

TOWN OF STOCKBRIDGE, CALUMET COUNTY, WISCONSIN  
LIQUID TRANSFER EQUIPMENT DRAFT III  
PERMIT ORDINANCE #2020-XX

The Town of Stockbridge is in charge of public Roads and road right-of-way within its jurisdiction and hereafter shall roads shall mean both the road and right-of-way;

and the Town Board is aware of the agricultural practices related to land application of Liquid involving the use of frac tanks and dump station and the need for their temporary location on public Roads near the receiving fields; and

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

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

Therefore, the Town Board of the Town of Stockbridge, Calumet County, Wisconsin, pursuant to Section 60.22, Wis. Stat. and its village powers and its statutory authority over the regulation of the public Roads, do ordain as follows:

1. **PERMIT REQUIRED**

- (A) No person shall Locate Liquid Transfer Equipment within the right-of-way without first obtaining a permit from the Town Road Supervisor.
- (B) An annual permit application shall be completed by the owner and/or operator of the Liquid Source and hereafter shall be referred to as the permit holder. The permit application can be obtained by applying at the town's website or by contacting the Road Supervisor during standard business hours to schedule an appointment. The application fee of \$100.00, site map with transfer site indicated not exceeding 400 linear feet and certificate(s) of insurance are due per calendar year and prior to review. Operating equipment for liquid transfer outside the approved site shall be non-compliance and subject to the same penalty as failing to apply for a permit. No proration will be made for a fractional term. The Road Supervisor may also require additional information including, but not limited to, Certificates of Insurance from all parties involved in the Liquid Transfer meeting the insurance requirements as stated below. The Road Supervisor shall have 5 business days to review a permit application from receipt of the application, fee by check and certificate(s) of insurance and issue the permit providing the application is in good order.
- (C) The minimum insurance requirements to obtain 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 \$1,000,000 for property damage, or \$1,000,000 combined single limit for bodily injury and property damage for each accident.
  - (3) Pollution liability coverage - \$1,000,000 general aggregate/\$1,000,000 each occurrence limit.

- (4) All insurance policies shall name the Town of Stockbridge 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 cancellation.
  - (D) Each Permit shall expire on December 31<sup>st</sup> of the year of issuance.
2. **RULES OF OPERATION.** The permit holder issued under this Ordinance shall comply with the following rules:
- (A) Notify the Town Road Supervisor by email prior starting any set-up for each hauling event identifying the specific site location and within 3 days after completing a hauling event. Any non-functioning equipment site for 3 days shall be deemed as completed and the equipment abandoned and subject to removal by town staff at the expense of the permit holder.
  - (B) At the Road Supervisor's request, the permit holder shall deliver a listing and a road map of the locations of all possible Liquid transfer sites (i.e. where Liquid Transfer Equipment may be placed before, during, and after transport) for review by the Town Road Supervisor to determine if any changes or restrictions are necessary. Such restrictions required by the Town Road Supervisor shall focus on improving traffic safety or road conditions. Such restrictions will be determined on a site by site basis.
  - (C) Follow the Manual of Uniform Traffic Control Devices (MUTCD) for work zone signage and installation within the work zone. All signs shall be at least 48 inches x 48 inches with prismatic sheeting or higher-grade intensity or such alternative signage approved by the Town Road Supervisor.
  - (D) Day and night Location operations will be permitted as long as all requirements of the MUTCD are met, as well as the proper usage of signage and flashing lights. However, night (i.e. one-half (1/2) hour before sunset until one-half (1/2) hour after sunrise) Location operation privileges may be restricted, suspended or revoked by the Town Board, as its sole discretion.
  - (E) Liquid Transfer Equipment may be Located on the right-of-way when not in operation as long as it is properly marked and such equipment is at least 18 inches from the road's pavement. However, no Liquid Transport Equipment may be placed closer than 250 feet from an intersection unless proper MUTCD procedures for flagging are followed.
  - (F) No more than four (4) Liquid transfer trucks, including the unloading truck, shall be located at a transfer site at any given time.
3. **RESPONSIBILITY FOR DAMAGES.** The permit holder shall be jointly and severally liable to the Town for all damages to the Road, right-of-way, including the travelled surface, edge of roadway, shoulder, and ditch for slope and back slope pursuant to s. 86.02 and s. 96.021, Wisconsin Statutes. Prior to utilizing the right-of-way under the Permit, the permit holder shall notify in print or email the Town Road Supervisor with photographs of any existing Road and/or right-of-way damage. Text notifications shall not be honored. By failing to provide such notice, or satisfactory evidence of existing Road and/or right-of-way damage, all damages shall be presumed to be caused by the permit holder. Road repair shall be completed by town personnel or Town approved contractors. The Town retains the right to assess landowners for non-payment by the permit holder.

4. **PENALTIES FOR FAILURE TO OBTAIN PERMIT AND/OR FAILURE TO FOLLOW RULES.**  
The enforcement of the ordinance and all other laws and ordinances relating to Liquid Transfer Equipment may be by means of one or more of the following: 1) the withholding of permits; 2) imposition of forfeitures; and/or 3) injunctive action. Forfeitures shall be not less than \$25.00 nor more than \$1,000 for each day of noncompliance.
  
5. **PERMIT FEE AMENDMENT.** The amount of the permit fee may be changed by resolution of the Town Board.
  
6. **SEVERABILITY.** The provisions of the 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.
  
7. **EFFECTIVE DATE.** This Ordinance shall be deemed adopted on XXXXXXXXXX and is effective upon publication according to law.
  
8. **DEFINITIONS.**
  - (A) LOCATE means to park or stop the Liquid Transfer Equipment in any portion of the right-of-way, except for emergency purposes.
  - (B) LIQUID TRANSFER EQUIPMENT includes frac tanks and/or dump stations used for the application of Liquid on fields. Frac tank is a large heavy gauge steel tank pulled by a tractor to a site for the temporary storage of Liquid.
  - (C) LIQUID SOURCE is the farm that produces the Liquid subject to transfer.
  - (D) MUTCD means the Manual of Uniform Traffic Control Devices located at <http://muted.fhwa.dot.gov/kno-millennium.htm>
  - (E) OWNER means the legal owner of the Liquid Transfer Equipment.
  - (F) RIGHT-OF-WAY means the right-of-way of all public Roads under the jurisdiction of the Town of Stockbridge.
  - (G) TOWN means the Town of Stockbridge, Calumet County, Wisconsin.

Adopted: \_\_\_\_\_, 2019

TOWN OF STOCKBRIDGE – TOWN BOARD

Attest: \_\_\_\_\_  
Steve Phipps, Town Clerk

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Kenneth Schaefer, Chairman