

ORDINANCE NO. 12-19-12C

TOWN OF SARATOGA

**Ordinance Prohibiting Application of Liquid Animal Manures
Using Center Pivot Irrigation Systems**

RECITALS

WHEREAS, according to studies including, without limitation *Application of Liquid Animal Manures Using Center Pivot Irrigation System* published by the University of Nebraska – Lincoln Extension, the application of manure by center pivot manure distribution systems offers a large potential for significant odor release during short periods of time;

WHEREAS, a memorandum prepared by Robert Thiboldeaux, a toxicologist for the Wisconsin Division of Public Health, raises the potential for substantial health concerns resulting from the land application of liquid manure using center pivot sprinkler technology;

WHEREAS, the Town of Saratoga has highly permeable soils and the aquifer used for public drinking water is susceptible to groundwater contamination;

WHEREAS, following consideration of the above-referenced report from the University of Nebraska, the above-referenced memorandum from the Wisconsin Division of Public Health, the groundwater susceptible to contamination as well as the Town Board's obligation to consider the public health, safety and general welfare of its residents, the Town Board finds that a prohibition of center pivot manure distribution systems is in the public health safety and general welfare;

WHEREAS, the Town Board of the Town of Saratoga has power under Village Powers pursuant to Wis. Stat. § 60.22(3), to enact ordinances defining and prohibiting public nuisances.

NOW, THEREFORE, IN CONSIDERATION OF THE FINDINGS AND RECITALS SET FORTH ABOVE, WHICH ARE INCORPORATED HEREIN BY REFERENCE, THE TOWN BOARD OF THE TOWN OF SARATOGA, WOOD COUNTY, WISCONSIN, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1 – PROHIBITION OF CENTER PIVOT MANURE DISTRIBUTION SYSTEM

SUBSECTION A: Public Nuisance

The use of Center Pivot Manure Distribution Systems is hereby declared to be a public nuisance and the use of Center Pivot Manure Distribution Systems is strictly prohibited within the Town of Saratoga.

SUBSECTION B: Enforcement

This Ordinance shall be enforced pursuant to Town of Saratoga Ordinance No. 4-6-05 Public Nuisances.

Section 2 – DEFINITION

“Center Pivot Manure Distributions Systems” shall mean systems used for the application of liquid manure or process wastewater to cropland using equipment that discharges manure into the air via a single nozzle or multiple nozzles or hoses and disperses the manure over distances greater than could be achieved using typical moving vehicle or manure hauling equipment.”

Section 3 – ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, when this Ordinance imposes greater restrictions, the provision of this Ordinance shall govern.

Section 4 – INTERPRETATION

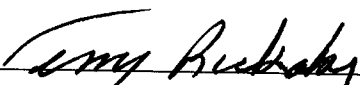
In its interpretation and application, the provisions of this Ordinance shall be liberally construed in favor of the Town and shall not be construed to be a limitation or repeal of any other power granted by the Wisconsin Statutes except as expressly set forth herein.

Section 5 – EFFECTIVE DATE AND PUBLICATION

This ordinance shall be effective upon adoption by a majority of those present and voting at a duly noticed meeting of the Town Board, and proper publication or posting, as required by law.

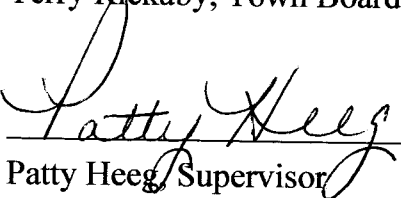
ADOPTED by a vote of 4 for and 0 against on this 19th day of December, 2012.

TOWN OF SARATOGA

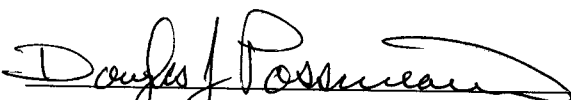


Terry Rickaby, Town Board Chairperson


Dan Forbes, Supervisor



Patty Heeg, Supervisor



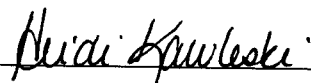
Douglas Passineau, Supervisor



John Frank, Supervisor

Attested to this 19th day of December, 2012.

TOWN OF SARATOGA



Heidi Kawleski, Town Clerk