

**TOWN OF GIBRALTAR ORDINANCE NUMBER 2017- 02**  
**MANURE APPLICATION ORDINANCE**

The Town Board of the Town of Gibraltar does hereby ordain as follows:

**Section 1: Title/Purpose**

This ordinance shall be known as the Manure Application Ordinance.

This ordinance is intended to further public safety and welfare by the establishment of limits on the application of liquid manure within the Town, all as set forth below.

The purpose of this Ordinance is to promote the health, safety, welfare and convenience of the public and, in particular, to promote the general private, commercial and recreational interests in the Town of Gibraltar by minimizing the substantial odor related to the application of animal manure. It is the general intent of this Ordinance to regulate the application of animal manure and by-products of the same, including wastewater from manure lagoons (collectively referred to hereinafter as “Manure”), within the Town of Gibraltar.

**Section 2: Authority**

The Town Board of the Town of Gibraltar has the specific authority, powers and duties pursuant to Chapter 60, Wis. Stats., pursuant to the specific statutory sections noted in this ordinance, and/or by its adoption of village powers, to regulate and control certain uses, activities and operations in the Town of Gibraltar, for the promotion and for the health, safety, welfare and convenience of the public.

The Town Board of the Town of Gibraltar has been granted village powers pursuant to Section 60.10 Wis. Stats.

**Section 3. Applicability**

This ordinance shall apply throughout the Town of Gibraltar.

**Section 4: Adoption of Ordinance**

The Town Board of the Town of Gibraltar has, by adoption of this ordinance, confirmed the statutory authority, powers and duties noted in the specific sections of this ordinance and has established by these sections and this ordinance the regulation and control of certain uses, activities and operations in the Town of Gibraltar.

**Section 5: Limitations on Application of Manure**

No person shall operate or cause to be operated any Center-Pivot Irrigation System, Linear-Move Irrigation System, Traveling Gun Irrigation System, or Vehicle-Mounted Manure Spreading

System dispensing Manure where the release of Manure occurs at a height greater than eighteen inches (18”) above the surface of the soil.

Additionally, no person shall operate or cause to be operated any Center-Pivot Irrigation System, Linear-Move Irrigation System, Traveling Gun Irrigation System, or Vehicle-Mounted Manure Spreading System dispensing Manure where the release of Manure is directed upward, causing Manure to travel above a plane parallel to, and eighteen inches (18”) above, the soil.

Additionally, no person shall operate or cause to be operated any Center-Pivot Irrigation System, Linear-Move Irrigation System, Traveling Gun Irrigation System, or Vehicle-Mounted Manure Spreading System dispensing Manure at a pressure greater than thirty pounds per square inch (30psi).

## **Section 6: Definitions**

- 1. Animal Manure:** Excrement from livestock (including poultry), and the byproducts from such excrement, both liquid and solid, specifically including (without limitation) wastewater from manure lagoons.
- 2. Center-Pivot Irrigation System:** A system capable of spreading Manure which involves spraying the Manure in liquid form through nozzles or guns attached to a pivoting arm.
- 3. Linear-Move Irrigation System:** A system capable of spreading Manure which involves spraying the Manure in liquid form through nozzles or guns attached to an arm designed to move laterally across a field.
- 4. Traveling Gun Irrigation System:** A system capable of spreading Manure which involves spraying the Manure in liquid form through a mobile nozzle or gun, whether used as part of a cable-towed system or a hose-reel system.
- 5. Vehicle-mounted Manure Spreading System:** Conventional spreading systems involving pressurized Manure directed at a splash plate, fan or other device intended to broadcast Manure, or any system similar in purpose to a system defined herein that is mounted to a vehicle (including trailers).

## **Section 7: Violations**

### **1. Penalties and Remediation**

Any person who shall violate any provisions of this ordinance may be subject to a forfeiture of not less than \$1,000.00 nor more than \$5,000.00 for each violation. Each day of application shall be considered a separate violation. Additionally, in the case of Vehicle-mounted Manure Spreading Systems, each application in violation of a provision of this ordinance shall be considered a separate violation.

*Example:* Three tanker trucks each make three trips to locations in the Town of Gibraltar on the same day, each applying Manure in violation of this ordinance on each trip; for the purpose of this ordinance, nine separate violations have occurred.

## **2. Abatement**

The Town Board may, in its discretion, seek an injunction prohibiting a person in violation of this ordinance from further violation of this ordinance upon the order of a court of competent jurisdiction. Any person violating this ordinance remains liable for any damages caused by the violation(s).

## **Section 8: Severance Clause**

The provisions of this ordinance are declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of the ordinance.

This ordinance shall take effect upon passage and publication as provided by law.

Dated this 15 day of November, 2017. TOWN

BOARD FOR THE TOWN OF GIBRALTAR

Richard Skare, Chairman

Steve Sohns, Supervisor

Brian Hackbarth, Supervisor

Barbara K. McKesson, Supervisor

Dwayne Daubner, Supervisor

Beth Hagen, Clerk