

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, 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.

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, 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 exceeds the applicable size threshold for a license under Chapter 4-2, Title 5 of the Bayfield County Ordinance.

Sec. 5-4-4 Definitions

All definitions located in Section 5-2-3 of the Bayfield County Ordinance 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 receipt of applications and the granting of licenses for new livestock facilities, and for pre-existing livestock facilities that are undergoing an expansion if the number of animal units kept at the expanded facility exceeds the applicable size threshold for a license under Chapter 4-2, Title 5 of the Bayfield County Ordinance.

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

[The Bayfield County Board of Supervisors hereby creates a 12-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 six (6) interested Bayfield County residents and property owners. The members of the 12-person special study committee shall be approved by a majority vote the Bayfield County Board of Supervisors at the next Board meeting after the passage of this ordinance.

The Large-Scale Livestock Study Committee shall, during the course of the

moratorium imposed by this ordinance, review research regarding livestock siting as it applies in Bayfield County. This shall include research regarding safety concerns for water, air and soil posed by livestock facilities in Bayfield County. The Large-Scale Livestock Study Committee may request from the Bayfield County Board of Supervisors permission to engage an environmental engineer, environmental consultant, or other expert or professional to conduct research the Committee deems necessary. Such a request must be approved by a majority of the Board.

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 60 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, whoever comes soonest.]

-OR-

[During the moratorium imposed by this ordinance the County Board or part thereof, an environmental engineer or environmental consultant engaged by the County Board, and/or any other special study committee on livestock siting or other expert or professional appointed by the County Board shall review or conduct research regarding livestock siting in Bayfield County. This shall include research regarding safety concerns for water, air and soil posed by livestock facilities.

A special study committee on livestock siting or, if no such committee is established by the County Board, the County Board itself shall collate the results of the research and discuss appropriate county-level regulatory approaches relative to the siting and/or operation of livestock facilities within Bayfield County at a meeting of the Bayfield County Board of Supervisors at least 60 days prior to the end of the moratorium adopted pursuant to this ordinance.]

Sec. 5-4-7 Duration of Moratorium

This moratorium shall be in effect for a period of _____ 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.

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 ____ day of
_____ 20__.

By: _____

Date Published: _____

Attest: _____