

**Town of Liberty Grove  
Ordinance 3-18**

**PROHIBITING THE APPLICATION, DISPERSAL OR LAND SPREADING OF  
UNMANIPULATED ANIMAL OR VEGETABLE MANURE .**

**SECTION 1. AUTHORITY.**

This ordinance is adopted pursuant to the authority granted under Wis. States. 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 for the Town of Liberty Grove has determined that the application, dispersal or land spreading of unmanipulated animal or vegetable manure within the Town of Liberty Grove are a detriment to the health, safety, welfare and convenience of the public as such activities reduce the use and enjoyment of property within the Town and reduce the quality of life for residents of the Town, and accordingly, that prohibiting the application, dispersal or land spreading of unmanipulated animal or vegetable manure is in the best interests of the Town residents' public health, safety, general welfare or convenience.

**SECTION 3. DEFINITION.**

Unmanipulated animal or vegetable manure means animal or vegetable manure which has not been treated by mechanical drying, grinding or pelletizing, by adding a substance or by any other means. This definition shall be interpreted in conjunction with Wis. Stats. 94.64(1)(t).

**SECTION 4. APPLICATION, DISPERSAL OR LAND SPREADING OF  
UNMANIPULATED ANIMAL OR VEGETABLE MANURE PROHIBITED.**

No person, unless otherwise exempted from the provisions of this Ordinance, shall apply, disperse or land spread unmanipulated animal or vegetable manure within the Town of Liberty Grove. Any person who violates the prohibition contained in this Ordinance creates a substantial threat to the public health and safety of the residents of the Town of Liberty Grove, and accordingly, such activity shall constitute a public nuisance.

**SECTION 5. EXEMPTION.**

This Ordinance does not apply to unmanipulated animal or vegetable manure that is applied, dispersed or land spread on lands located within the Town of Liberty Grove provided that the unmanipulated animal or vegetable manure is generated as a result of agricultural or farming activities conducted solely within the boundaries of 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. 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 expenses 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 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 August 1, 2018. Motion to adopt: Nancy Goss moved, Lou Covotsos second. Passed 4-1 with Gary Farber voting nay.

*I, Janet Johnson, Clerk/Treasurer 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 1<sup>st</sup> day of August, 2018.*

*Dated this 2nd day of August, 2018*

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*Janet Johnson, Clerk/Treasurer*