

# Amendatory Ordinance

No. 2015-\_\_

## Amendment Creating Section 5-4 "Moratorium on Livestock Facilities Licensing" in Bayfield County Ordinance Title 5 "Public Safety"

**WHEREAS**, Wisconsin Statutes §59.03(2) provides that, except as elsewhere specifically provided in the statutes, the board of any county is vested with all powers of a local, legislative and administrative character; *and*

**WHEREAS**, Wisconsin Statutes §59.02(2) permits the enactment of ordinances by the County Board of Supervisors; *and*

**WHEREAS**, Wisconsin Statutes §59.69 authorizes the County Board of Supervisors to adopt regulations to promote public health, safety and general welfare; *and*

**WHEREAS**, Section 2-2-3, Code of Ordinances, Bayfield County, Wisconsin, authorizes County Board committees or individual supervisors to introduce proposed ordinances; *and*

**WHEREAS**, The Bayfield County Comprehensive Plan Update 2010, § 5, p. 28 states, in part, that:

Key concerns regarding the agricultural, natural and cultural resources in Bayfield County include:

- Preservation of rural character
- Segregation of agricultural uses from residential development
- Water quality
- Flood protection
- Open space and ecosystem protection

*and*

**WHEREAS**, Bayfield County residents and property owners have expressed concerns about the importance of preserving the quality of life, environment, and existing small-scale livestock and other agricultural operations of Bayfield County in contemplating the siting of large-scale livestock facilities in Bayfield County; *and*

**WHEREAS**, the Bayfield County Board of Supervisors adopted Chapter 2 [Livestock Facilities Licensing Ordinance] of Title 5 [Public Safety] of the Code of Ordinances, Bayfield County, Wisconsin on January 27, 2015 to comply with requirements of Sec. 93.90 of Wis. Statutes and ch. ATCP 51, Wis. Adm. Code (ATCP 51) and to establish standards and authority to protect public health and safety of the people of Bayfield County; *and*

**WHEREAS**, there is a need for adequate time to determine whether amendments to the Livestock Facilities Licensing Ordinance or creation of a Livestock Facilities Zoning Ordinance is necessary to adequately protect public health and safety and determine whether adequate resources exist to enforce any new or existing livestock facilities ordinance; *and*

**WHEREAS**, it is deemed to be in the best interest of the County of Bayfield to create Chapter 4 "Moratorium on Livestock Facilities Licensing" under Title 5 "Public Safety", Code of Ordinances, Bayfield County, Wisconsin; *and*

**WHEREAS**, it is deemed to be in the best interest of the County of Bayfield that the Code of Ordinances, Bayfield County, Wisconsin, be further modified and amended in the manner hereinafter set forth.

**NOW, THEREFORE**, the Bayfield County Board of Supervisors does hereby ordain as follows:

**Section 1.** Chapter 4 [Moratorium on Livestock Facilities Licensing] of Title 5 [Public Safety] of the Code of Ordinances, Bayfield County, Wisconsin is hereby created to read as follows:

## **Chapter 4 Moratorium on Livestock Facilities Licensing**

### **Sec. 5-4-1 Authority**

This ordinance is adopted pursuant to the powers granted under Wisconsin Constitution, and Wisconsin Statutes including but not limited to Section 59.02(2) and 59.69.

### **Sec. 5-4-2 Title and Purpose**

The title of this ordinance is the Moratorium on Livestock Facilities Licensing.

The purpose of this ordinance is to allow Bayfield County to impose a moratorium providing adequate time to study, review, consider and determine whether amendments to the Livestock Facilities Licensing Ordinance or creation of a Livestock Facilities Zoning Ordinance is required to protect public health or safety in Bayfield County in light of the unique environment and the key concerns identified in the Bayfield County Comprehensive Plan Update 2010. Further, the imposition of a moratorium will allow Bayfield County to determine whether it has adequate resources to enforce any new or existing livestock facility ordinance.

### **Sec. 5-4-3 Adoption**

This ordinance, adopted by a majority vote of the Bayfield County Board of Supervisors with a quorum present and proper notice having been given, provides for the imposition of a moratorium on the licensing of new livestock facilities that will have 1,000 or more animal units, and on the licensing of pre-existing livestock facilities that are undergoing an expansion if the number of animal units kept at the expanded facility will be 1,000 or more, provided that the moratorium does not apply to an applicant who has acquired legally vested rights to the issuance of a license prior to the adoption of this ordinance.

### **Sec. 5-4-4 Definitions**

All definitions located in Section 5-2-3 of the Bayfield County Code of Ordinances are hereby adopted and incorporated as if fully set forth herein.

### **Sec. 5-4-5 Moratorium Imposed**

The Bayfield County Board of Supervisors hereby imposes a moratorium on the licensing of new livestock facilities that will have 1,000 or more animal units and on the licensing of pre-existing livestock facilities that are undergoing an expansion if the number of animal units kept at the expanded facility will be 1,000 or more, provided that the moratorium does not apply to an applicant who has acquired legally vested rights to the issuance of a license prior to the adoption of this ordinance.

### **Sec. 5-4-6 Action and Study During Moratorium**

The Bayfield County Board of Supervisors hereby creates a 9-person special study committee which shall be known as the "Large-Scale Livestock Study Committee" and which shall consist of six (6) elected officials and three (3) interested Bayfield County residents and property owners. The six (6) elected officials on the Large-Scale Livestock Study Committee shall be as follows:

- County Board Chair or his or her designee
- County Vice Chair or his or her designee
- Chair of County Health Committee or his or her designee
- Chair of County Planning and Zoning or his or her designee
- Chair of County Land Conservation Committee or his or her designee
- County Board Supervisor, at large

The Chairman shall receive applications from interested Bayfield County residents and property owners and from Board Supervisors interested in being part of the Large-Scale Livestock Study Committee. From those applications, the Chairman shall recommend three (3) interested Bayfield County residents or property owners and one (1) Supervisor at large for approval by the Bayfield County Board of Supervisors. Those individuals recommended by the Chairman and approved by a majority vote of the Board of Supervisors shall become part of the Large-Scale Livestock Study Committee.

The Large-Scale Livestock Study Committee shall, during the course of the moratorium imposed by this ordinance, research, analyze and synthesize scientific literature regarding the impact of large-scale livestock facilities on ground water, surface water and air quality, specifically as those issues apply in Bayfield County. The Large-Scale Livestock Study Committee is authorized to expend up to \$10,000, allocated from contingency to engage a qualified individual to conduct the research and analysis of scientific literature. Additional funds if needed must be approved by a majority of the Bayfield County Board of Supervisors.

The Large-Scale Livestock Study Committee shall report its recommendations on appropriate county-level regulatory approaches relative to the siting and/or operation of livestock facilities within Bayfield County to the full Bayfield County Board of Supervisors at least 30 days prior to the end of the moratorium adopted pursuant to this ordinance or as soon as the Committee has developed recommendations based upon its research, whichever comes soonest.

**Sec. 5-4-7 Duration of Moratorium**

This moratorium shall be in effect for a period of twelve months from the date this ordinance is passed by the County Board unless the County Board rescinds this moratorium at an earlier date, or until the Action and Study contemplated by Sec. 5-4-6 of this ordinance is complete and the County Board adopts amendments to the Livestock Facilities Licensing Ordinance, creates a Livestock Facilities Zoning Ordinance, or rescinds this moratorium. This moratorium may be extended for up to 6 more months by a majority vote of the Bayfield County Board of Supervisors, if necessary in order for the Large-Scale Livestock Study Committee to complete its responsibilities under Sec. 5-4-6.

**Section 2.** Except as specifically modified and amended by this ordinance, the Bayfield County Code of Ordinance shall remain in force and effect exactly as originally adopted and previously amended. All ordinances or parts of ordinances inconsistent with or in contravention of the provisions of this ordinance are hereby repealed.

**Section 3. SEVERABILITY.** If a court of competent jurisdiction adjudges any section, clause, provision, or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

**Section 4. EFFECTIVE DATE.** This ordinance shall take effect and be in full force from and after its passage.

Adopted by the Board of Supervisors of the County of Bayfield on the 18<sup>th</sup> day of February 2015.

By: Dennis L. Bernick

Attest: [Signature]

Date Published: \_\_\_\_\_