

## **Chapter 13 – Water and Soil Conservation**

### **Article I – Manure Storage and Management**

#### **Sec. 13-1 - Authority**

- (a) This article is adopted pursuant to the authority granted by Wis. Stat. 59.02, 59.03, 59.70, 92.07, 92.15, and 92.16 and Wis. Admin. Code ATCP 50.56 and NR 151.05.
- (b) The laws, rules and regulations referenced above and in this article are wholly adopted and incorporated by reference.

#### **Sec. 13-2 - Purpose**

- (a) The purpose of this article is to provide for the proper and safe storage, handling, and land application of manure and other wastes and to reduce the delivery of manure and other wastes, agriculture chemicals and sediment to surface waters and groundwater through the use of conservation practices and implementation of state performance standards and prohibitions for agriculture, and to regulate the location, design, construction, alteration, maintenance, closure and the use of animal waste storage facilities, including the transfer of wastes into storage facilities.
- (b) The Board finds that the following conditions may threaten the county's natural and water resources; cause harm to the health, safety and welfare of people within the county; and adversely impact the property tax base of the county:
  - (1) New and substantially altered manure storage facilities that fail to meet performance and technical standards for proper design, construction and operation.
  - (2) Existing manure storage facilities that are not properly functioning and pose unreasonable risks related to structural failure and leakage.
  - (3) Existing manure storage facilities that overtop or are operated in a manner that creates an unreasonable risk of discharge to waters of state.
  - (4) Existing manure storage facilities where no manure has been added or removed for a period of 24 months and are not slated for future use.
  - (5) Management of manure including land application that fails to meet performance and technical standards for proper handling and land application of manure.
- (c) The Board finds that the technical standards developed by the USDA Natural Resources Conservation Service and the performance standards, prohibitions, and conservation practices codified by Wisconsin Department of Agriculture, Trade, and Consumer Protection and Department of Natural Resources, if adopted by Clark County, provide effective, practical, and environmentally protective methods for storing and managing manure.
- (d) The Board finds the regulation of activities identified in this article will protect and promote the county's agricultural industry; prevent pollution of surface and ground water; protect the health, safety, and general welfare of the people and communities within the county; preserve the health of livestock, aquatic life and other animals and plants; advance the appropriate use of land and water conservation resources within the community; and protect the property tax base of county.

#### **Sec. 13-3 - Applicability**

The requirements in this article apply to all of the unincorporated areas of Clark County.

#### **Sec. 13-4 - Interpretation**

The interpretation and application of the provisions of this article shall be the minimum requirements; shall be liberally construed in favor of the county; and shall not be deemed a limitation or repeal of any other power granted by law. Unless a specific provision in this article

seeks to apply requirements that are more stringent than state law, this article shall be interpreted to be consistent with Wis. Stat. 92 and Wis. Admin. Code ATCP 50 and NR 151.

### **Sec. 13-5 - Definitions**

(a) Terms used in this article shall have the following meanings:

- (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.
- (2) “Agricultural waste” means manure (livestock excreta including livestock bedding, water, soil, hair, feathers, and other debris that becomes intermingled with livestock excreta in normal waste handling operations), excess fertilizers, herbicides and pesticides, leachate from feed storage facilities and milking centers.
- (3) “Committee” means the Clark County Land Conservation Committee.
- (4) “Department” means the Clark County Land Conservation Department.
- (5) “Direct runoff” means any of the following:
  - i. Runoff of stored manure, including manure leachate, that discharges a significant amount of pollutants to surface waters of the state or to a direct conduit to ground water.
  - ii. Runoff from an animal feed lot that can be predicted to discharge a significant amount of pollutants to surface waters of the state or to a direct conduit to groundwater through a defined or channelized flow path or manmade conveyance.
  - iii. Discharge of a significant amount of leachate from stored agriculture wastes to waters of the state.
  - iv. Construction of a manure storage facility in permeable soils or over fractured bedrock without a liner designed in accordance with Wis. Admin. Code NR 154.04(3).
- (6) “DNR” means the Wisconsin Department of Natural Resources.
- (7) “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.
- (8) “Landowner” means a person or entity who owns a parcel of land who may also control or use said parcel for agricultural purposes.
- (9) “Livestock” means domestic animals such as cattle, horses, sheep, pigs, poultry, fish, etc., or exotic animals such as llamas, ostriches, etc.
- (10) “Livestock operation” means a feedlot or other facility or pasture where animals are fed, confined, maintained, or stabled.
- (11) “Manure” means livestock excreta and the following when intermingled with excreta in normal farming operations: debris including bedding, water, soil, hair, and feathers; processing derivatives including separated sand, separated manure solids, precipitated manure sludges, supernatants, digested liquids, composted bio solids, and process water; and runoff collected from barnyards, animal lots, and feed storage areas.
- (12) “Manure storage facility” means an impoundment made by constructing an embankment; excavating a pit or dugout; or fabricating, building, or installing a structure to store and transfer agricultural waste including, but not limited to, components to transfer waste from barns, milking centers, barnyards, and feed storages, as well as fixed and permanent equipment and piping used to transfer waste.

- (13) “Maximum operating level” means the level in a liquid storage or containment facility that allows for a required margin of safety for containing the precipitation and runoff as a result of a 25-year, 24-hour storm event and for a level of freeboard which provides extra space to reduce the risk of overtopping.
- (14) “NRCS” means the Natural Resources Conservation Service of the U.S. Department of Agriculture.
- (15) “Nutrient management plan” (NMP) means an annual written plan developed and implemented to ensure the proper application of manure and other nutrients to any field, including pastures, as well as to ensure adequate soil erosion control.
- (16) “Operator” means a person or entity who owns, leases, or is responsible for the oversight of equipment, facilities, manure storage facilities, or livestock or is responsible for land management including nutrient applications, tillage practices, and cropping practices.
- (17) “Overflow” means discharge of manure to the environment resulting from flow over the brim of a facility or from flow directed onto the ground through a man-made device including a pump or pipe.
- (18) “Permit” means the signed, written statement issued by the Department under this article authorizing the applicant to construct, install, reconstruct, enlarge, substantially alter, or close an animal manure storage facility.
- (19) “Permittee” means any person or entity to whom a permit is issued under this article (must be landowner or have notarized, written permission from the landowner).
- (20) “Significant discharge” means the release of a previously confined agricultural waste that has the potential to cause considerable harm to the environment as determined by the Department in consideration of the following factors: 1) volume and frequency of the discharge; 2) location of the source relative to receiving waters; 3) means of conveyance to water; 4) slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge to water, 5) available evidence of discharge to a surface water or to a direct conduit to groundwater as defined in Wis. Admin. Code NR 151.015; 6) whether the discharge is to a site susceptible to groundwater contamination as defined in Wis. Admin. Code NR 151.015; and 7) other factors relevant to the impact of the discharge on water quality standards of the receiving water or to groundwater standards.
- (21) “Stored manure” means manure that is kept in a manure storage facility or an unconfined manure pile.
- (22) “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, configuration, or use of a structure or facility.
- (23) “Technical guide” means the current Wisconsin version of the United States Department of Agriculture Natural Resources Conservation Service Field Office Technical Guide.
- (24) “Technical standard” means a document that specifies design, performance, and operation and maintenance specifications for a material, device, or method.
- (25) “Unconfined manure pile” means a quantity of manure that is at least 175 cubic feet in volume and covers the ground surface to a depth of at least two (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.

- (26) “Waste transfer system” means components such as pumps, pipes, conduits, valves, and other structures installed to convey manure or other waste streams from buildings, animal feeding operations, and feed storage areas to a storage structure, loading area, or treatment area.
- (27) “Water quality management area” (WQMA) means the area within 1,000 feet from the ordinary high-water mark of navigable waters that consists of a lake, pond or flowage, except that, for a navigable water 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.
- (28) “Water” means 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 waters which are entirely confined and retained completely upon the property of a person.
- (29) “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.

#### **Sec. 13-6 - General requirement**

An operator or any person or entity who directs another who constructs, installs, operates, substantially alters, closes, or possesses a waste storage facility or an idle storage facility, shall be subject to the provisions of this article.

#### **Sec. 13-7 - Compliance with permit requirements**

- (a) An operator is in compliance with this article if he/she follows the procedures of this article; receives a permit from the Department before beginning activities subject to regulation under this article; and complies with the requirements of the permit.
- (b) Modification or closure of pre-existing facilities requires a permit subject to all terms of this article.

#### **Sec. 13-8 - Manure management prohibitions**

- (a) Livestock operations shall comply with all of the following:
- (1) Shall not have any overflow of waste storage facilities.
  - (2) Shall not have any unconfined manure pile in a water quality management area.
  - (3) Shall not have any direct runoff from a feedlot or stored manure into the waters of the state.
  - (4) Shall not have any significant discharge to waters of the state as determined by the Department.
    - i. Shall 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.
    - ii. This prohibition does not apply to properly designed, installed and maintained livestock or farm equipment crossings.
- (b) 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 pursuant to Wis. Stat. 281.16(3).
- (c) Noncompliance with the manure management prohibitions shall result in enforcement actions in accordance with Wis. Admin. Code NR.151.095.

### **Sec. 13-9 – Standards and specifications**

- (a) Standards and specifications for design, construction, and management of manure storage and transfer facilities are set forth in NRCS Field Office Technical Guide, Standard 313 and Standard 634.
- (b) Standards and specifications for nutrient management of land-applied animal wastes and other nutrients are set forth in NRCS Field Office Technical Guide, Standard 590.
- (c) Standards and specifications for closure of a storage facility are as set forth in NRCS Field Office Technical Guide, Standard 360.
- (d) Any future amendment, revision, or modification of the referenced standards is incorporated unless otherwise acted upon by the Board.

### **Sec. 13-10 - Fees**

- (a) Fees, including, but not limited to, interest for unpaid fees and late fees, under this article shall be established and approved by the Committee.
- (b) A list of fees shall be maintained by the Department.
- (c) Any permit fee is payable upon submission of a permit application; is nonrefundable; and non-transferable.
- (d) Fees shall be doubled if activity requiring a permit is commenced prior to issuance of a permit. All applicable federal, state, and local standards and ordinances still apply.

### **Sec. 13-11 – Permit**

- (a) An operator shall obtain a permit before any action associated with any activities set forth in this section is commenced.
- (b) An operator shall obtain a permit to complete any of the following activities:
  - (1) The construction of a new manure storage facility including the construction or substantial alteration of a waste transfer system connected to a manure storage facility that meets any of the following conditions:
    - i. Hoppers or reception structures.
    - ii. New transfer lines or systems (i.e. channels larger than 2 feet wide and 2 feet deep)
    - iii. Buildings that store manure on the floor (i.e. bedded pack barns) for longer than ninety (90) consecutive days.
  - (2) 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, but not limited to:
    - i. Replacement of a liner in a manure storage facility.
    - ii. Any disturbance of an embankment below the maximum operating level.
    - iii. An increase in volumetric capacity or area of a structure.
    - iv. A change in a structure or facility related to a change in livestock management including a livestock species change, change in materials stored, or any other change in management.
- (c) Emergency repairs for broken pipes, equipment, or leaking dikes or obstruction removal may be performed without the issuance of a permit before the work is completed.
  - (1) Emergency repairs shall not result in increased capacity to the manure storage facility.
  - (2) The operator shall contact the Department on the first business day following the emergency repairs for the determination on whether a permit will be required.
- (d) Upon permit issuance, activities authorized by the permit must be completed and certified within two (2) years from the date of issuance at which time the permit shall be void.

### **Sec. 13-12 – Permit application**

- (a) An application for a permit shall be completed and filed with the Department on forms supplied by the Department.
- (b) The Department shall provide a copy of the approved permit application to the appropriate town board (if applicable). The Department may provide a copy of the approved permit to other agencies or units of government that may have jurisdiction over the subject activity.
- (c) Each application for a permit shall include a waste storage facility plan and a NMP.

### **Sec. 13-13 - Permit application review**

- (a) The Department shall review all permit applications and determine if the proposed facility and activities meet requirements.
- (b) Within 45 calendar days after receiving the completed application, required plans, and fee, the Department shall inform the applicant in writing whether the permit application is approved or denied.
  - (1) If additional information is needed, the Department shall contact the applicant.
  - (2) The Department has 21 calendar days from the receipt of the additional information to approve or deny the permit application.
- (c) If the Department fails to timely approve or deny the permit application in writing, the application shall be deemed approved and the permit issued subject to this article.
- (d) If the permit is denied, the Department shall inform the applicant in writing of the reasons for the denial.

### **Sec. 13-14 - Permit conditions and requirements**

- (a) All permits issued under this article shall be issued subject to the following conditions and requirements:
  - (1) Manure storage facilities design, construction, and maintenance shall be carried out in accordance with the required plans and standards in this article.
  - (2) The permittee shall obtain all other local, state, or federal required permits and authorizations from appropriate authorities before commencing construction activities. The permittee shall provide proof of such permits to the Department.
  - (3) The permittee shall provide the Department five (5) business days' notice before starting any activity subject to the permit.
  - (4) The Department shall review and approve any plans and the site before permitted activity begins.
  - (5) The Department shall provide written approval prior to any modifications to a manure storage facility plan.
  - (6) Within thirty (30) calendar days after the completion of the manure storage facility and prior to use of the facility, a statement of certification of installation shall be executed by a professional engineer registered with the state examining board of architects, professional engineers, designers and land surveyors under Wis. Stats. 443 or by an agricultural engineer practitioner certified under Wis. Admin. Code ATCP 50.46.
    - i. Certification shall be provided to the Department and include the following information:
      - 1. Certification that installation meets all NRCS standards with specific standards listed
      - 2. As-built drawings with final material quantities identified
      - 3. Red-lined drawings showing all changes from original plan
      - 4. Final survey points and notes about required final inspection

5. Job diary
  6. Material compliance data including representative samples of concrete batch tickets (if applicable) and documentation that all batch tickets were verified by inspector
  7. Photo of completed facilities including all components
  8. Facility location on plan map
- (b) Following construction and certification, the Department shall conduct a post-construction inspection to verify the facility was installed per permit and plan.
- (1) Such inspection shall be completed and approved before the facility is used.

**Sec. 13-15 – Manure storage facility plan; Waste transfer plan**

- (a) Each application for a permit 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 NRCS Field Office Technical Guide, 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 NRCS Field Office Technical Guide, Standard 313.
    - i. A county representative from the Department must be onsite for subsurface investigations. The design engineer or a representative of the design engineer shall be responsible for the investigations.
  - (3) A location map of the site that includes all of the following:
    - i. The location of all structures, buildings, homes, property lines, roads, wells, karst features, public or private drainage ditches, creeks, flowages, rivers, streams, lakes, wetlands, or any other structures within 1,000 feet of the proposed facility or system.
    - ii. The location of any wells within 300 feet of the facility.
    - iii. The scale of the drawing and the north arrow with the date the general location map was prepared.
    - iv. The location of any floodplains.
  - (4) A facility design, construction plan, and operation/maintenance plan consistent with NRCS Field Office Technical Guide, Standard 313 prepared by a professional engineer registered with the state examining board of architects, professional engineers, designers and land surveyors under Wis. Stat. 443 or by an agricultural engineer practitioner certified under Wis. Admin. Code ATCP 50.46.
    - i. The operation/maintenance plan must include instructions on complying with the nutrient management standards annual requirements.
- (b) Department must inspect the site for each application prior to the issuance of a permit.

**Sec. 13-16 - Nutrient management plan (NMP)**

- (a) Permittees, with the exception of permits for the closure of manure storage facilities, shall obtain and comply with an approved NMP every year following the issuance of the permit.
- (b) The NMP shall be developed by individuals with qualifications as described as set forth below pursuant to Wis. Admin. Code ATCP 50.04(3):
- (1) The individual shall be knowledgeable and competent in all of the following areas:
    - i. NRCS Field Office Technical Guide, Standard 590
    - ii. Soil testing
    - iii. Calculating nutrient needs on a field-by-field basis
    - iv. Crediting manure, residual legume nitrogen, and other nutrient sources on a field-by-field basis

- v. Conservation plans
  - vi. Relevant laws related to nutrient management
  - vii. Preparing NMP in accordance with Wis. Admin. Code ATCP 50.04(3)
- (2) An individual is qualified to complete a NMP if any of the following apply:
- i. Recognized as a certified professional crop consultant by the national alliance of independent crop consultants.
  - ii. Recognized as a certified crop adviser or professional agronomist by the American society of agronomy or Wisconsin certified crop advisers board.
  - iii. Registered as a soil scientist by the soil science society of America
  - iv. A landowner his/her farm, but not for others, if the landowner completes a Department-approved training course that results in a compliant NMP and the course instructor approves the landowner's first annual NMP.
    - 1. The landowner shall complete a Department-approved training course at least once every 4 years to maintain his/her presumptive qualification.
- (c) The NMP shall include the following:
- (1) A map or description of all land on which manure is applied.
  - (2) Soil nutrient tests conducted at a laboratory certified under Wis. Admin. Code ATCP 50.50.
  - (3) Comply with the NRCS Field Office Technical Guide, 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).
  - (5) Any other information required by the Department.
- (d) The NMP shall be updated and implemented on an annual basis and shall be submitted to the Department by April 1 each year. If a NMP is not submitted to the Department by May 15 each year, the operator will be charged a late fee with interest.
- (1) The Department may waive a late fee and/or interest for reason of economic hardship.
- (e) Operator shall fully comply with performance standards and prohibitions found in Wis. Admin. Code ATCP 50, NR 151, and other requirements set forth in this article.

### **Sec. 13-17 - Facility closure**

- (a) Manure storage facilities shall be closed in a manner that will prevent contamination of groundwater and surface waters.
- (b) Manure storage facilities shall be upgraded, replaced, or abandoned, which requires a permit, in accordance with this article if any of the following exist:
  - (1) The facility was in existence as of October 1, 2002.
  - (2) The facility is failing and leaking and poses an imminent threat to public health, fish, aquatic life, or groundwater.
  - (3) The facility ceases operations or manure has not been added to or removed from the facility for a period of 24 consecutive months.
    - i. The Department may extend this time for good cause with such extension not to exceed one (1) year.
    - ii. Operator may retain the facility for a longer period of time by demonstrating to the Department that all of the following conditions are met:
      - 1. The facility is designed, constructed, and maintained in accordance with NRCS Field Office Technical Guide, Standard 313.
      - 2. The facility is designed to store manure for a period of time longer than 24-months.
      - 3. Retention of the facility is warranted based on anticipated future use.

- (c) To close a manure storage facility, a closure design and inspection plan shall be completed and approved by the Department before any activity associated with closing the facility. The closure plan shall meet the following requirements:
  - (1) The plan shall be consistent with NRCS Field Office Technical Guide, Standard 360.
  - (2) The plan shall be prepared by a professional engineer registered with the state examining board of architects, professional engineers, designers and land surveyors under Wis. Stat. 443 or by an agricultural engineer practitioner certified under Wis. Admin. Code ATCP 50.46.

### **Sec. 13-18 - Setbacks**

- (a) All state and federal highways, county trunks, town roads, village road, and public streets are designated as roadways for purposes of this article.
- (b) Manure storage facilities shall be setback at least 110 feet from the centerline of the roadway or at least 50 feet from the roadway right-of-way line, whichever is greater.
- (c) Any component of manure storage facilities shall not be more than three (3) feet above the natural grade within the visual clearance triangle, which is a 300 foot triangular area from the center point where roadways intersect.
- (d) Manure storage facilities shall be setback at least 300 feet from any navigable water and shall be designed to protect navigable waters and drainage ways.
- (e) Manure storage facilities shall not be installed in the 100-year floodplain of navigable water.
- (f) Manure storage facilities shall not be installed in a wetland or within 100 feet of a wetland.
- (g) Manure storage facilities designed to contain less than or equal to 2,500,000 gallons at maximum operating level shall be setback at least 250 feet from a property line.
- (h) Manure storage facilities designed to contain more than 2,500,000 gallons at maximum operating level shall be setback at least 350 feet from a property line.
- (i) Manure storage facilities shall be setback at least 300 feet from any residential building unless the building is owned by the landowner and the building is occupied by the landowner, operator, or the family, agent, and/or employee of the landowner or operator.

### **Sec. 13-19 - Delegation of authority; Duties**

- (a) The county designates the Department to administer and enforce the provisions of this article.
- (b) This article shall be administered by the Department under the oversight of the Committee.
- (c) The Department shall be responsible for following:
  - (1) Keeping an accurate record of all permit applications, manure storage facility plans, NMPs, issued/denied permits, inspections, and other official actions.
  - (2) Reviewing permit applications and issuing/denying permits in accordance with this article.
  - (3) Inspecting manure storage facilities to determine if the facility construction, closure, and/or operation meet the requirements of this article.
  - (4) Reviewing NMPs and their implementation.
  - (5) Investigating complaints relating to compliance with this article.
  - (6) Performing other duties as specified in this article.

### **Sec. 13-20 - Entry and inspection authority**

- (a) Pursuant to the authority granted in Wis. Stat. 92.07(14), the Department is authorized to enter and inspect lands affected by this article to determine compliance with this article including, but not limited to, inspection of sites prior to or after the issuance of a permit or inspection of sites with unpermitted storage facilities.
- (b) If permission cannot be received from the applicant or permittee, the Department may seek a warrant pursuant to Wis. Stat. 66.0119.

- (c) An operator's or permittee's refusal to grant permission to enter land shall be grounds for noncompliance and may result in permit denial or revocation or other enforcement actions.

**Sec. 13-21 – Permit denial, suspension, or revocation; Appeal**

- (a) Department may deny, suspend, or revoke any permit for permit noncompliance.
- (b) After an operator has repeated violations or violations which have created a serious public health hazard, the Department reserves the right to permanently revoke or deny a permit.
- (c) The following procedure shall be followed if a permit is denied, suspended, or revoked:
  - (1) The Department's decision to deny, suspend, or revoke a permit shall be in writing stating, with specificity, the reasons for the Department's decision and shall state any applicable statutes, ordinances, rules, or regulations that support such decision.
  - (2) The Department shall send the operator a copy of the written decision by mail or by personal service along with the notice of right to appeal.
    - i. Said notice shall inform the operator of the right to have such decision reviewed pursuant to Wis. Stat. 68 by submitting a written request to the Department within 30 days of notice receipt.

**Sec. 13-22 - Enforcement**

- (a) The Department is authorized to issue an order to stop work for any activities subject to this article.
- (b) The Department is authorized to refer any violation of this article or stop order to law enforcement or Corporation Counsel for enforcement.
- (c) The county may institute any legal proceedings and seek any remedy or relief afforded by law, including, but not limited to, a civil forfeiture or injunction.

**Sec. 13-23 - Penalties**

- (a) The laws, rules, and regulations referenced in this article are wholly adopted and incorporated by reference.
- (b) No operator shall do any of the following:
  - (1) Violate or fail to comply with any provision of this article.
  - (2) Violate or fail to comply with any permit condition or requirement.
  - (3) Violate or fail to comply with any incorporated standard or specification.
  - (4) Knowingly provide false information, make a false statement, or fail to provide or misrepresent any material fact to any county employee, county agent, Department, or Committee relating to any matter governed by this article.
  - (5) Disobey, resist, or refuse to comply with any order.
- (c) Violations of any ordinance in this article shall be subject to a forfeiture of not more than \$200.00. A person who is alleged to violate the same ordinance in a 24-month period shall be subject to a forfeiture of not more than \$500.00.
- (d) Each act of violation and each day upon which a violation continues or occurs shall constitute a separate offense.

**Sec. 13-24 – Variances**

- (a) The board of adjustment, pursuant to Wis. Stat. 59.694, may grant an area variance from any dimensional standards if the applicant can prove the following:
  - (1) Literal enforcement of this ordinance will result in an unnecessary hardship; such hardship is based on conditions unique to the property, not the property owner.

- (2) Strict compliance with this ordinance would unreasonably prevent the property owner from using the property for a permitted purpose or would render conformity with the ordinance unnecessarily burdensome.
- (3) The issuance of the variance is not contrary to the public interest.
- (b) A variance shall not be granted if any of the following situations apply:
  - (1) To extend or increase any use of the property prohibited in the ordinance.
  - (2) Hardship exists based solely on an economic gain or loss or is self-created.
  - (3) Variance would damage the rights of property values of other persons in the area.
  - (4) Variance from a technical standard.
  - (5) Variance from performance standard and prohibition in Wis. Admin. Code NR 151.
- (c) DNR has authority to grant variances as set forth in Wis. Admin. Code NR 151.097.