

Amendment Creating Section 6-2 “Temporary Moratorium on Livestock Facilities” in Iron County Code of Ordinances Title 6 “Public Health Nuisances”

WHEREAS, Wisconsin Statutes §59.03(2)(a) 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, including the subject matter of health; *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 ordinances and regulations to promote public health, safety and general welfare; *and*

WHEREAS, Section 2-1-4, Code of Ordinances, Iron County, Wisconsin, authorizes County Board committees or individual supervisors to introduce proposed ordinances; *and*

WHEREAS, the Iron County Comprehensive Plan 2006, Section 8.17 pages 8-25 states, in part, that: The Land Use Element seeks to guide future growth away from areas of the community where natural constraints such as wetlands, steep slopes, and floodplains exist. It is also a primary function of this element and the plan in general to strive to preserve the unique rural character, reduce potential conflict, and enhance the quality of life for residents and visitors; *and*

WHEREAS, the Iron County Comprehensive Plan 2006, Section 5.5 pages 5-57 states, in part, that: Goal: Protect, conserve and encourage the efficient and responsible management of the unique forest, water, land and other natural resources of Iron County; *and*

WHEREAS, Iron 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 Iron County in contemplating the siting of large-scale livestock facilities in Iron County; *and*

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

WHEREAS, it is deemed to be in the best interest of the County of Iron to create Chapter 2 “Temporary Moratorium on Livestock Facilities” under Title 6 “Public Health Nuisances”, Code of Ordinances, Iron County, Wisconsin; *and*

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

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

Section 1. Chapter 2 [Temporary Moratorium on Livestock Facilities] of Title 6 [Public Health Nuisances] of the Code of Ordinances, Iron County, Wisconsin is hereby created to read as follows:

Chapter 2 Temporary Moratorium on Livestock Facilities

Sec. 6-2-1 Authority

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

Sec. 6-2-2 Title and Purpose

The title of this ordinance is the Temporary Moratorium on Livestock Facilities. The purpose of this ordinance is to allow Iron County to impose a moratorium providing adequate time to study, review, consider and determine whether amendments to the Land Use Ordinance, or creation of a Livestock Facilities Licensing Ordinance or creation of a Livestock Facilities Zoning Ordinance is required to protect public health, welfare or safety in Iron County in light of the unique environment and the key concerns identified in the Iron County Comprehensive Plan 2006. Further, the imposition of a moratorium will allow Iron County to determine whether it has adequate resources to enforce any new and/or existing livestock facility ordinances.

Sec. 6-2-3 Adoption

This ordinance, adopted by a majority vote of the Iron County Board of Supervisors with a quorum present and proper notice having been given, provides for the imposition of a temporary moratorium on new livestock facilities that will have 1,000 or more animal units, and on the permitting 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. 6-2-4 Definitions

All definitions located in Section 6-1-2 of the Iron County Code of Ordinances are hereby adopted and incorporated as if fully set forth herein.

Sec. 6-2-5 Temporary Moratorium Imposed

The Iron County Board of Supervisors hereby imposes a temporary moratorium on new livestock facilities that will have 1,000 or more animal units and on 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. 6-2-6 Action and Study During Temporary Moratorium

The Iron County Comprehensive Planning and Zoning Committee will be undertaking a revision of the Iron County Comprehensive Plan in 2015 and 2016. During this time period the Shoreland Regulation section of the Iron County Land Use Ordinance will also be revised. As part of the Comprehensive Plan Revision, the Planning and Zoning Committee will be working with the Iron County Land and Water Conservation Committee to update the Iron County Farm Land Preservation Plan. Within these three processes, the County will investigate the impacts of large-scale livestock facilities on ground water, surface water and air quality, specifically as those issues apply in Iron County.

The Planning and Zoning Committee shall, during the course of the temporary 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 Iron County. The Planning and Zoning Committee is authorized to expend funds available within its budget to conduct the research and analysis of scientific literature. Additional funds, if needed, must be approved by a majority of the Iron County Board of Supervisors.

The Planning and Zoning Committee shall report its recommendations on appropriate county-level regulatory approaches relative to the siting and/or operation of livestock facilities within Iron County to the full Iron County Board of Supervisors at least 30 days prior to the end of the temporary moratorium adopted pursuant to this ordinance, or as soon as the Committee has developed recommendations based upon its research, whichever comes soonest. As a part of its recommendations, the Planning and Zoning Committee may proceed, in accordance with applicable law, with the drafting and recommendation of amendments to the Iron County Land Use Ordinance, a Livestock Facility Licensing Ordinance, or a Livestock Facility Zoning Ordinance.

Sec. 6-2-7 Duration of Temporary Moratorium

This temporary moratorium shall be in effect for a period of twelve (12) months from the date this ordinance is passed by the County Board, unless the County Board rescinds this temporary moratorium at an earlier date, or until the Action and Study contemplated by Sec. 6-2-6 of this ordinance is complete and the County Board adopts amendments to the Iron County Land Use Ordinance, creates a Livestock Facilities Licensing Ordinance, creates a Livestock Facilities Zoning Ordinance, or rescinds this temporary moratorium. This temporary moratorium may be extended for up to 12 more months by a majority vote of the Iron County Board of Supervisors, if necessary in order for the Planning and Zoning Committee and Land and Water Conservation Committee to complete its responsibilities under Sec. 6-2-6.

Section 2. Except as specifically modified and amended by this ordinance, the Iron County Code of Ordinances 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 Iron on the ____ day of _____ 20__.

By: _____

Date Published: _____

Attest: _____