

ORDINANCE NO. 38
AN ORDINANCE TO REGULATE THE APPLICATE OF MANURE

Whereas the Board of County Commissioners of Hanson County has the authority pursuant to SDCL 7-8-20(15) to regulate sewers, cesspools and other unwholesome or nauseous and offensive mater of any kind; and

Whereas it is determination of the Board of Commissioners that livestock manure when spread on land under some circumstances becomes a nuisance or offensive thing or matter; and

Whereas it is the determination of the Board of Commissioners that it is in the best interest of the public to regulate the spreading of livestock manure so as to prevent it from becoming a nuisance this or matter;

NOW THEREFORE BE IT ORDAINED BY HANSON COUNTY, SOUTH DAKOTA AS FOLLOWS:

1. No person may apply livestock manure by surface application, within fifteen hundred feet (1500') of any occupied dwelling in Hanson County except after obtaining the written permission of the adult occupant thereof.
2. No person may apply livestock manure by knifing, within five hundred feet (500') of any occupied dwelling in Hanson County except after obtaining the written permission of the adult occupants thereof.
3. For purposes of this ordinance, "knifing" means any process of injection of livestock manure into the ground which results in the manure being placed at least five inches below the surface of the ground. Any process of injection or spreading which results in manure being injected less than five inches below the surface of the ground shall be deemed to be surface application for purposes of this ordinance.
4. A violation of this ordinance is determined to be a public nuisance.
5. Any person who violates section 1 or section 2 of this ordinance shall have committed a misdemeanor and shall be punished by a fine of not to exceed five hundred dollars or thirty (30) days in jail, or both such fine an imprisonment.
6. For purposes of this ordinance "person" shall be deemed to include any natural person, firm, partnership, corporation, limited liability company or other entity having the legal capacity to own property in this state.

Votes For: 3 Votes Against: 2
Ordinance adopted.

/s/Edward Engelmeyer
Chairman, County Commission

ATTEST:

/s/ Lesa Trabing
County Auditor

First Reading: August 20, 2013

Second Reading and Adoption: September 3, 2013

Published: September 12, 2013

Effective 20 day after publication.