

1 **GENERAL CODE OF SAUK COUNTY, WISCONSIN**
2 **ORDINANCE AMENDMENT #**
3

4 **Ordinance Amendment to Chapter 26, Agricultural Performance Standards and**
5 **Manure Management Ordinance and to Amend Section 20.07(13), Chapter 20,**
6 **Uniform Citation Ordinance**
7

8 **Ordinance Amendment offered by Land Resources and Environment Committee**
9

10 **BACKGROUND:** Wisconsin Statutes §§ 59.02, 59.03, 59.70, 92.15 and 92.16, and Wis.
11 Admin. Code §§ ATCP 50.56, ATCP 51.12 and NR 151.05 provide the authority for
12 counties to 1) regulate land uses and land management practices which cause
13 excessive soil erosion, sedimentation, nonpoint source water pollution or storm water
14 runoff, 2) regulate livestock operations that are consistent with and do not exceed the
15 performance standards, prohibitions, conservation practices and technical standards
16 under s. 281.16 (3), and 3) Regulate manure storage facilities constructed after July 2,
17 1983, to meet technical and performance standards.
18

19 In March 2017, the Sauk County Board of Supervisors approved the repeal and
20 replacement of Chapter 26, Agricultural Performance Standards and Manure
21 Management Ordinance to be consistent with the Sauk County Land and Water
22 Resource Management Plan and state runoff management regulations. Since the repeal
23 and recreation of Chapter 26, additional clarification and changes are needed to ensure
24 compliance with the ordinance. Chapter 20 is being updated to reflect department name
25 change and additions and changes in citation fees.
26

27 **WHEREAS,** the Land Resource and Environment Committee held a public
28 hearing on January 13, 2022 and recommended approval of the ordinance amendments
29 as presented; and,
30

31 **NOW, THEREFORE, THE SAUK COUNTY BOARD OF SUPERVISORS DOES**
32 **ORDAIN AS FOLLOWS:**

33 Section 1. Any existing ordinances, codes, resolutions, or portions thereof in
34 conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.

35 Section 2. This ordinance shall take effect the day after passage and publication
36 as required by law.

37 Section 3. If any claims, provisions or portions of this ordinance are adjudged
38 unconstitutional or invalid by a court of competent jurisdiction, the remainder of this
39 ordinance shall not be affected thereby.

40 Section 4. Chapter 26 and Chapter 20 of the General Code of Sauk County,
41 Wisconsin, is amended as follows [additions noted by underline, deletions noted by
42 strikethrough]:
43

- 44 1. Section 26.001 of the County Code of Ordinances is amended to read:
45 This ordinance is adopted under authority granted by Wis. Stat. §§ 59.02, 59.03,
46 59.70, ~~92.14~~, 92.15 and 92.16, and Wis. Admin. Code §§ ATCP 50.56, ATCP
47 51.12 and NR 151.05.
48
49 2. Section 26.007(5) of the County Code of Ordinances is amended to read:
50 (5) "Department" means the Sauk County ~~Conservation, Planning, and~~
51 Zoning Land Resources and Environment Department.

- 52
53 3. Section 26.008(4)(c)3. of the County Code of Ordinances is amended to read:
54 3. An updated plan shall be submitted to the department annually by June 1st
55 to ensure the plan meets requirements of this section.
56
57 4. Section 26.008(8)(b)2. of the County Code of Ordinances is amended to read:
58 2. "Conditions for retention." The owner or operator may retain the facility for a
59 longer period of time by signing an Agreement for Idle Manure Storage
60 Facility. The department approved agreement will demonstrating establish
61 to the department that the owner or operator that all of the will satisfy the
62 following conditions are met:
63
64 5. Section 26.008(8)(b)2.c. of the County Code of Ordinances is amended to read:
65 c. Retention of the facility is warranted based on anticipated future use. The
66 owner or operator shall maintain idle facilities at a level that prevents
67 overflow. Any manure storage facilities that have had no manure added or
68 removed for a period of 24 months or longer shall require an evaluation of
69 the structure to determine if it complies with Sauk Co. Code ch. 26.008(8)
70 and to ensure it was constructed and maintained to substantially minimize
71 the risk of structural failure and substantially minimize leakage in order to
72 comply with groundwater standards.
73
74 6. Section 26.008(8)(b)2.d. of the County Code of Ordinances is amended to read:
75 d. Safety devices are installed in accordance with Sauk Co. Code ch.
76 26.013(3)
77
78 7. Section 26.008(8)(c). of the County Code of Ordinances is amended to read:
79 Existing Facilities. ~~"Failing and leaking existing facilities."~~ 1. Manure storage
80 facilities in existence as of October 1, 2002, and that pose an imminent threat to
81 public health or fish and aquatic life, or are causing a violation of groundwater
82 standards, shall be upgraded, replaced, or abandoned in accordance with this
83 section.
84
85 8. Section 26.008(8)(c)2. of the County Code of Ordinances is amended to read:
86 2. Levels of materials in storage facilities may not exceed the margin of
87 safety level.
88
89 9. Section 26.009(5). of the County Code of Ordinances is amended to read:
90 (5) STANDARDS FOR DETERMINATION OF SIGNIFICANT DISCHARGE AND DIRECT
91 RUNOFF. The standards for determination of direct runoff shall be the
92 Barnyard Runoff Evaluation Tool (BERT), Annual Phosphorus Loss
93 Estimator for Wisconsin Animal Lots (APPLE Lots), or an equivalent predictive
94 model for manure runoff or the Feedstock Storage Area Evaluation Rating
95 Tool or equivalent predictive model for feed leachate.
96
97 10. Section 26.012. of the County Code of Ordinances is amended to read:
98 All fees under this ordinance are established pursuant to a Fee Schedule adopted
99 by the agency Sauk County Board of Supervisors.
100
101 11. Section 26.013(3)(f) of the County Code of Ordinances is amended to read:

- (f) Other devices deemed necessary by the ~~CPZLRE~~, NRCS Technical Guide, Agricultural Waste Management Field Handbook (AWMFH) or Engineering Field Handbook (EFH).
12. Section 26.013(4)(a). of the County Code of Ordinances is amended to read:
- (a) Provisions to remove and properly dispose of all accumulated wastes in the manure facility including a nutrient management plan that complies with Wis. Admin. Code § ATPC 50.04.
13. Section 26.016(3)(e) of the County Code of Ordinances is amended to read:
- (e) The storage of human waste is prohibited.
14. Section 26.018(2)(c). of the County Code of Ordinances is amended to read:
- (c) Review ~~the~~ nutrient management plans prepared for the facility submitted to the department.
15. Section 26.018(2)(f). of the County Code of Ordinances is amended to read:
- (f) Inspect manure storage facility construction to ~~insure~~ensure the facility is being constructed according to plan specifications.
16. Section 26.021(2). of the County Code of Ordinances is amended to read:
- (2) PROCEDURE. Any appeal shall be made by written request, mailed or delivered to the Sauk County Conservation, Planning, and Zoning Land Resources and Environment Committee, c/o ~~LRE~~CPZ Department, 505 Broadway, Ste. 248, Baraboo, Wisconsin, 53913, within 60 days of any determination of the department. The request shall state the grounds upon which it is contended that the decision should be modified or reversed. The committee shall, as soon as is reasonable but no later than its next regular meeting, review the determination under appeal.
17. Section 20.07(13)(c) of the county Code of Ordinances is amended to read:
- (c) \$50 violations of phosphorus index, s. 26.008(3)
18. Section 20.07(13)(f) of the county Code of Ordinances is amended to read:
- (f) \$200 violations of manure management prohibitions, s. 26.008(6)(b) and 26.008(6)(d)
19. Section 20.07(13)(h) of the county Code of Ordinances is amended to read:
- (h) \$2500 violations of certificate of use, s. 26.016
20. Section 20.07(13) of the county Code of Ordinances is amended to read:
- * Upon a third violation, suspension of use of the manure storage facility, pending review by the by the Sauk County Conservation, Planning, and Zoning Land Resources and Environment Department that all provisions of Sauk Co. Code, ch. 26 are met.

Approved for presentation to the County Board by the Land Resources and Environment Committee this 13th day of January, 2022.

Consent Agenda Item: [] YES [] NO

153 Fiscal Impact: [] None [] Budgeted Expenditure [] Not Budgeted
154
155 Vote Required: Majority = _____ 2/3 Majority = _____ ¾ Majority = _____
156
157 The County Board has the legal authority to adopt: Yes _____ No _____ as
158 reviewed by the Corporation Counsel, _____, Date:
159 _____ .
160
161
162 Offered and passage moved by: _____
163 Supervisor
164
165 _____
166 Supervisor
167
168 _____
169 Supervisor
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171 _____
172 Supervisor
173
174 _____
175 Supervisor
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179
180 Fiscal Note: None.
181
182 MIS Note: None.
183