

**Town of Liberty Grove**  
**Ordinance No. 15-2**  
**PROHIBITING APPLICATION OF LIQUID ANIMAL MANURE USING CENTER**  
**PIVOT IRRIGATION SYSTEMS**

The Town Board of Supervisors of the Town of Liberty Grove, Door County Wisconsin does ordain as follows:

**SECTION 1. AUTHORITY.**

This ordinance is adopted pursuant to the authority granted under Wis. Stats. 60.22 (3) and 61.34 to enact ordinances and regulations promoting and protecting the health, safety, welfare, and convenience of the public, and defining and prohibiting public nuisances.

**SECTION 2. PURPOSE.**

The Town Board has researched the subject of spray irrigation of manure and, in doing so, has reviewed the following materials which raise concerns over the use of spray irrigation of manure through center pivot irrigation systems:

- A. University of Nebraska—Lincoln Extension publication entitled Application of Liquid Animal Manure Using Center Pivot Irrigation Systems, which suggests that the application of manure by center pivot manure distribution systems offers a large potential for significant odor release.
- B. Report of Ben Brancel, Secretary of Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCAP) to members of the DATCAP Board dated August 17, 2011 relating to use of center pivots for spreading manure on farm fields. In such report, Mr. Brancel related that “spray irrigation systems and surface applied liquid manure have high odors and emissions compared to applications that inject or incorporate liquid manure”.
- C. Technical Background Document: Microbial Risk Assessment and Fate and Transport Modeling of Aerosolized Microorganisms at Wastewater Land Application Facilities in Idaho by Hardy, Schilling Fromm, Dai, and Cook. They report that “model results suggest that drift and deposition of fine droplets may contribute to the risk of infection through ingestion of produce; irrigation methods such as big gun sprinklers can generate significant amounts of droplet and aerosol drift; aerosolized microbes can travel further than the original droplets”.

The Town Board of the Town of Liberty Grove has determined, based upon its review and research of materials as described above, that spray irrigation systems for irrigating liquid through center pivot manure irrigation systems are a detriment to the health, safety, welfare, and convenience of the public, as they distribute manure odors recognized as a contributing factor to reduced quality of life, and that prohibition of spray irrigation systems for liquid manure is in the best interests of the Town of Liberty Grove residents’ public health, safety, general welfare and convenience.

**Section 3. DEFINITION.**

“Center pivot manure irrigation system”, as used in this chapter, means a system for spreading manure or manure by-products which involves spraying or otherwise distributing the manure or by-product in liquid form through spray or drop nozzles attached to a pivoting arm located in a farm field.

**SECTION 4. LIQUID MANURE AND AGRICULTURE WASTE SPRAYING PROHIBITED.**

No person shall spray liquid manure by use of a center pivot manure irrigation system in the Town of Liberty Grove.

**SECTION 5. CREATION OF PUBLIC NUISANCE PROHIBITED.**

No person shall create a substantial threat to public health or safety by the spraying of liquid manure or other agricultural waste by use of a center pivot manure irrigation system in the Town of Liberty Grove.

**SECTION 6. PENALTIES.**

Any person violating section 4 of this ordinance shall be subject to a forfeiture of not less than \$500 nor more than \$5,000 for each violation. Any person violating section 5 of this ordinance shall be subject to a forfeiture of not less than \$2,000 nor more than \$10,000 for each violation. Each day that a violation exists shall be considered a separate violation. In addition, upon conviction, the person in violation shall be subject to the imposition of court costs, actual expense incurred by the Town, engineering expenses if incurred, and actual and reasonable attorney fees incurred.

**SECTION 7. ABATEMENT OF VIOLATION.**

The Town Board may in its discretion, require that a person in violation of this ordinance be enjoined from and prohibited from further violation of this ordinance upon order of a court of competent jurisdiction. In such event, the Town shall be entitled to recovery of all costs and expenses incurred in such action, including engineering fees and actual and reasonable attorney fees.

**SECTION 8. PRIVATE ACTION.**

Any person damaged or inconvenienced by a violation of this ordinance may commence an action in his/her/its own name seeking to enjoin or abate violations of this ordinance, without acquiring authority or permission of the Town Board to do so.

**SECTION 9. ENFORCEMENT.**

This Ordinance may be enforced by the issuance of a citation by the Liberty Grove Clerk/Administrator, by a designee of the Liberty Grove Town Board or by any police officer employed by the County of Door or State of Wisconsin. A violation of this Ordinance is deemed a public nuisance and may be enjoined.

**SECTION 10. EFFECTIVE DATE.**

This ordinance shall take effect and be in force upon passage and publication according to law.

Adopted at a regular meeting of the Liberty Grove Town Board on February, 18, 2015. Motion to adopt: John Lowry. Second: Lou Covotsos. Roll call vote: Aye—F. Forkert, N. Goss, L. Covotsos, J. Lowry. Nay—0. Passed on a 4-0.

*I, Walter L. Kalms, Clerk/Administrator of the Town of Liberty Grove, Door County Wisconsin hereby certify that the above is a true and correct copy of an ordinance which was adopted at a properly noticed meeting of the Liberty Grove Town Board on the 18<sup>th</sup> day of February, 2015.*

*Dated this 19<sup>th</sup> day of February, 2015.*

*Walter L. Kalms*

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Walter L. Kalms, Clerk/Administrator