

**CHAPTER 7
HEALTH AND SANITATION**

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SECTION 7.01 **SOLID WASTE DISPOSAL**(a) **Purpose.**

The purpose of this Ordinance is to regulate the disposal of waste, garbage, refuse, and sludge by individuals, corporations, and municipalities within the Town. Because of the possible danger to the health, safety, and welfare of the public, such disposal within the Town shall be permitted only under the terms and conditions of this Ordinance.

(b) **Definitions.**

(1) **Disposal.** Unloading, throwing away, discarding, emptying, abandoning, discharging, burning, or burying waste, garbage, refuse, or sludge on, into or under any property or lands whether publicly or privately owned within the Town.

(2) **Waste.** Garbage, refuse, and all other discarded or salvageable material, including materials resulting from industrial, commercial, and agricultural operations and from domestic use and public service activities.

(3) **Garbage.** Discarded material resulting from the handling, processing, storage, preparation, serving, and consumption of food.

(4) **Refuse.** Combustible and noncombustible discarded material including, but not limited to, trash, rubbish, leaves, brush, grass clippings, paper, wood, metal, glass, plastic, rubber, cloth, ashes, litter and street rubbish, industrial waste, dead animals, mine tailings, gravel pit and quarry spoils, and material and debris resulting from construction or demolition.

(5) **Sludge.** Sewage treatment residue in any form whatsoever, whether solid, semisolid, or liquid, that has been processed or treated in any way, form, or manner. It does not include septage to be spread on land as defined and regulated by Wis. Stats. § 281.48.

(6) **References.** The term "person," "anyone," or like references shall be deemed to refer to a person, a sole proprietorship, a partnership, a corporation, a limited liability company, a municipal corporation, and also a responsible member or a responsible officer or a responsible managing agent of any single proprietorship, partnership, or corporation unless the context clearly indicates otherwise.

(c) **Permit Required.**

Except as expressly permitted in Section (d), no person, corporation, or municipality shall dispose of waste, garbage, refuse, or sludge within the Town unless a permit to engage in such dumping or disposal is first obtained from the Town under the conditions prescribed herein.

(d) **Exceptions.**

The following are not within the scope or meaning of this Ordinance:

- (1) Sites used for the disposal of waste, garbage, or refuse from a single family or household, a member of which is the owner, occupant, or lessee of the property, provided, however, that such waste, garbage, or refuse is placed in suitable containers or stored in such other way as not to cause a public or private nuisance.
 - (2) The use of sanitary privies and what are commonly know as seepage beds or septic tanks, which conform to applicable Ordinances of the Town, and to applicable State regulations, or the discharge of human waste products into any public sewerage system located within the Town.
 - (3) A farm on which only animal waste resulting from the operation of the farm is disposed of.
 - (4) Any waste disposal operation under the direction and control of the Town.
- (e) **General Regulations.**
Persons or municipalities permitted to engage in disposal operations in the Town are subject to the following regulations:
- (1) The disposal operations must be conducted in such a way as not to constitute a public or private nuisance.
 - (2) The disposal operations are permitted only in the agriculturally or industrially zoned areas as set forth in the official zoning map of the Town.
 - (3) Persons or municipalities engaged in dumping or disposal operations must conduct the operations in such a way that dust, dirt, debris, or other materials or substances will not be carried by wind or water across the boundary of the parcel of land being used for the operations.
 - (4) A covering, which meets standards established by the Wisconsin Department of Natural Resources, shall be placed over all of the area used for the disposal operation within a reasonable time, not to exceed 10 days, after the disposal occurs. The covering must be done so as to make the area covered compatible with the surrounding and adjacent property in such a way as not substantially to depreciate property values within the immediate area unless property owners have been previously compensated for the loss.
- (f) **Application.**
An application shall be filed with the Town Clerk-Treasurer at least 30 days before a public hearing is held. The application and accompanying information shall be followed by a sworn statement that they are true and factual. The information to be provided shall include:
- (1) Name, address, and telephone number of the applicant;

- (2) Location, current owners, and legal description of the site of the proposed facility;
 - (3) Names, addresses, and telephone numbers of any persons who will represent the applicant;
 - (4) Copies of available site reports, feasibility reports, engineering plans, or other documents filed or to be filed with the Department of Natural Resources, or the U.S. EPA, that are related to the proposed facility;
 - (5) A plan for construction, operation, maintenance, closure, and long-term care of the proposed facility that describes the size, capacity, and other features of the site and its proposed future;
 - (6) A plan for financial, legal, and environmental protection of the Town government, its employees and agents, and for current and future residents living within one mile of the facility;
 - (7) Proposed traffic patterns to and from the proposed facility and for roadway usage for access to the site;
 - (8) Copies of current financial statements or other financial information.
- (g) **Public Hearing.**
A public hearing will be held at which the Town Board will invite all interested parties from the Town and the applicant to provide information as to
- (1) The need for the permit;
 - (2) Positive and negative potential effects of the proposed facility on the Town and its residents; and
 - (3) The probability of reasonable compliance by the applicant with the General Regulations of this Ordinance. The hearing will be of an informational nature for the Town Board. The hearing will be held under the following conditions:
 - (A) A Class 3 notice of hearing is published;
 - (B) The cost of publication of such notice is deposited in advance by the applicant;
 - (C) The hearing is held on the date specified in the notice or on any adjourned date.

(h) **Application Fee and Costs.**

An application for a permit for a solid waste facility shall be filed with the Town Clerk-Treasurer in writing. The initial application fee as established in Section 2.71 shall accompany the application, unless waived or reduced by the Town Board. In addition, the Town Board may charge the applicant an additional fee to reimburse the Town for appropriate and necessary costs and expenses incurred by the Town for attorneys' fees and experts' fees related to the application process. The total application fees, both initial and subsequent, shall not exceed \$20,000 for any application.

(i) **Bond and Revocation of Permit.**

(1) A permit under this Ordinance shall not be effective unless there is on file with the Town Clerk-Treasurer a cash bond or a bond with a corporate surety duly licensed in the State of Wisconsin in the minimum penal amount of \$100,000. The bond is to assure that the applicant will comply with all the provisions of this Ordinance and will save harmless, indemnify, and defend the town, its officers, its representatives, and its agents from any expenses or costs incurred through action of the applicant with regard to the facility.

(2) If the Ordinance is violated or if the disposal plan is not carried out, the Town shall have the right to revoke the disposal permit after a public hearing preceded by a Class 1 notice and, if necessary, to obtain a court order terminating such operation. If the owner of the land does not cover the disposal area in accordance with the disposal plan, the Town Board shall have the right to correct the violation and to charge the expense against the bond.

(3) The applicant for a disposal permit, in making the application, grants to the Town the right to go on the land for necessary inspections at any time and to carry out the disposal plan if the owner or occupant of the land fails to do so after reasonable notice is given.

(j) **Issuance.**

The application for a permit shall be processed within 90 days of the receipt of a completed application accompanied by full documentation and required bond. It shall be issued if the Town Board is satisfied that there has been and will be reasonable compliance with the conditions of this Ordinance.

(k) **State Law Also Applies.**

Nothing contained herein shall be deemed to limit or restrict the application of any State law or administrative regulation of any state agency regulating the subject of this Ordinance.

(l) **Severability and Conflict.**

If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such

portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions.

(m) **Penalty.**

Any person violating this Ordinance shall be fined not less than \$100.00 nor more than \$500.00 for each offense. Each day of violation shall constitute a separate offense under this Ordinance. Imprisonment in the county jail can be ordered only for failure to pay the fine that may be imposed. If imprisonment is ordered for failure to pay the fine, it shall be limited to one day of confinement for each \$5.00 of fine or fraction thereof.

History Note: Adopted August 7, 1972; amended May 30, 1978; repealed and recreated May 28, 1991; amended through 1994 codification; amended by Ord. 2010-19, 11/30/10; amended 08/28/13; amended through codification 08/24/15.

SECTION 7.02 **TRANSFER SITE REGULATIONS****(a) Purpose.**

The purpose of this section is to: (1) define lawful users of the Town of Lodi transfer site; (2) to define and enumerate recyclable materials, their separation and care; (3) to outline the responsibilities incumbent upon owners or designated agents of family dwellings and non-residential facilities and properties; and, (4) to provide guidance to town employees working at the Transfer Site for the proper management of the site.

(b) Interpretation.

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this Ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this Ordinance is required by Wisconsin Statutes, or by a standard in Wis. Admin. Chap. NR 544, and where the Ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this Ordinance, or in effect on the date of the most recent text amendment to this Ordinance.

(c) Applicability.

The requirements of this Ordinance apply to all persons residing within the Town of Lodi. Use of the Town of Lodi Transfer Site is restricted to Town residents displaying the Transfer Site Authorization Card only, as follows:

- (1) Occupants of single family residential units and occupants of multi-family dwellings of 4 or fewer units may dispose of household waste, recyclables and yard debris at the Town of Lodi Transfer Site or may contract with a private waste company for disposal of same.
- (2) All others, including multi-family dwellings of greater than 4 units, non-residential facilities and properties are not permitted to use the Town of Lodi Transfer Site but must dispose of garbage, recyclables, and/or rubbish at the Columbia County collection site or by contract with a private waste company.

(d) Administration.

The provisions of this Ordinance shall be administered by the Town Board and the Town Solid Waste Commission.

(e) Fees.

Fees may be charged for the disposal of certain items according to the current fee schedule, as established by the Town of Lodi Town Board.

(f) Definitions.

For the purposes of this Ordinance:

- (1) Bi-metal container. A container made primarily of a combination of steel and aluminum that is used for carbonated or malt beverages.
- (2) Container board. Corrugated non-bleached linerboard used in the manufacture of shipping containers and related products.
- (3) Foam polystyrene packaging. Packaging made primarily from foam polystyrene that satisfies one of the following criteria:
 - (A) Is designed for serving food or beverages;
 - (B) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container;
 - (C) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- (4) Household Kitchen grease. Any grease or oil product generated as a by-product of residential food preparation.
- (5) Major Appliance. A residential air conditioner, dehumidifier, clothes dryer, clothes washer, hot water heater, dishwasher, freezer, television, computer, computer monitor, microwave oven, refrigerator or stove.
- (6) Multiple-Family Dwelling. A property containing 5 or more residential units, including those that are occupied seasonally.
- (7) Paper. All sheet paper, newspapers, magazines, catalogues, documents and other similar materials made from wood pulp.
- (8) Non-Residential Facilities and Properties. Any business related property, including, but not limited to, commercial, retail, industrial, institutional and governmental facilities and properties.
- (9) Plastics. Includes all bottles and rigid containers manufactured with resins labeled by SPI (Society of the Plastics Industry) Codes #1-7.
 - (A) PETE - Polyethylene terephthalate, labeled by the SPI Code #1.
 - (B) HDPE - High density polyethylene, labeled by the SPI Code #2.
 - (C) PVC - Polyvinyl chloride, labeled by the SPI Code #3.
 - (D) LDPE - Low density polyethylene, labeled by the SPI Code #4.
 - (E) PP - Polypropylene, labeled by the SPI Code #5.
 - (F) PS - Polystyrene, labeled by the SPI Code #6.
 - (G) Other Resins – labeled by the SPI Code #7

- (10) Person. Any individual, corporation, limited liability company, partnership, association, local government unit, as defined in State agency or authority or federal agency.
 - (11) Plastic Container. An individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.
 - (12) Postconsumer Waste. All household or residential waste produced by the end consumer of a material stream. It does not include solid waste generated by a farming operation, a retail or wholesale business or in the production of goods, hazardous waste, , waste from construction and demolition of structures, scrapping of automobiles, or high-volume industrial waste, as defined in Wis. Stats. § 289.01(17).
 - (13) Recyclable Materials. Lead acid and recyclable batteries; major appliances; waste oil and oil filters; kitchen grease; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers; steel containers; and bi-metal containers.
 - (14) Solid Waste. The meaning is specified in Wis. Stats. § 281.01(15).
 - (15) Solid Waste Facility. The meaning is specified in Wis. Stats. § 289.01(35).
 - (16) Solid Waste Treatment. Any method, technique or process that is designed to change the physical, chemical or biological character or composition of solid waste. Such treatment includes incineration.
 - (17) Waste Tire. A tire that is no longer suitable for its original purpose because of wear, damage or defect.
 - (18) Yard Waste. Leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than four inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.
- (g) **Separation of Recyclable Materials.**
Occupants of single family and two to four unit residences and multiple-family dwellings shall separate the following materials from other postconsumer waste prior to delivery to the Transfer Site:
- (1) Lead acid batteries;
 - (2) Rechargeable batteries – all types including NiMH, NiCd, and lithium batteries;
 - (3) Major appliances;

- (4) Waste oil and oil filters;
 - (5) Yard waste;
 - (6) Aluminum containers;
 - (7) Bi-metal containers;
 - (8) Foam polystyrene packaging;
 - (9) Glass containers;
 - (10) All paper, paperboard and cardboard products;
 - (11) All plastic
 - (12) Steel containers; and
 - (13) Household kitchen grease.
- (h) **Separation, Requirements Exempted.**
The separation requirements of Section (g) do not apply to the following:
- (1) Occupants of single family and two to four unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Section (g) from solid waste in as pure a form as is technically feasible.
 - (2) Solid waste that is burned as a supplemental fuel at a facility.
 - (3) A recyclable material specified in Section (g)(5) through (12) for which a variance has been granted by the Wisconsin Department of Natural Resources under Wisconsin Statutes of the Wisconsin Administrative Code.
- (i) **Care of Separated Recyclable Materials.**
To the greatest extent practicable, the recyclable materials separated in accordance with Section (g) shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner that protects them from wind, rain, and other inclement weather conditions.

(j) **Management of Batteries, Major Appliances, Waste Oil, Oil Filters, Furniture, Carpeting, Box Springs, Mattresses, Household Kitchen Grease and Yard Waste.**

Occupants of single family and 2 to 4 unit multiple-family dwellings shall manage lead acid batteries, major appliances, waste oil, oil filters and yard waste as follows:

- (1) Batteries: Lead acid batteries and rechargeable batteries shall be placed in the appropriate recycling container at the Transfer Site. Alkaline batteries shall be placed with other non-recyclable waste and deposited in the compactor or construction dumpster.
- (2) Major appliances: Major appliances may be brought to the Transfer Site to be recycled for a fee as specified in the current fee schedule.
- (3) Waste oil, oil filters and household kitchen grease: Waste oil, oil filters and household kitchen grease shall be placed in the respectively marked container at the Transfer Site.
- (4) Furniture, carpeting, box springs and mattresses: Furniture, carpeting, box springs and mattresses may be brought to the Transfer Site and placed in the appropriate container.
- (5) Yard waste may be composted at home. The Town encourages the use of mulching mowers to reduce compost. Leaves and grass clippings can also be composted at the Town's approved compost site located at the Transfer Site. Garden debris, brush and tree branches no greater than four inches in diameter shall be placed in the burn-pit at the Transfer Site for burning.
- (6) Waste tires can not be recycled at the Transfer Site and shall be left with the retailer who sold the replacement tires.

(k) **Preparation and Collection of Recyclable Materials.**

Except as otherwise directed by the Town Responsible Unit, occupants of single family and two to four unit dwellings shall do the following for the preparation and collection of the separated materials specified in Section (g)(6) through (13):

- (1) Aluminum containers shall be cleaned and/or rinsed and drained of all liquids and placed in the proper container provided at the Transfer site.
- (2) Bi-metal containers shall be cleaned and/or rinsed and drained of all liquids and placed in the proper container provided at the Transfer site.
- (3) Corrugated cardboard or other containerboard shall be flattened, remove any wax or plastic liners, and placed in the proper container provided for cardboard at the Transfer site.

- (4) Clear, brown, or green glass bottles, jars and containers shall be separated by color (labels may remain but the lids and caps removed and put in the trash) and placed in the proper container provided at the Transfer site..
 - (5) All paper, including newspaper, non-corrugated cardboard and mixed paper, excluding carbon or tissue paper, shall be clean and dry, and placed in the appropriate container provided at the Transfer site.
 - (6) Rigid plastic containers (excluding pesticide containers) shall have the caps removed and rinsed and put into the proper container provided for plastics at the Transfer Site.
 - (7) Steel containers shall be rinsed, labels removed and put into the proper containers provided at the Transfer Site.
 - (8) Household kitchen grease shall be collected at the residence and placed in the proper container at the Transfer Site.
- (1) **Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.**
- (1) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Section (g)(6) through (12):
 - (A) Provide adequate, separate containers for the recyclable materials.
 - (B) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
 - (C) Provide for the collection of the recyclable materials separated from the other post-consumer waste generated by the tenants and the delivery of the materials to a recycling facility.
 - (D) Notify tenants of reasons to reduce and recycle post-consumer waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
 - (2) The requirements specified in (1) do not apply to the owners or designated agents of multiple-family dwellings if the post consumer waste generated within the dwelling is treated at a processing facility licensed by the Wisconsin Department of Natural Resources that recovers for recycling the materials specified in Section (g)(6) through (12) from post-consumer waste in as pure a form as is technically feasible.

(m) **Responsibilities of Owners or Designated Agents of Non-residential Facilities and Properties.**

- (1) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Section (g)(6) through (13):
- (A) Provide adequate, separate containers for the recyclable materials.
 - (B) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
 - (C) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
 - (D) Notify users, tenants and occupants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (2) The requirements specified in (1) do not apply to the owners or designated agents of non-residential facilities and properties if the post consumer waste generated within the facility or property is treated at a processing facility licensed by the Wisconsin Department of Natural Resources that recovers for recycling the materials specified in Section (g)(6) through (13) from solid waste in as pure a form as is technically feasible.

(n) **Prohibitions on Disposal of Recyclable Materials Separated for Recycling.**

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in Section (g)(6) through (13) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

No person shall dump, dispose, deposit or litter upon any street, alley, driveway, park, or private property any excluded waste, recyclable material, garbage, combustible or compostable waste, construction waste or material, provided, however, nothing herein shall prevent any person from burning combustible materials if otherwise allowed or maintaining a private compost pile.

No recyclables or other solid waste materials may be left at the Transfer Site gate or on any other adjoining properties when the Transfer Site is closed to the public. Any illegal dumping of recyclables or solid waste on any public right-of-way is prohibited. Mandatory Recycling is defined in Section (g) of this Ordinance.

(o) **Right of Refusal**

Due to the limited capacity of the Transfer Site, the lead operator has the right to exercise refusal for any load of significant size that may unduly impact that capacity, solely at his discretion. Such load may be directed to the Columbia County collection site.

(p) **Enforcement and Penalty.**

(1) For the purpose of ascertaining compliance with the provision of this Ordinance, any authorized officer or representative of the Town of Lodi or Columbia County Solid Waste Department may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer or authorized representative of the Town of Lodi who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

(2) Any person who violates a provision of this Ordinance may be issued a citation by the Town of Lodi. The issuance of a citation shall not preclude proceeding under any other Ordinance or law relating to the same or any other matter. Proceeding under any other Ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

(3) Any person who violates this Ordinance shall, upon conviction, be punished by a fine of not less than seventy-five dollars (\$75.00) nor more than two thousand dollars (\$2000.00), together with the cost of prosecution, penalty assessment and jail assessment, if any. Each day or incident of violation shall be deemed a separate offense. In addition to the penalty provided herein, the court may order the violator to clean up, remove and pay the cost of clean up or removal of any excluded waste, recyclable material, combustible or compost, garbage, or construction waste or material disposed of in violation of this Ordinance.

(q) **Severability.**

The various provisions of this Ordinance are deemed severable and it is expressly declared that the Town Board of the Town of Lodi would have passed other provisions hereof irrespective of whether or not one or more provisions may be declared invalid. If any provision or the application thereof to any person or circumstances is held invalid, the remainder of the Ordinance and application of such provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect.

History Note: Adopted October 25, 1988; repealed and recreated February 22, 1994; amended through 1994 codification, amended 2-26-96; amended by Ord. 2012-07, 08/28/12; amended through 2015 recodification.

SECTION 7.03 AGRICULTURAL SHORELAND MANAGEMENT**(a) Introduction.**

- (1) Authority. This Ordinance is adopted under the authority granted by Wis. Stats. § 92.17.
- (2) Findings and Declaration of Policy. The Lodi Town Board finds that agricultural activities conducted in close proximity to surface water can pollute the Town of Lodi's water resources, and may result in actual or potential harm to the health of residents and transients; to livestock, aquatic life and other animals and plants; and to the property tax base of the Town of Lodi.
- (3) Purpose. The purpose of this Ordinance is to complement the Town of Lodi's Building and Construction Codes contained in Chapter 11 of the Lodi Town Code and the Town of Lodi Land Division and Subdivision Regulations contained in Chapter 10 of the Lodi Town Code to regulate agricultural activities within the approximately 36 miles of agricultural shoreland management area within the town to prevent surface water pollution and thereby protect the health of Town of Lodi residents and transients; prevent the spread of disease; and promote the prosperity and general welfare of the citizens of the Town of Lodi.
- (4) Applicability. This Ordinance applies to all lands and surface water in the Town of Lodi that are in the agricultural shoreland management area, as defined in Section (b)(3) of this Ordinance. The Town of Lodi shall use United States Geological Survey (USGS) quadrangle maps, with a scale of 1:24,000, to identify rivers, perennial streams, intermittent streams, lakes and ponds included under the jurisdiction of this Ordinance.

This Ordinance does not apply to lands and surface water within the boundaries of a drainage district operated under Wis. Stats. Chap. 88.

- (5) 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 the Town of Lodi, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- (6) Severability. 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.

(b) Definitions.

For purposes of this Ordinance, the following definitions shall apply. Words used in the present tense shall include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory.

- (1) Agricultural lands. Lands in agricultural use. Agricultural use has the meaning provided under Wis. Stats. § 91.01(1). Uses under this definition include beekeeping; commercial feedlots; dairying; egg and or poultry production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; greenhouses and nurseries; grain, grass, mint and seed crops; raising fruits, nuts and berries; sod farming; land idled under federal payment-in-kind programs or the Conservation Reserve Program; participation in the dairy-herd buyout program; and vegetable raising.
- (2) Agricultural shoreland corridor. Land extending 20 feet from the top of the bank on each side of a perennial stream or river, the centerline of an intermittent stream, or the ordinary high-water mark of any lake or pond shown on a United States Geological Survey quadrangle map with a scale of 1:24,000.
- (3) Agricultural shoreland management area. All land, except for land within a drainage district, that is within 300 feet of the following features as designated on United States Geological Survey quadrangle maps with a 1:24,000 scale:
 - (A) The top of the bank of perennial streams or rivers;
 - (B) The ordinary high-water mark for ponds and lakes that are designated by name; and
 - (C) The centerline of an intermittent stream.
- (4) Barnyard. A feedlot, drylot or any area, other than a pasture, where animals have been, are or will be fed, confined, maintained or stabled for a total of 45 days or more in any 12-month period.
- (5) Best management practice. A practice included in the Technical Guide or an alternative best management practice that the Department of Agriculture, Trade and Consumer Protection determines to be the most effective, practicable means of preventing or reducing soil erosion or pollution from agricultural nonpoint sources to a level compatible with soil and water resource objectives.
- (6) Intermittent stream. A channel in which water does not flow continuously and that is identified as an intermittent stream on the United States Geological Survey quadrangle map with a scale of 1:24,000.
- (7) Notice of availability of funds. A first class letter, return receipt requested, mailed by the Town of Lodi to the owner of the lands not meeting the Ordinance standards, informing them of the availability of cost-share funds under Wis. Stats. § 92.14.
- (8) Notice of problem. A first class letter, return receipt requested, mailed by the Town of Lodi to the owner of the lands not meeting the Ordinance standards,

informing the owner of the nature of the problem and the necessary process to correct it.

- (9) Ordinary high-water mark. The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark. This may be erosion, absence of land plants, predominance of aquatic plants, or other easily recognized characteristics.
- (10) Pasture. Land with a permanent, uniform cover of grasses or legumes used as forage for livestock. Pastures do not include areas where supplemental forage feeding is provided on a regular basis.
- (11) Perennial stream. A channel where water flows continuously and that is identified as a perennial or permanent stream on the United States Geological Survey quadrangle map with a scale of 1:24,000.
- (12) Technical Guide. The United States Department of Agriculture Natural Resources Conservation Service Field Office Technical Guide that is currently in effect.
- (13) Vegetative buffer. An area within the agricultural shoreland corridor that is maintained at a minimum level of 70 percent ground cover.

(c) **Activities Subject to Regulation.**

- (1) General Requirement. Any person who conducts agricultural activities within the agricultural shoreland management area or who employs another person to do the same, on land subject to this Ordinance, shall be subject to the provisions of this Ordinance. All activities on land within agricultural shoreland management areas must be conducted in ways that prevent soil erosion and minimize the movement of suspended solids into surface water.
- (2) Compliance with Ordinance Requirements. Persons are in compliance with this Ordinance if they install or follow best management practices on their land affected by the Ordinance and meet the intent of the standards in Section (d) of this Ordinance.

(d) **Standards.**

- (1) Agricultural Activities in the Agricultural Shoreland Corridor.
 - (A) Vegetative buffer. Landowners or operators shall establish and maintain an adequate vegetative buffer, or equally effective erosion control practice, in the agricultural shoreland corridor. When a vegetative buffer is established, the plant variety or seed mixture shall be one of those listed in Technical Guide standard 342, critical area planting. If any activity disturbs a vegetative buffer in the agricultural shoreland corridor, the

landowner must replant or restore the disturbed area to an effective vegetative buffer as soon as practicable. Row cropping and tillage practices are prohibited in the agricultural shoreland corridor, except that tillage practices are allowed to establish or re-establish a seed bed.

- (B) Barnyards. Livestock holding areas, other than pastures as defined in Section (b)(11) of this Ordinance, are prohibited within the agricultural shoreland corridor unless a barnyard runoff control system is installed that meets Technical Guide standard 312.

(2) Agricultural Activities in the Agricultural Shoreland Management Area.

- (A) Cropland areas with annually tilled crops. Erosion on cropland within the agricultural shoreland management area must not exceed the tolerable rate (T) for the predominant soil in the field.
- (B) Pastures. Pastures within the agricultural shoreland management area must comply with Technical Guide standard 510 for pasture and hayland management. Rotational grazing must comply with the UW-Extension publication "Pastures for Profit" (February 1993 edition).
- (C) Agricultural lands receiving manure and other nutrients. Agricultural lands within the agricultural shoreland management area must meet Technical Guide standard 590 if they receive manure and other nutrients through the application of sludge, commercial fertilizer, and other added nutrients.

(e) Administration.

- (1) Delegation of authority. The Town of Lodi hereby designates the Town of Lodi Plan Commission, or its designee, to administer and enforce the provisions of this Ordinance.
- (2) Administrative duties. In the administration and enforcement of this Ordinance, the Town of Lodi Plan Commission shall:
 - (A) Inform all landowners or operators subject to this Ordinance of the potential agencies which may be available to provide technical or financial assistance.
 - (B) Establish a procedure for landowners or operators to contact the Town of Lodi Plan Commission about conditions on their land that are not in compliance with the Ordinance and establish a procedure for landowners or operators to apply for available funding.
 - (C) Send notices of problem to landowners or operators that are not in compliance with the Ordinance.

- (D) Send notices of availability of funds to landowners or operators that are not in compliance with the Ordinance.
 - (E) Provide accomplishment reports to the Department of Agriculture, Trade and Consumer Protection on the activities related to the Ordinance and its effectiveness.
 - (F) Investigate complaints relating to compliance with the Ordinance.
 - (G) Perform other duties as specified in the Ordinance.
- (3) Inspection Authority. The Town of Lodi Plan Commission, or its designee, is authorized to enter upon any lands affected by this Ordinance to inspect the land to determine compliance with this Ordinance. If permission cannot be received from the landowner or operator, entry by the Town of Lodi Plan Commission, or its designee, shall be according to Wis. Stats. §§ 66.0119 and 66.0121.
- (4) Enforcement Procedure. A notice of problem must be mailed to the landowner or operator stating that the standards of this Ordinance have not been met. The Town of Lodi Plan Commission, or its designee, shall prepare a conservation plan with the landowner or operator including a schedule of implementation. The Town of Lodi Plan Commission, or its designee, must provide a notice of availability of funds to the landowner or operator when funds are available to implement or install the necessary practices. A minimum of one year must elapse after the landowners plan and schedule have been developed before beginning any enforcement action. The one-year deadline for enforcement action may be extended upon agreement between the landowner or operator and the Town of Lodi Plan Commission.
- (5) The Town of Lodi Plan Commission, or its designee, must provide along with the notice of problem: a list of pertinent best management practices and associated average costs per unit as provided by the Town of Lodi Plan Commission, or its designee; a written statement informing the landowner of the right to appeal the decision; and the appeals procedure.
- (f) **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 subject to a forfeiture pursuant to Section 1.21 of the Lodi Town Code. A violation includes failure to comply with any standard of this Ordinance or with any condition or qualification attached to the conservation plan.

- (2) Enforcement by injunction. As a substitute for or in addition to forfeiture actions, the Town of Lodi Plan Commission may seek to enforce any part of this Ordinance by seeking injunctions or restraining orders.
- (g) **Variances.**
- (1) Procedure. Variances from the requirements of this Ordinance may be granted by the Town of Lodi Plan Commission based on any of the following findings:
 - (A) Staff are not available due to excessive workload to develop conservation plans or schedules of implementation.
 - (B) Cost-share funds have not been made available to the landowner or operator as required under Wis. Stats. § 92.17(2m).
 - (C) Severe weather or other catastrophic events beyond the control of the landowner or operator make implementation impractical.
 - (D) The installation or implementation of all components of the conservation plan will not or does not result in complete compliance with the Ordinance. A variance under this provision can only be granted if all the components of the plan are installed or implemented.
- (h) **Appeals.**
- (1) Authority. Pursuant to Wis. Stats. Chap. 68, the Lodi Town Board is hereby authorized to hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination by the Town of Lodi Plan Commission in administering the Ordinance.
 - (2) Who May Appeal. Appeals may be made by any person having a substantial interest which is adversely affected by the order, decision, or determination made by the Town of Lodi Plan Commission."

History Note: Adopted October 1995; amended through codification.

SECTION 7.04 **WELLHEAD PROTECTION**(a) **Purpose.**

The residents of the Town of Lodi depend exclusively on groundwater for a safe drinking water supply. Certain practices and activities can seriously threaten or degrade groundwater quality. A wellhead protection plan is necessary to protect municipal wells from becoming contaminated from known sources of water contamination. The purpose of this Wellhead Protection Ordinance is to institute regulations and restrictions to protect the Town of Lodi and the City of Lodi's municipal water supply and well fields, and to promote the public health, safety and general welfare of the residents of the Town of Lodi, all as provided for or otherwise required pursuant to Wis. Admin. Code Chap. NR 811.

(b) **Definitions.**

- (1) **Aquifer.** A saturated, permeable geologic formation that contains and will yield significant quantities of water.
- (2) **Cone of Depression.** The area around a well, in which the water level has been lowered at least by one-tenth of a foot by pumping of the well.
- (3) **Existing Facilities.** Current facilities, practices and activities which may cause or threaten to cause environmental pollution within that portion of the Town's wellhead protection area that lies within the boundaries of the Town. Existing facilities include but are not limited to the potential contaminant sources listed in the Department of Natural Resources' Form 3300-215, Public Water Supply Potential Contaminant Use Inventory Form., which is incorporated herein as if fully set forth.
- (4) **Five Year Time Of Travel.** The recharge area upgradient of the cone of depression, the outer boundary of which it is determined or estimated that groundwater will take five years to reach a pumping well.
- (5) **Groundwater Divide.** Ridge in the water table, or the potentiometric surface at which groundwater flows away at right angles in both directions. Line of highest hydraulic head in the water table.
- (6) **Municipal Water Supply.** The public water supply serving the Town of Lodi and any City of Lodi wells located in the Town of Lodi.
- (7) **Recharge Area.** The area which encompasses all areas or features that, by surface infiltration of water that reaches the zone of saturation of an aquifer, supplies groundwater to a well.
- (8) **Time Of Travel.** The determined or estimated time required for a contaminant to move in the saturated zone from a specific point to a well.

- (9) Well Field. A piece of land used primarily for the purpose of locating wells to supply a municipal water system.
 - (10) Wellhead. The upper terminal of a well, including adapters, ports, seals, valves and other attachments.
 - (11) Wellhead Protection Area. The surface or subsurface area surrounding a well or well field, supplying a public water system, through which contaminants are reasonably likely to move toward or reach a particular well. A legally designated area having controls designed to prevent or minimize the possibility of well contamination.
 - (12) Zone Of Saturation. The area of unconsolidated, fractured or porous material that is saturated with water which is groundwater.
- (c) **Applicability**.
This Ordinance shall apply within the Town of Lodi jurisdictional borders, hereafter known as the “Town.”
- (d) **Wellhead Protection Area**.
- (1) Intent. The geographic area to be protected is the Recharge Areas surrounding and within 1,200 feet of each municipal well field now existing or which may hereafter be constructed. The areas set forth on the map attached hereto and incorporated by this reference are hereby established and delineated as Wellhead Protection Areas. Nothing herein shall preclude a municipal water supplier from locating, developing, improving or operating replacement or additional future sources of municipal water supply within the Town. All existing facilities within the Wellhead Protection Area shall comply with this Ordinance.
 - (2) Plan Commission Review. Prior to the issuance of a building permit for any principal or accessory use in the Wellhead Protection Area, the Plan Commission shall review the proposed use to ensure that the use will not pose a threat to groundwater contamination.
 - (3) Permitted Uses. All uses in the Wellhead Protection Area which are authorized as permitted or conditional uses under the applicable provisions of the Columbia County Zoning Code are subject to the regulations contained herein.
 - (4) Separation Distances. The municipal well fields in the Wellhead Protection Area shall be adequately protected from potential sources of contamination. A permit is required from the Town for separation distances less than the following:
 - (A) Fifty (50) feet between a well and a storm sewer main.
 - (B) Two hundred (200) feet between a well and any sanitary sewer main, lift station or a single family home fuel oil tank. A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is

constructed of water main materials and joints and pressure tested in place to meet current AWWA 600 specifications. In no case may the separation distance between a well and a sanitary sewer main be less than 50 feet.

- (C) Four hundred (400) feet between a well and a septic system holding tank, or drain field, receiving less than 8,000 gallons per day, a cemetery or a storm water drainage pond.
 - (D) Six hundred (600) feet between a well and any gasoline or fuel oil storage tank installation that has received written approval from the Department of Natural Resources (hereafter "Department") or its designated agent under Wis. Admin. Code § NR 812.08.
 - (E) One thousand (1,000) feet between a well and land application of municipal, commercial or industrial waste; industrial, commercial or municipal wastewater, lagoons or storage structures; manure stacks or storage structures; and septic tanks or soils absorption units receiving 8,000 gallons per day or more.
 - (F) Twelve hundred (1,200) feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; coal storage area; gasoline or fuel oil storage tanks that have not received written approval from the Department or its designated agent under § NR 812.08, bulk fuel storage facilities and pesticide handling or storage facilities.
- (5) Requirements For Existing Facilities.
- (A) Existing facilities within the Wellhead Protection Area at the time of establishment of such area which may cause or threaten to cause environmental pollution shall provide copies of all current, revised or new federal, state and local facility operation approvals, permits or certificates; operational safety plans; and on-going environmental monitoring results to the Town.
 - (B) The owners or operators of such existing facilities shall have the responsibility of devising, filing and maintaining with the Town a current contingency plan which details how they intend to respond to any emergency which may cause or threaten to cause environmental pollution that occurs at their facility, including notifying municipal, sanitary district, county and state officials.
 - (C) The owners and operators of existing facilities shall not expand or alter their operations to include storage, use or processing of any additional quantity or type of hazardous material which they did not engage in or employ on the effective date of this Ordinance, and can only expand, replace or rebuild those present uses, activities, equipment, or structures

on the site or property of record associated with the facility on the effective date of this Ordinance, and in a manner that improves the environmental and safety technologies already being utilized. This section does not apply to normal maintenance or minor repairs.

(6) Changing Technology.

- (A) The existing facilities prohibited in the Wellhead Protection Area are prohibited based upon the combined pollution experience relating to many individual uses, and the technology generally employed by a particular facility considered to be of a high risk for pollution to the groundwater resource. As the technology changes to low or non-risk materials or methods, upon petition from the owner of such facility, after conferring with the Plan Commission, Town Engineer or other expert opinion, and after appropriate public notice and hearing, the Town may amend this Ordinance to revise the designated separation standards for such facilities if the applicant demonstrated convincingly that the facilities no longer pose a groundwater pollution hazard.
- (B) In responding to petitions under (A) above, it is not the Town's intention to accept alternate or reduced hazards as the basis for reducing the separation standard for a specific facility. It is the intention to continue the separation standard until the technology of the facility removes reliance upon the pollutant materials or processes deemed to be a groundwater hazard.

(e) Exemptions and Waivers.

- (1) Owners of facilities may make written requests to reduce separation standards within the Wellhead Protection Area.
- (2) All requests shall be in writing, and shall include an environmental assessment report prepared and signed by a licensed environmental engineer. Said report shall be forwarded to the Town Plan Commission and/or designee(s) for recommendation and final decision by the Town Board.
- (3) The applicant shall reimburse the Town for all consultant fees associated with this review at the invoiced amount plus administrative costs.
- (4) Any exemptions granted shall be conditional and may include required environmental and safety monitoring consistent with local, state and federal requirements, and/or bonds and/or securities satisfactory to the Town.

(f) Enforcement and Penalty.

- (1) Forfeitures. Any person who violates, neglects or refuses to comply with any of the provisions of this ordinance shall be subjected to forfeitures as provided in Section 1.21 of the Town Code.

- (2) Injunction. The Town may, in addition to any other remedy, seek an injunction or restraining order against the party alleged to have violated the provisions herein, the cost of which shall be charged to the defendant in such action.
 - (3) Cleanup Costs. In addition to any other action, the Town may commence legal action against both the person who releases the contaminants and the owner of the facility whereupon the contaminants were released to recover the costs of clean up of the contaminants, together with the costs of prosecution. Any person who causes or fails to prevent the release of any contaminants which may endanger or contaminate the public water supply system associated with a Wellhead Protection Area shall immediately cease such discharge and immediately initiate clean up satisfactory to the municipality or sanitary district owning the well and the other state and federal regulatory agencies. The person who releases or fails to prevent the release of such contaminants and the person who owns the facility whereon the contaminants have been released shall be jointly and severally responsible for the cost of cleanup, consultant, or other contractor fees, including all administrative costs for oversight, review and documentation, including any charges for employees, equipment and mileage of the municipality or sanitary district owning the well.
- (g) **Conflict, Interpretation and Severability**.
- (1) Conflict and Interpretation of Provisions. If the provisions of this Ordinance conflict with or contravene other Town Ordinances, the provisions of this Ordinance shall prevail as to all matters and questions arising out of the subject matter of this Ordinance. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum and are not deemed a limitation or repeal of any other power granted by Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the most restrictive requirements or interpretations shall apply.
 - (2) Severability of Code Provisions. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof. The Town Board hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions may be declared invalid or unconstitutional.

History Note: Created by Ordinance adopted April 24, 2001; amended through codification; amended through 2015 recodification.

SECTION 7.05 **MANURE MANAGEMENT**(a) **Purpose.**

This Ordinance is enacted, pursuant to the general police power to protect the health, safety and welfare of the citizens of the Town of Lodi, by ensuring that adequate provisions are made for the disposal or dispersion of manure from farm animals which are kept on parcels of land which may not provide, because of size, location or use, adequate disposal or dispersion opportunities on that parcel sufficient to preserve safe, healthful and inoffensive conditions on the parcel and surrounding area.

(b) **Definitions.**

(1) Agricultural Purpose. Agricultural purpose means beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; grazing; livestock raising; orchards; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least thirty-five (35) acres of which is enrolled in the conservation reserve program under 16 U.S.C. 3831 to 3836; and vegetable raising.

(2) Farm Animal. Farm animal means any warm-blooded animal normally raised on farms in the United States and normally used or intended for use as food or fiber.

(3) Person. Person means any individual, firm, corporation, limited liability company, joint venture, partnership, association or organization.

(c) **Manure Management Plan Required.**

No person shall keep any farm animals on any parcel smaller than thirty-five (35) acres in size without prior approval by the Town Board of a Manure Management Plan for the disposal or dispersion of manure. All such animals shall be kept in accordance with the Manure Management Plan.

(d) **Exemptions.**

This Ordinance shall not apply:

(1) To the keeping of farm animals subject to a Wisconsin Pollutant Discharge Elimination System permit pursuant to Wis. Stats. Ch. 283.

(2) Where the parcel owner owns any additional parcel or parcels of thirty-five (35) acres or greater used for agricultural purposes and where manure is spread from farm animals kept on the parcel.

(e) **Approval Procedure.**

(1) Filing. All persons required to file a Manure Management Plan under this Ordinance shall file the Plan with the Clerk-Treasurer before any farm animals are kept on the parcel.

- (2) Fees.
 - (A) Each Manure Management Plan shall be accompanied by payment of the fee as established under Section 2.71 to cover administration expenses associated with review.
 - (B) In addition, each applicant shall be responsible for the actual cost of review by the Town Attorney under sub. (e)(3)(E) or Town Engineer as the Town Board or Town Plan Commission deems necessary to assure the purposes of this ordinance are met. The applicant shall pay the fee within fifteen (15) days of each billing by the Town Clerk-Treasurer.
 - (3) Contents. A Manure Management Plan shall provide the following information:
 - (A) Number and type of animals to be kept.
 - (B) Size of parcel.
 - (C) Estimated amount of manure production by weight or volume.
 - (D) Disposal or dispersal plans.
 - (E) For off-site manure disposal or dispersal on lands not owned by the person submitting the Plan, a covenant and agreement in recordable form and approved by the Town Attorney providing for off-site manure disposal or dispersal.
 - (4) Approval. Upon receipt of a complete Manure Management Plan, the Clerk-Treasurer shall forward the Plan to the Plan Commission. The Plan Commission shall review the Plan and make its recommendation to the Town Board. If the Plan Commission does not make its recommendation within forty-five (45) days from the date of filing, the Town Board may take action on the Plan without the recommendation of the Plan Commission. The Town Board may approve, conditionally approve or disapprove the plan. If the Town Board fails to take action on the Plan within ninety (90) days of filing, the Plan shall be considered disapproved. If approved, said approval shall not be effective until any required covenant and agreement under sub. (e)(3)(E) has been recorded by the Columbia County Register of Deeds and all fees have been paid in full.
- (f) **Plan Amendment.**
- (1) If additional animals are kept in excess of ten-percent (10%) of the number of animals identified in the approved Manure Management Plan or there is any other change in practices or information contained in the approved Manure Management Plan affecting the amount or location of disposal or dispersion of manure, a Plan Amendment detailing the change in practice or information shall be filed.

- (2) If necessary, the animal equivalency factors set forth under Wis. Admin. Code § NR 243.11 (Table 2) shall be used to calculate the percentage increase of animals.
 - (3) Any Plan Amendment shall be approved according to sub. (e).
 - (4) Plan Amendments shall be filed and approved before any change in practices or information takes place. If prior approval is not possible due to unforeseen circumstances beyond the person's control, a Plan Amendment shall be filed within fourteen (14) days of the change in practice or information. In such cases, should the Plan Amendment be disapproved, the person shall conform to the approved Manure Management Plan within thirty (30) days, unless a greater time is allowed by the Town Board.
- (g) **Enforcement.**
- (1) The Town of Lodi Plan Commission or its designee is authorized to conduct inspections of property to determine compliance with this Ordinance. If permission to enter upon any lands cannot be obtained from the landowner, entry shall be had by Special Inspection Warrant pursuant to Wis. Stats. § 66.0119.
 - (2) Upon discovery of any violation of this ordinance, the Plan Commission or designee shall give notice to the property owner, by certified mail, of the violation(s) and requiring that the violations be cured within thirty (30) days or a Manure Management Plan or Plan Amendment shall be filed within fourteen (14) days of the date of the notice. If the Plan or Plan Amendment is disapproved, the violation shall be cured within fourteen (14) days of disapproval. If a violation is not timely cured:
 - (A) The person may be required to forfeit not less than \$10 nor more than \$500. Each day a violation occurs shall be considered a separate offense.
 - (B) The violation shall be considered a public nuisance. Compliance with this Ordinance may be enforced by injunction at the suit of the Town. It shall not be necessary to prosecute for forfeiture before resorting to injunction.
 - (C) The Plan Commission or designee is authorized to refer any violation of this Ordinance to the Town Attorney for the commencement of legal proceedings.

History Note: Created by Ordinance adopted March 25, 2003.

SECTION 7.06 **EXTENSION OF PUBLIC SEWER AND WATER FACILITIES****(a) Prohibition Against Extension of Utility Services.**

Except as expressly provided herein, neither the Town of Lodi nor any of the Sanitary Districts located within the boundaries of the Town may provide public sewer or water services outside of the geographic boundaries of the Town or any such Sanitary District. The addition of such properties to a Town Utility District pursuant to Wis. Stats. § 66.0827 or to such Sanitary District pursuant to Wis. Stats. § 60.785 is a condition precedent to the provision of public utility services.

(b) Exceptions.

The provisions of Section 7.06 shall not apply to any properties that were receiving public utility services from a Town Utility District or a Sanitary District as of the effective date of this Ordinance.

History Note: Created by Ordinance adopted September 28, 2004.

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