

TOWN OF BONE LAKE

ORDINANCE 2021-01

MORATORIUM ON CONCENTRATED ANIMAL FEEDING OPERATIONS

The Town Board of the Town of Bone Lake, Polk County, Wisconsin, does hereby ordain as follows:

WHEREAS, the purpose of a CAFO Permitting Ordinance is to effectively, efficiently and comprehensively regulate the operation of Large-Scale Concentrated Animal Feeding Operations of 1,000 animal units or greater in the Town of Bone Lake, without respect to siting, to protect public health (including human and animal health), safety and general welfare, to prevent pollution and the creation of private nuisances and public nuisances, and to preserve the quality of life, environment and existing small-scale livestock and other agricultural operations in the Town of Bone Lake and to achieve water quality standards within the Town of Bone Lake;

WHEREAS, the Town of Bone Lake Town Board believes it is in the best interest of our residents and the public health, safety and general welfare of our residents to continue to study the possible impacts of any future issuance of permits under a proposed CAFO Permitting Ordinance, as well as the required conditions that may be imposed under such a proposed CAFO Permitting Ordinance;

WHEREAS, the Town of Bone Lake Town Board finds that a moratorium is necessary to allow the Town of Bone Lake adequate time to complete a study of the possible impacts that the issuance of permits under a proposed CAFO Permitting Ordinance may have on the safety, health and general welfare of the residents of the Town of Bone Lake, including impacts on water quality, air quality, public infrastructure, property values and the local economy;

WHEREAS, the Bone Lake Town Board finds that a moratorium is necessary to allow Town residents and other members of the public an opportunity to fully participate in the study of these impacts;

WHEREAS, given the unknown and irreparable harm that may be caused by the operation of CAFO's, the Town Board finds that immediate action is warranted; and,

WHEREAS, the Town Board wishes to impose a moratorium for only such time as is prudent and necessary to allow the Town of Bone Lake to complete this phase of its study, and;

WHEREAS, the Town Board expects this moratorium will need to be in place for at least one year from its effective date;

NOW, THEREFORE, in consideration of the aforementioned paragraphs, the Town Board of the Town of Bone Lake does ordain as follows:

SECTION 1 TITLE AND PURPOSE:

- 1.1 The title of this Ordinance is the Town of Bone Lake Ordinance to Impose a Moratorium on the Issuance of Concentrated Feeding Operation Permits.
- 1.2 Purpose. The purpose of the Moratorium is to promote meaningful implementation of the Town's proposed CAFO Permitting Ordinance and to protect the safety, health and general welfare of the residents of the Town, including impacts on the air quality, water quality, property values, public infrastructure and the local economy and is consistent with the findings made by the Town Board in its research of the issue.

SECTION 2 AUTHORITY:

The Town Board relies on Wis. Stat. 61.34, the general police powers of a village board, which have been conferred on the Town Board pursuant to Wis. Stat. 60.10(2)(c) and 60.22(3), and Wis. Stat. 60.23.

SECTION 3 MORATORIUM IMPOSED:

- 3.1 For the duration of the Moratorium the Town Board shall not consider or process any applications or requests for the issuance of permits.
- 3.2 The Town Board prohibits Town officials, employees, and/or consultants from accepting, reviewing or acting upon applications or other similar requests for approval of activities that will or are likely to result in violations of this Moratorium.
- 3.3 The Town Board withdraws the authority of any official or independent contractor to accept, review and/or act upon applications or other similar requests for approval of activities that are likely to result in violations of this Moratorium.

SECTION 4 DURATION OF MORATORIUM:

The Moratorium shall expire at the end of the year following the effective date of this ordinance unless the Moratorium is extended by the Town Board of Bone Lake.

SECTION 5 ACTION ANTICIPATED DURING MORATORIUM:

- 5.1 The Town Board shall complete a comprehensive review of the possible impacts of the issuance of any permits under a proposed CAFO Permitting Ordinance.
- 5.2 The Town Board may, at its discretion, retain experts, including but not limited to experts in the field of geology, soils, hydrology, immunology, public health, law, engineering, real estate, environmental protection and air quality.
- 5.3 The Town Board shall provide opportunities for public participation throughout the process, and consider the public health, safety and general welfare of Town residents during its review process.

5.4 The Town Board shall report its findings and recommendations to the public prior to the expiration of the Moratorium.

5.5 In accordance with applicable statutes and ordinances, the Town Board shall act upon its findings and the recommendations from Town residents and the Town's consultants.

SECTION 6 EFFECTIVE DATE AND PUBLICATION:

6.1 This Ordinance shall be effective upon adoption and publication as required by law.

6.2 The Town Clerk shall properly publish and post this Ordinance as required by law.

By signing below, we affirm that this Ordinance was adopted at a duly noticed meeting of the Town Board held on the 9th day of September, 2021.

Chairman-Andy Brown

Supervisor-Roger Neumann

Supervisor-Nancy Beduhn

Clerk- Ellen Gnan

Dated this 9<sup>th</sup> day of September , 2021