

Amendment Creating Section 6-3 “Temporary Moratorium on the Importation and Raising of Cervids” 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 Asset Based Community Development Plan 2018, Section 6-21 states, in part, that: the presence of a diversified, healthy wildlife base benefits county residents and visitors and the health and abundance of these resources is intimately linked to nearly all other facets of community development 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 a healthy population of wild cervids, including but not limited to deer, elk, moose; *and*

WHEREAS, Chronic Wasting Disease, CWD, has been recognized as a threat to Wisconsin’s wild and captive cervid populations and has been verified to occur and affect a majority of Wisconsin counties and at present is not known to be in Iron County cervid populations, and where a suspected link between captive and wild occurrences of CWD has been established; *and*

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

WHEREAS, it is deemed to be in the best interest of the County of Iron to create Chapter 3 “Temporary Moratorium on Importation and Raising of Cervids” 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 3 [Temporary Moratorium on Importation and Raising of Cervids] of Title 6 [Public Health Nuisances] of the Code of Ordinances, Iron County, Wisconsin is hereby created to read as follows:

Chapter 3 Temporary Moratorium on Importation and Raising of Cervids

Sec. 6-3-1 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. 6-3-2 Title and Purpose

The title of this ordinance is the Temporary Moratorium on Importation and Raising of Cervids. 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 an Importation and Raising of Cervids Licensing Ordinance or the creation of an Importation and Raising of Cervids Zoning Ordinance is required to protect public health, welfare or safety in Iron County in light of the unique environment and the key correlations in community development identified in the Iron County Asset Based Community Development Plan 2018. Further, the imposition of a moratorium will allow Iron County to determine whether it has adequate resources to enforce any new or existing regulations for importing or raising of cervids ordinances.

Sec. 6-3-3 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 Importation and Raising of Cervids, 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. 6-3-4 Definitions

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

Sec. 6-3-5 Temporary Moratorium Imposed

The Iron County Board of Supervisors hereby imposes a temporary moratorium on new importation and raising of cervids, 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. 6-3-6 Action and Study During Temporary Moratorium

The Iron County Board of Supervisors shall set up a study committee which shall be known as the “Communicable Disease in Cervids Study Committee” and which shall consist of elected officials, resource professionals and Iron County residents and property owners.

The Communicable Diseases in Cervids Study Committee shall, during the course of the temporary moratorium imposed by this ordinance, research, analyze, gather and review scientific literature regarding the impact of communicable diseases of captive and wild cervids on other animals, human beings, and on soil, 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 Communicable Diseases in Cervids Study Committee shall report its recommendations about appropriate county-level regulatory approaches to the importation and raising of cervids within Iron County and the concerns regarding communicable diseases to the full Iron 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, whichever comes first. As part of its recommendations, the Planning and Zoning Committee may proceed, in accordance with the applicable law, with the drafting and recommendation of amendments to the Iron County Land Use Ordinances, with the drafting and recommendation of amendments to the Iron County Land Use Ordinance, an Importation and Raising of Cervids Licensing Ordinance, or an Importation and Raising of Cervids Zoning Ordinance.

Sec. 6-3-7 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 study outlined in subsection 6-3-6 of this ordinance is completed and the County Board adopts amendments to the Iron County Land Use Ordinance, creates an Importation and Raising of Cervids Licensing Ordinance, creates a Importation and Raising of Cervids Zoning Ordinance, or rescinds this moratorium. This 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 Study Committee and the Planning and Zoning Committee to complete its responsibilities under 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 and 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 in be in full force from and after its passage.

Adopted by the Board of Supervisors of the County of Iron of the _____ day of _____ 20__.

By: _____

Date Published: _____

Attest: _____

DRAFT