

ORDINANCE

Number: 2025-~~XXX~~ 02

AN ORDINANCE TO IMPOSE A TEMPORARY MORATORIUM ON THE EXPANSION AND CREATION OF LARGE-SCALE LIVESTOCK FACILITIES

Town of Big Bend, of Rusk County does ordain as follows:

SECTION 1. Reasoning. The Federal Clean Water Act, 33 U.S.C. § 1251 et. seq. (1972), established the law for regulating discharges of pollutants into the waters of the United States.

The Clean Water Act is partially encoded into Wisconsin State law under Wisconsin Administrative Code Chapter NR140, Groundwater Quality, and clearly establishes the levels of pollutants, including nitrates, which must be met before a Wisconsin Pollution Discharge Elimination System (WPDES) permit can be issued.

Chapter NRI 40 prohibits the issuance of a WPDES permit if groundwater nitrate levels are 10mg/L or greater and health is impacted.

The current Town of Big Bend Code of Ordinances regarding large-scale livestock facilities may not adequately protect the health, safety and welfare of Town or adjacent Town residents. It is critical that necessary and appropriate safeguards be in place before large-scale livestock facilities commence or expand in the Town of Big Bend.

SECTION 2. Authority. This ordinance is adopted pursuant to the powers granted under the Wisconsin Constitution, and Wisconsin Statutes including but not limited to Sections 59.02(2), 59.03(2)(a) and 59.69.

SECTION 3. Purposes. The purposes of this ordinance are as follows:

1. To allow the Town of Big Bend to investigate the impacts of large-scale livestock facilities on groundwater, surface water and air quality, specifically as those issues apply in the Town of Big Bend.
2. To allow the Town of Big Bend adequate time to review current ordinances, to study and determine whether amendment of existing ordinances, and/or creation and adoption of other ordinances applicable in the Town is appropriate. The goal is to protect the water resources, public health, safety and welfare of all Town residents and the quality of land, air and water resources for generations to come.

SECTION 4. Definitions.

1. Livestock facility - A feedlot, dairy farm or other operation where livestock are or will be fed, confined, maintained or stabled for a total of 45 days or more in any 12-month period. A livestock facility includes all of the tax parcels of land on which the facility is located but does not include the pasture or winter grazing areas. Related livestock facilities are collectively treated as a single livestock facility except that an operator may elect to treat a separate species facility as a separate livestock facility.
2. Related livestock facilities - livestock facilities that are owned or managed by the same person, related to each other in at least one of the following ways:
 - a. They are located on the same tax parcel or adjacent tax parcels of land.
 - b. They use one or more of the same livestock structures to collect or store manure.
 - c. At least a portion of their manure is applied to the same land spreading

acreage.

3. **Separate species facility.** A livestock facility that meets all the following criteria:
 - a. It has only one of the following types of livestock and that type of livestock is not kept on any other livestock facility to which the different species facility is related under sub 2: Cattle, swine, poultry, sheep, goats or mink and other fur bearing animals.
 - b. It has no more than 1,000 animal units.
 - c. Its livestock housing and manure storage structures if any, are separated from the livestock housing and manure storage structures used by livestock facilities to which it is related under sub2.
 - d. It meets one of the following criteria:
 1. Its livestock housing and manure structures, if any, are located at least 750 feet from the nearest livestock housing or manure storage used by a livestock facility to which it is related under sub2.
 2. It and other livestock facilities to which it is related under sub 2 have a combined total of fewer than 1,000 animal units.
4. **Large scale livestock facility**-A livestock facility which houses 1,000 animal units or more.
5. **Animal units** - measure equivalencies between animal types as established by section NR 243.05, Wis. Adm. Code. For example, 1,000 beef cattle, 715 milking cows, or 200,000 chickens are each equivalent to 1,000 animal units.
6. **Expansion** - an increase of 20% or greater in the number of animal units fed, confined, maintained, or stabled.

SECTION 5. Moratorium Imposed.

The Town of Big Bend hereby imposes a moratorium on the establishment of all new large-scale livestock facilities that will have 1,000 or more animal units, and/or the expansion of currently existing livestock facilities if the number of animal units kept at the expanded facility will be 1,000 or more, except as provided in Section 6 of this ordinance.

SECTION 6. Exception.

The moratorium imposed herein shall not apply to existing facilities who are not currently expanding, or to applicants who have submitted completed permit applications to establish or expand a livestock facility of 1,000 or more animal units as of the date of adoption of this ordinance. The moratorium imposed herein shall not apply to existing facilities needing to undertake emergency repairs to existing Animal Waste Storage Facilities as allowed under Section 17.04.080 (B) of the Town of Big Bend Code of Ordinances. Any subsequent expansion not included in such applications shall be subject to the moratorium.

SECTION 7. Duration of Moratorium.

This moratorium shall be in effect for a period of twelve (12) months from the date this ordinance is passed by the Town of Big Bend Board unless the Town Board rescinds this moratorium at an earlier date.

SECTION 8. Action and Review During Moratorium.

The Town Board hereby directs the Zoning and Ordinance Committee to:

1. Review and analyze existing state and local regulations and ordinances regarding the impact large-scale livestock facilities of 1,000 animals or more may have on groundwater, surface water, air quality, public health as these issues apply to the Town of Big Bend.
2. Identify areas where new regulations may be needed, where current regulations need to be modified, and where enforcement of current regulation is inadequate to protect the groundwater, surface water, air quality, public health and safety.
3. Identify who has monitoring and citation authority to ensure applicable regulations are followed.

SECTION 9. Severability.

If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

SECTION 10. Effective Date.

This ordinance shall take effect upon passage and publication as provided by law. This ordinance shall not be codified.

ENACTED: February 5, 2025

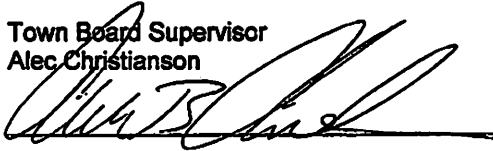
Town of Big Bend Chairman
Tom Meisner

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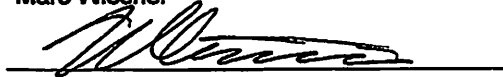
Sandy Rassbach
Clerk

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Town Board Supervisor
Alec Christianson

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Town Board Supervisor
Marc Wiesner

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