

**TOWN OF LIBERTY
MANITOWOC COUNTY, WISCONSIN**

ORDINANCE NO. 2015-1

MANURE DISTRIBUTION EQUIPMENT PERMIT

WHEREAS, the Town of Liberty is in charge of public highways within its jurisdiction;
and

WHEREAS, the Town Board is aware of the agricultural practices related to land application of manure involving the use of frac tanks and drag lines and the need for their temporary location on public highways near the receiving fields; and

WHEREAS, the Town deems it in the public interest to allow the temporary location of such manure distribution equipment in the right-of-way of public highways under limited conditions and subject to specific requirements as a cost effective method of manure removal and application; and

WHEREAS, it is necessary and in the public interest to regulate this procedure for purposes of public health and safety;

NOW, THEREFORE, the Town Board of the Town of Liberty, Manitowoc County, Wisconsin, pursuant to Section 60.22, Wis. Stat. and its village powers and its statutory authority over the regulation of public highways, do ordain as follows:

1. DEFINITIONS.

(A) LOCATE means to park or stop the Manure Distribution Equipment in any portion of the right-of-way, except for emergency purposes.

(B) MANURE DISTRIBUTION EQUIPMENT includes a frac tank, drag lines, and equipment used for the application of manure on fields. Frac tank is a large heavy gauge steel tank pulled by a tractor to a site used for the temporary storage of manure.

(C) MANURE SOURCE is the farm that produces the manure subject to distribution.

(D) MUTCD means the Manual of Uniform Traffic Control Devices located at <http://mutcd.fhwa.dot.gov/kno-millennium.htm>

(E) OPERATOR means the person in charge of operation of the Manure Distribution Equipment.

(F) OWNER means the legal owner of the Manure Distribution Equipment.

(G) RIGHT-OF-WAY means the right-of-way of all public highways under the jurisdiction of the Town of Liberty.

(H) TOWN means the Town of Liberty, Manitowoc County, Wisconsin

2. PERMIT REQUIRED.

(A) No person shall locate Manure Distribution Equipment within the right-of-way without first obtaining a permit from the Town Clerk.

(B) A permit application shall be completed on forms provided by the Town Clerk and shall be filed with the Town Clerk together with the application fee of \$100.00; evidence of insurance acceptable to the Town as required in section 2 (C); and such additional information as the Town may require.

(C) The minimum insurance requirements for obtaining a permit are:

(1) Farm or general liability - \$1,000,000 aggregate, \$500,000 per occurrence.

(2) Farm and/or business automobile coverage - \$500,000 each person/\$500,000 each accident for bodily injury and \$100,000 for property damage, or \$1,000,000 combined single limit for bodily injury and property damage for each accident.

(3) Pollution liability coverage - \$2,000,000 general aggregate/\$2,000,000 each occurrence limit.

(4) All insurance policies shall name the Town of Liberty as an additional insured. All insurance policies shall be issued by companies licensed to sell insurance in the State of Wisconsin. All insurance policies shall contain the provision requiring 30 days' advanced notice of cancellation.

(D) Each permit shall expire on December 31 of the year of issuance.

(E) Any person who previously held a permit and who was found to be in violation of the permit shall not be eligible for issuance of a subsequent permit except as determined by the Town Board with such requirements and conditions imposed to be in the best interest of the Town.

3. RULES OF OPERATION. The Owner and Operator of the Manure Distribution Equipment subject to a permit issued under this Ordinance shall comply with the following rules:

(A) Follow the Manual of Uniform Traffic Control Devices (MUTCD) for work zone signage and installation within the work zone. Signs shall be at least 48 inches x 48 inches with prismatic sheeting or higher grade intensity.

(B) Follow all requirements of the MUTCD pertaining to property flagging procedures. Flagging personnel shall be properly trained and outfitted with approved ANSI STD Class III garments.

(C) Hours of operation are daily from one-half (1/2) hour after sunrise to one-half (1/2) hour before sunset. Night hours may be permitted subject to additional restrictions as determined by the Town Board and compliance with all lighting requirements per MUTCD.

(D) No Manure Distribution Equipment shall be located on the right-of-way when not in operation for purposes of distribution of manure.

(E) Notify the Town Board and the Town Road Superintendent by email at least 1 hour^s before set up of the equipment and prior to removal from the site. The Owner/Operator shall notify the Town Road Superintendent if drag lines are located in the right-of-way.

(F) All Manure Distribution Tanks shall be lettered with the visible name of the Owner/Operator and telephone number.

4. DAMAGES. The Owner, Operator and Owner of the Manure Source shall be jointly and severally liable to the Town for all damages to the right-of-way, including the travelled surface, edge of roadway, shoulder, and ditch fore slope and back slope. Prior to utilizing the right-of-way under the Permit, the Owner and/or Operator shall notify the Town Board with photographs of any existing right-of-way damage. Failing such notice, or satisfactory evidence of existing right-of-way damage, all damages are presumed to be caused by the operation of the Manure Distribution Equipment pursuant to the Permit.

5. ENFORCEMENT. This ordinance shall be enforced by the Town Constable, Town Chairman or other persons designated by the Town Board. Failure to obtain a Permit or failure to comply with the terms of the Permit issued hereunder is a violation of this Ordinance. Each violation is punishable by a forfeiture of \$100 plus statutory costs and the costs of prosecution. Each day of violation is a separate offense. A conviction under this Ordinance shall result in denial of a future permit.

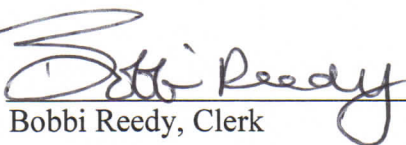
6. PERMIT FEE AMENDMENT. The amount of the permit fee may be changed by resolution of the Town Board.

7. SEVERABILITY. The provisions of this Ordinance are severable. If any provision of this Ordinance is found to be void or unconstitutional by a court of competent jurisdiction, such finding shall not affect the remaining portions of this Ordinance which will be deemed in full force effect.

8. EFFECTIVE DATE. This Ordinance is effective upon adoption and publication according to law.

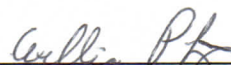
Adopted August 10, 2015

Attest:


Bobbi Reedy, Clerk

TOWN OF LIBERTY
TOWN BOARD

By:


William Pitz, Chairperson