reinforcing type and specifications.
 - (e) Make and model of prequalified structure, if used. Concrete quantity not included in prequalified structure.
 - (f) Agitation access layout, grading plan to keep clean water from entering structure, seeding specifications, and tile and drainfill layout, if needed.
 - (g) The construction and material specifications including but not limited to, applicable specifications for earthen fill, excavation, concrete, reinforcing steel, timber, and pipes.
 - (h) The soil test pit locations and soil descriptions to follow Technical Standards found in NRCS 313.
 - (i) The elevation of a high groundwater level or bedrock, including but not limited to karst features, if encountered in the soil profile and the date of any such determination.
 - (j) Provisions for adequate drainage and control of runoff to prevent pollution of surface water and groundwater.
 - (k) A time schedule for construction of the facility.
 - (l) A description of the method to be used in transferring manure into and from the facility.
 - (m) A description of the location and type of fences, warning signs and safety features needed to meet the technical standards.
 - (n) Certification by a registered Professional Engineer (PE), Department of Agriculture Trade and Consumer Protection (DATCP), Land Conservation Department (LCD), or Natural Resources Conservation Service (NRCS) certified Agricultural Engineering Practitioner that the plans meet the requirements of the ordinance.
 - (o) A written operation, maintenance, and safety plan for the facility.
 - (p) A nutrient management plan meeting the NRCS 590 standard.
- (6) NUTRIENT MANAGEMENT PLAN. As part of an application for a permit, a landowner must develop an annual nutrient management plan that complies with NRCS Technical Standard 590, and §§ ATCP 50.04 and NR151.07, Wis. Admin. Code. Annual updates to the nutrient management plan shall be submitted to the LCD by April 1 each year for as long as the permitted storage facility continues to be used.
- (7) CLOSURE PLAN. Each application for a closure permit under this ordinance shall include a closure plan prepared in accordance with Technical Standard 360 that specifies the following:
- (a) A general location map drawing of the manure storage facility in relation to buildings, homes, property lines, roads, wells, karst features, public or private drainage ditches and creeks, flowages, rivers, streams, lakes, wetlands and floodplains within one thousand (1,000) feet of the existing facility. Also include the scale of the drawing, a north arrow, and the date the map was prepared.
 - (b) A description of the type and size of the waste storage facility and an estimate of the amount of waste in the facility.

- (c) A description of where and how the waste and soil saturated with manure will be land applied in accordance with Technical Standard 590.
 - (d) A description of where the liner, if any, will be disposed of.
 - (e) A description of how the transfer system will be removed or permanently plugged.
 - (f) A description of how the excavated area will be filled in and where the clean fill will come from.
 - (g) A plan view showing the final grade, the area to be reseeded, and how runoff will be diverted away from the site.
 - (h) A detailed description of the intended use, if the Applicant proposes to convert the manure storage facility to another use. Conversions to other uses will be allowed only when the Applicant has demonstrated that the conversion will not result in the degradation of ground and/or surface waters, or be a threat to public health, safety or general welfare.
 - (i) Certification by a registered Professional Engineer (PE), Department of Agriculture Trade and Consumer Protection (DATCP), Land Conservation Department (LCD), or Natural Resources Conservation Service (NRCS) certified Agricultural Engineering Practitioner that the plans meet the requirements of the ordinance.
- (8) REVIEW OF APPLICATION. The LCD shall receive and review all permit applications. Permit applications must be received on forms approved by the LCD. The LCD shall determine if the proposed facility meets required standards set forth in this ordinance. Within 45 calendar days after receiving the completed application and fee, the LCD shall inform the applicant in writing whether the permit application is approved or disapproved. If additional information is required, the LCD shall so notify the permit applicant. The Land Conservation Department has 30 calendar days from the receipt of the additional information in which to approve or disapprove the application. If the applicant receives no response within 30 calendar days of application, the application will be considered approved and the applicant may proceed as if a permit had been issued.
- (9) PERMIT CONDITIONS. All permits issued under this ordinance shall be issued subject to the following conditions and requirements:
- (a) Manure storage facility design, construction, management, and utilization activities shall be carried out in accordance with the LCD approved manure facility plans and applicable standards specified in §13.11 of this chapter.
 - (b) The permittee shall obtain required permit prior to commencing construction activities and shall give 7 calendar days notice to the LCD before starting any construction activity authorized by the permit. Note: DNR and other permits may be needed for construction site erosion control and storm water management, floodplain and shoreland construction, and livestock facilities with 1,000 or more animal units. Local town zoning restrictions and permits may also be needed.
 - (c) Approval in writing must be obtained from the County Conservationist prior to any modifications to the approved manure facility plan.
 - (d) Within 30 days of completion, the facility must be certified as meeting standards, including as-built plans and design changes. The certification must be made by a registered PE, or by a DATCP, LCD, or NRCS certified Engineering Practitioner. This certification must be made before the storage facility is put into service.
 - (e) Manure storage facility removal or abandonment shall be carried out in accordance with the facility abandonment plan and applicable standards. The plan shall be certified as meeting the requirements of this ordinance by a registered PE, or by a DATCP, LCD, or NRCS certified Engineering Practitioner.
 - (f) The LCD staff may conduct on site observations during and after construction.

- (g) Activities authorized by permit must be completed within 18 months from the date of issuance after which such permit shall be void. Extensions of up to one year may be granted by the County Conservationist upon written request from the permittee.
 - (h) A landowner or permittee must develop an annual nutrient management plan that complies with NRCS Technical Standard 590, and, §§ ATCP 50.04 and NR151.07 Wis. Admin. Code. Annual updates to the nutrient management plan shall be submitted to the LCD by April 1 each year for as long as the permitted storage facility continues to be used.
- (10) PERMIT REVOCATION. The LCD may revoke any permit issued under this ordinance if the holder of the permit has misrepresented any material in the permit application or plans referenced in this ordinance, or if the holder of the permit violates any of the conditions of the permit.

13.13 - SCREENING AND SITING REQUIREMENTS.

- (1) SCREENING. Screening is required to minimize visual impacts of manure storage facilities to existing residential property owners and rural subdivisions; but not to render such facilities "invisible" from adjoining properties. The placement of adequate screening will be required if:
- (a) An off-site residence exists within 500 feet of the proposed storage facility. Note: The owner of an impacted residence may waive this requirement in writing. If waived, documentation should be submitted with the site plan.
 - (b) An existing Rural Subdivision is located within 1,000 feet of the proposed storage facility.
- (2) SITING REQUIREMENTS. The following siting requirements shall apply to the extent they are not inconsistent with Wisc. Admin. Code §§ ATCP 51.12(2),(3),(4), and 51.18(6):
- (a) New or expanding manure storage facilities shall not be located within a Water Quality Management Area (WQMA) or within the 100-year floodplain.
 - (b) New or expanding manure storage facilities shall be set back a minimum of 300 feet from lot lines. An existing storage facility located within 300 feet from a lot line may expand, but shall not further encroach upon a lot line.
 - (c) The LCC may grant an exemption to, or modify, one or more siting requirements for a proposed manure storage facility if requested by the applicant or the department, provided that:
 - 1. Unique property limitations exist and placement in adherence with siting requirement would not be reasonable and or possible; or
 - 2. Adherence to siting requirements would increase the likelihood of future nuisance complaints; or
 - 3. The request is for the protection of water quality.

Note: Setback distances shall be measured from the restrictive feature to the outside edge of the constructed area. For example purposes only, the toe of the outside slope of the manure storage embankment is a restrictive feature in the constructed area.

13.14 - ADMINISTRATION.

- (1) DELEGATION OF AUTHORITY. Pepin County hereby designates the County Conservationist to enforce this ordinance.

- (2) ADMINISTRATIVE DUTIES. In the administration of this ordinance, the County Conservationist or that person's representative shall:
 - (a) Keep an accurate record of all permit applications, manure facility plans, nutrient management plans, permits issued, inspections made, and other official actions.
 - (b) Review permit applications and issue permits in accordance with this ordinance.
 - (c) Investigate complaints relating to compliance with the ordinance.
 - (d) Monitor permitted activities for compliance with this chapter.
 - (e) Conduct reviews of the nutrient management plans and their implementation.
 - (f) Provide technical services to the extent resources are available.
 - (g) Perform other duties as specified in this ordinance.
- (3) OBSERVATION AUTHORITY. Pursuant to Wis. Stat. §92.07(14), the LCC and its agents, are authorized to enter upon lands affected by this ordinance to examine and request records to insure compliance. If the applicant or permittee refuses permission to enter the land, then the LCC or its designee shall enter under its legal authority in accordance with Wis. Stat. § 66.0119. Refusal to grant permission shall be grounds for permit denial or revocation.
- (4) ENFORCEMENT AUTHORITY. The County Conservationist is authorized to post an order stopping work upon land which has had a permit revoked or on land in violation of this ordinance. Notice is given by both posting upon the land where the violation occurs, one or more copies of a poster stating the violation, and by mailing a copy of the order by certified mail to the person whose activity is in violation of this ordinance. The order shall specify that the activity must cease immediately and be brought into compliance within 5 working days.

Any permit revocation or order stopping work shall remain in effect unless retracted by the LCC, the County Conservationist, or by a court of general jurisdiction; or until the activity is brought into compliance with the ordinance. The LCD is authorized to refer any violation of this ordinance to the Corporation Counsel or County District Attorney for commencement of further legal proceedings seeking penalties and other appropriate relief in enforcement of the ordinance.

13.15 - VIOLATIONS.

- (1) PENALTIES. Any person who violates, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this ordinance shall be subjected to a forfeiture of not less than \$200.00 plus cost of prosecution for each violation. Any 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.
- (2) ENFORCEMENT OF INJUNCTION. As a substitute for or as an addition to forfeiture actions, Pepin County may seek enforcement of any part of this ordinance by citation, injunction, or any other legal or equitable remedy available to it.

13.16 - APPEALS.

- (1) AUTHORITY. Under authority of Wis. Stat. Ch. 68, the LCC is authorized to hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination by the County Conservationist in administering this ordinance.
- (2) PROCEDURE. Any appeal shall be made by written request, mailed or delivered to the Pepin County Land Conservation Committee, 740 7th Avenue West, P.O. Box 39 Durand, WI 54736. The request shall state the

ground or grounds upon which it is contended that the decision should be modified or reversed. The LCC shall, as soon as reasonable, but no later than its next regular meeting, review the determination under appeal.

- (3) WHO MAY APPEAL. Appeals may be taken by any person having a substantial interest, which is adversely affected by the order, requirement, decision, or determination made by the County Conservationist, the LCD, or the LCC.

RECOMMENDED BY THE PEPIN COUNTY DEPARTMENT LAND CONSERVATION/UW-EXTENSION AND COMMUNITY RESOURCES COMMITTEE:

/s/ Tom Milliren 12/11/2017 COMMITTEE MEMBERS VOTE
Chair Date 3 0 2 0
In favor Oppose Absent Abstain

COUNTY BOARD ACTION:

 x ADOPTED
 DEFEATED by the Pepin County Board of Supervisors on this 20th day of Dec. 2017
 TABLED In favor 11 Oppose 0 Absent 1 Abstain 0

/s/ Audrey Bauer /s/ Dwight Jelle
County Clerk County Board Chair

Published Date: January 18, 2018

Amendment 113 to Ordinance 179 will be effective upon publication