

**Town of Harmony
Vernon County, WI
Moratorium on Livestock Facilities/Concentrated Animal Feeding Operation Facilities
Ordinance #2018-01**

WHEREAS, pursuant to authority granted under Wisconsin Statutes § 60.10(2), the Town Board of Supervisors of the Town of Harmony 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/Concentrated Animal Feeding Operation Facilities 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 Harmony to enact the “Moratorium on Livestock Facilities/Concentrated Animal Feeding Operation 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/Concentrated Animal Feeding Operation Facilities.

3) PURPOSE

The purpose of this ordinance is to allow the Town of Harmony to impose a moratorium providing adequate time to study, review, consider and determine whether creation of a Livestock Facilities/Concentrated Animal Feeding Operation Facilities 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 Harmony 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 Harmony to determine whether it has adequate resources to enforce a Livestock Facilities Licensing/Concentrated Animal Feeding Operation Facilities 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/Concentrated Animal Feeding Operation Facilities within the town that will have 250 or more animal units.

6) ACTION AND STUDY DURING MORATORIUM

The Town Board hereby plans to create and task a (RLCWG) - Rural Land Conservation Working Group consisting of the town board and residents to study the effects of large livestock facilities.

The Rural Land Conservation Working Group 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/Concentrated Animal Feeding Operation Facilities with 250 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 Harmony.

The Rural Land Conservation Working Group shall report its recommendations on appropriate regulatory approaches relative to Livestock Facilities/Concentrated Animal Feeding Operation Facilities with 250 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 Working Group 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/Concentrated Animal Feeding Operation Facilities 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 Working Group 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 18th day of January, 2018, by the Town Board of Supervisors of the Town of Harmony by a vote of aye and nay.

Lorn Goede, Town of Harmony Chairman

Charles Gartner, Supervisor I

Keith Bauer, Supervisor II

Attested by the Town Clerk _____

Brenda Hass, Town of Harmony Clerk

This ordinance was filed in the office of the Town Clerk and properly posted or published as required by law on the 12st day of January, 2018

_____ Town of Harmony Clerk

Signed copy kept at the Clerk's office.