

TOWN OF BROOKLYN, GREEN COUNTY, WI

ORDINANCE # 1.6

Adopted: 07/08/2019

Title: Regulation of manure piping along town roads and rights-of-way

Contents (Sections)

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Section 1: Authority and responsibility The Town Board has specific statutory authority powers and duties pursuant to WI Statutes including, but not limited to, Sections 86.07 and 86.16 and other highway-related statutes as well as 60.22(3) - duly adopted village powers (1992) all of which grant the Town Board powers to regulate, control, license, prevent, or permit certain uses and activities for the good order of the Town and for the health, safety, and welfare of the public.

Section 2: Purpose and scope

The purpose of this ordinance is to provide for the safe transport of manure by issuing permits for the use of manure pipelines in the town right of way or across support structures.

Section 3: Definitions

3.1 - Above Ground Manure Line - A temporary manure line that is located on or above the surface of the ground, which includes manure lines running through culverts, tunnels, or similar underground structures originally installed for purposes other than manure transport.

3.2 - Manure - A material that consists primarily of litter or excreta, treated or untreated, from livestock, poultry or other animals. Manure includes material mixed with runoff, bedding contaminated with litter or excreta, or processed wastewater.

3.3 Manure Line - Any hose, pipeline, or other conduit, whether temporary or permanent in nature, for the transmission of liquid manure within or across a Right-of-Way of a public highway to a destination for application on a farm field or for storage.

3.4 Right-of-Way – As defined in Section 4.1.14 of Town of Brooklyn Ordinance # 1.2.

3.5 - Subterranean Manure Line - A manure line that exists, occurs, or is located under the earth's surface. Any culvert installed in the ground for the purpose of running through it a manure line is considered a subterranean manure line.

3.6 - Support Structures - Any structure such as a culvert or bridge that a manure line might be attached to.

Section 4: Specific Provisions

4.1 Permitting of Manure Lines A person or entity shall obtain a permit from the town before the installation of any manure line in a Right-of-Way. Issuance of a permit grants the permittee the authority to install manure lines in the Right-of-Way subject to all applicable permit terms and conditions and any applicable federal, state or local law.

4.2 Above Ground Manure Lines

4.2.1 Upon receipt of a completed written application, proof of insurance, and any required fee, the Town Board may issue a permit for above ground manure lines within or across the Right of Way. All permits will be valid for 60 days unless a different time period is approved by the Town Board.

4.2.2 A permit shall be issued only if the applicant submits to Town Clerk a certificate of insurance showing that the applicant has secured general liability insurance policy that includes the Town as an additional named insured, in the following amounts:

- (a) Personal injury: \$1,000,000;
- (b) Property damage: \$1,000,000; and
- (c) One person, one accident: \$500,000.

4.2.3 Upon receipt of a written application and the required fee, the Town Board may issue a permit to temporarily affix hoses or pipes to support structures across a Right-of-Way. As part of the application, the applicant must submit a plan specifying how the manure hose or pipe would be attached to or supported by the support structure.

4.2.4 Renewal A permit will be renewed unless the board determines:

- (a) There have been violations of this ordinance or any conditions laid out in the permit.
- (b) There has been a substantial change in circumstances of the town right of way, including, but not limited to, repair or improvement of the road or development along the road.
- (c) That there are additional or more significant health hazards posed by the pipeline than were known or understood by the board before the initial permit was granted.

4.3 Subterranean Manure Lines Construction, use or operation of Subterranean Manure Lines is prohibited within the Town of Brooklyn.

4.4 Application Materials No request to install a Manure Line in a Right-of-Way shall be considered until all required information is provided. Applicants must use the standard Manure Line Application Form, which shall be provided upon request by the Town Clerk. All applications shall contain the following:

(a) Adequate drawings showing the existing and/or proposed location of each Manure Lines within the Right-of-Way with respect to the planned installation. The drawings shall include dimensions from the proposed Manure Line to the commonly accepted Right-of-Way line and to the edge of the traveled way.

(b) The applicant shall include information concerning the installation of each Manure Line. The application shall include, but is not limited to:

(1) A detailed description of the location, size, type, and the extent of each Manure Line to be installed.

(2) Proposed construction procedures.

(3) Special traffic control and protection measures as it relates to the installation of each Manure Lines.

4.5 Fees. An permit fee of \$75 shall be paid to the Town Clerk upon application and prior to approval of any permit under this Ordinance.

4.6 Removal When deemed necessary by the Town Board for purposes of public health, safety, or welfare, the owner of a manure line may be required to remove any pipeline located in a Right-of-Way. If prompt removal does not occur after proper notice, the town may remove the Manure Line and bill the cost of removal to the owner.

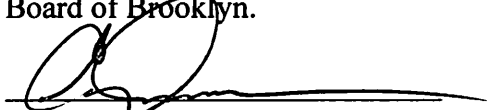
4.7 Enforcement and Penalties Any Manure Line installed in the Right-of-Way without the proper permit is punishable by a fine of no more than \$75. Each day a violation continues shall constitute a separate offense. The town may also seek injunctive or other declaratory relief.

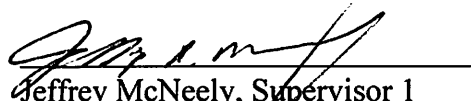
4.8 Liability A person or entity that owns a Manure Line shall be liable for any and all damages arising out of or caused by the negligent installation or use of that Manure Line.

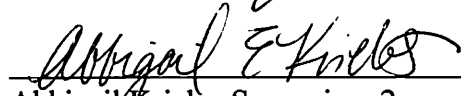
Section 5: Severability Should any portion of this ordinance be declared invalid by a court of competent jurisdiction the remainder of this ordinance shall not be affected.

Section 6: Effective Date and Publication This ordinance shall become 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 3 for and 0 against on this 8th day of July, 2019 by the Town Board of Brooklyn.


Garth Langhammer, Town Chairperson


Jeffrey McNeely, Supervisor 1


Abbigail Kriebs, Supervisor 2

Attested to this 8th day of July, 2019


Chris Gallagher, Town Clerk

Published/Posted: 7/18/2019