GENERAL CODE OF SAUK COUNTY, WISCONSIN

**ORDINANCE AMENDMENT #**

Ordinance Amendment to Section 20.07(13), Chapter 20, Uniform Citation Ordinance

**Ordinance Amendment offered by Land Resources and Environment Committee**

**BACKGROUND:** In March 2022, the Sauk County Board of Supervisors adopted amendments to Chapter 26, Agricultural Performance Standards and Manure Management Ordinance. Chapter 26 authorizes enforcement and penalties for violations associated with the ordinance. Chapter 20 is being updated to provide consistent language that is currently in Chapter 26.

**WHEREAS,** the Land Resource and Environment Committee held a public hearing on February 28, 2023 and recommended approval of the ordinance amendments as presented; and,

NOW, THEREFORE, THE SAUK COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.

Section 2. This ordinance shall take effect the day after passage and publication as required by law.

Section 3. If any claims, provisions or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 4. Chapter 20 of the General Code of Sauk County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

(13) Chapter 26: Agricultural Performance Standards and Manure Management; Pursuant to Section 26.020(6) which authorizes forfeitures of not less than $50.00 nor more than $500.00 for each offense together with the costs of action. Each day of continued violation is a separate offense.

Forfeiture Provisions, Description and Section Numbers

(a) $50.00 Violations of sheet, rill, and wind erosion; § 26.008(1)

(b) 50.00 Violations of tillage setback; § 26.008(2)

(c) 50.00 Violations of phosphorus index; § 26.008(3)

(d) 100.00 Violations of nutrient management; § 26.008(4)

(e) 100.00 Violations of clean water diversion; § 26.008(5)

(f) 200.00 Violations of manure management prohibitions; §§ 26.008(6)(b) and 26.008(6)(d)

(g) 150.00 Violations of process wastewater handling; § 26.008(7)

(h) 500.00 Violations of certificate of use; § 26.016

(i) 500.00~~\*~~ Violations of manure storage facilities; § 26.008(8); and violations of manure management prohibitions, §§ 26.008(6)(a) and 26.008(6)(c)

(j) Any person found guilty of violating s. 26.008(1) – s. 26.008(8) or s. 26.016 who has previously been convicted of a violation of the same section, shall be subject to a fine of not less than twice the established forfeiture for each such offense, together with the costs of action.

~~\* Upon a third violation, suspension of use of the manure storage facility, pending review by the by the Sauk County Land Resources and Environment Department that all provisions of Chapter 26 are met.~~

[The remainder of section 20.07 is unchanged]

Approved for presentation to the County Board by the Land Resources and Environment Committee this 21st day of March, 2023.

Consent Agenda Item: [ ] YES [ ] NO

Fiscal Impact: [ ] None [ ] Budgeted Expenditure [ ] Not Budgeted

Vote Required: Majority = \_\_\_\_\_\_\_ 2/3 Majority = \_\_\_\_\_\_\_\_\_ ¾ Majority = \_\_\_\_\_\_\_\_\_

The County Board has the legal authority to adopt: Yes \_\_\_\_\_\_\_ No \_\_\_\_\_\_\_\_ as reviewed by the Corporation Counsel, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ .

Offered and passage moved by:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

MARTY KRUEGER, CHAIR PETER KINSMAN, VICE CHAIR

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ROSS CURRY ROB NELSON

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BRANDON LOHR DENNIS POLIVKA

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RANDY PUTTKAMER VALERIE MCAULIFFE

Fiscal Note: None.

MIS Note: None.