

Town of York

Green County, WI

Moratorium on Livestock Facilities Ordinance #16-01

WHEREAS, pursuant to authority granted under Wisconsin Statutes § 60.10(2), the Town Board of Supervisors of the Town of York is authorized to exercise powers of a village board under Wis. Stat. § 60.22(3);

WHEREAS, pursuant to Wis. Stat. § 61.34, the Town Board has the power to act for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, and other necessary or convenient means;

WHEREAS, Town residents and property owners have expressed concerns about the importance of preserving the quality of life, the environment, water quality, and existing small- scale livestock and other agricultural operations in the Town with respect to the potential impacts of large livestock facilities within the Town;

WHEREAS, there is a need for adequate time to determine whether creation of a Livestock Facilities Licensing Ordinance with requirements that are more stringent than state standards and/or other ordinances relevant to livestock facilities are necessary to adequately protect public health and safety and to determine whether adequate resources exist to enforce and administer any such ordinance; and

WHEREAS, it is deemed to be in the best interest of the Town of York to enact the “Moratorium on Livestock Facilities Ordinance”.

NOW, THEREFORE, the Town Board does hereby ordain as follows:

1) AUTHORITY

This ordinance is adopted pursuant to the powers granted under the Wisconsin Constitution, and the Wisconsin Statutes. Further, this ordinance is adopted pursuant to the powers granted to the Town Board under the grant of village powers pursuant to Wis. Stat. § 60.22(3) and the power to act for the protection of public health and safety under Wis. Stat. § 61.34.

2) TITLE

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

3) PURPOSE

The purpose of this ordinance is to allow the Town of York to impose a moratorium providing adequate time to study, review, consider and determine whether creation of a Livestock Facilities Licensing Ordinance with requirements that are more stringent than state standards and/or other ordinances relevant to

livestock facilities are necessary to protect public health or safety in the Town of York in light of the unique environment and characteristics of the area and the concerns expressed by Town residents and property owners. Further, the imposition of a moratorium will allow the Town of York to determine whether it has adequate resources to enforce a Livestock Facilities Licensing Ordinance and/or other ordinances relevant to livestock facilities.

4) DEFINITIONS

All definitions located in the Chapter ATCP 51 of the Wisconsin Administrative Code are hereby adopted and incorporated by reference as if fully set forth herein.

5) MORATORIUM IMPOSED

A moratorium is hereby imposed on new livestock facilities within the town that will have 750 or more animal units and on the expansion of any pre-existing livestock facilities that are undergoing an expansion if the number of animal units at the expanded facility will be 750 or more, provided that the moratorium does not apply to persons who have acquired legally vested rights prior to the adoption of this ordinance.

6) ACTION AND STUDY DURING MORATORIUM

The Town Board hereby tasks the Rural Land Conservation Committee to study the effects of large livestock facilities and to work in conjunction with the Town Board and the Town's Plan Commission.

The Rural Land Conservation Committee shall, during the course of the moratorium imposed by this ordinance, research, analyze, and synthesize scientific literature and research regarding the impact of livestock facilities with 750 or more animal units on ground water, surface water, air quality and other identified potential impacts, specifically as those issues apply in the Town of York.

The Rural Land Conservation Committee shall report its recommendations on appropriate regulatory approaches relative to livestock facilities with 750 or more animal units to the Town Board 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, whichever occurs earlier.

7) DURATION OF MORATORIUM

This moratorium shall be in effect for a period of twelve (12) months from the date this ordinance is adopted by the Town Board, unless the Town Board rescinds this moratorium at an earlier date, or until the Action and Study contemplated by this ordinance is complete and the Town Board creates a Livestock Facilities Licensing Ordinance and/or other ordinances relevant to livestock facilities or rescinds this moratorium. This moratorium may be extended for up to twelve (12) months by a majority vote of the Town Board, if necessary,

in order for the Rural Land Conservation Committee to complete its responsibilities under this ordinance.

8) SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to that end, the provisions of this ordinance are severable.

9) EFFECTIVE DATE

This ordinance shall take effect and be in full force from and after its passage.

Adopted this 12th day of April, 2016, by the Town Board of Supervisors of the Town of York by a vote of 3 aye and 0 nay.

Chairman: aye; 1st Supervisor: aye; 2nd Supervisor: aye

Dan Reeson
York Town Chairperson

Tim Czerwonka
1st Supervisor

Steve Hermanson
2nd Supervisor

Attested by the Town Clerk _____
Nancy Anderson
York Town Clerk

This ordinance was filed in the office of the Town Clerk and properly posted or published as required by law on the 13th day of April, 2016

_____ York Town Clerk

Signed copy kept at the Clerk's office.