

**TOWN OF TRADE LAKE
BURNETT COUNTY, WISCONSIN**

**ORDINANCE NO. 2021-07
CONCENTRATED ANIMAL FEEDING OPERATIONS PERMIT MORATORIUM**

The Town Board of the Town of Trade Lake, Burnett County, Wisconsin, does ordain as follows:

WHEREAS, on January 9, 2020, the Town of Trade Lake ("Town") in Burnett County, Wisconsin, adopted Ordinance No. 01-2020 - Concentrated Animal Feeding Operations Ordinance ("CAFO Permitting Ordinance"). A copy of the adopting ordinance is attached as **Exhibit A** and incorporated by reference;

WHEREAS, the purpose of the 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 Trade 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 of the Town of Trade Lake and to achieve water quality standards within the Town of Trade Lake.

WHEREAS, the Town and its residents have invested a substantial amount of time, money and effort in the development of the CAFO Permitting Ordinance, and it is in the best interests of the Town and the public health, safety and general welfare of its residents to continue to study the possible impacts of the issuance of permits under the CAFO Permitting Ordinance;

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

WHEREAS, the 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 irreparable and unknown harm that may be caused by operation of CAFOs as defined by the CAFO Permitting Ordinance and the authorities referenced within the CAFO Permitting Ordinance as evidenced by Appendix A to the said Ordinance, 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 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 above Recitals, which are incorporated herein by reference, the Town Board of the Town of Trade Lake ordains as follows:

Section 1 -- TITLE AND PURPOSE:

1.1 Title. The title of this Ordinance is the Town of Trade Lake **Ordinance To Impose A Moratorium On Issuance Of Concentrated Feeding Operation Permits ("Moratorium" or "Ordinance")**.

1.2 Purpose. The purpose of the Moratorium is to promote meaningful implementation of the Town's CAFO Permitting Ordinance. A Moratorium is necessary for this phase of the study of the possible impacts that the issuance of permits under the CAFO Permitting Ordinance may have on the health, safety, and general welfare of the residents of the Town, including impacts on air quality, water quality, public infrastructure, property values, and the local economy as set forth in the Recitals and Appendix A of the CAFO Permitting Ordinance consistent with the findings made by the Town Board in the Recitals, each and all of which are incorporated herein by reference.

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 new applications or requests for the issuance of permits under the CAFO Permitting Ordinance unless expressly approved by the Town prior to enactment of this Moratorium.

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 are or are likely to result in violation(s) 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, other similar requests for approval of activities that are or are likely to result in violation(s) of this Moratorium.

Section 4--DURATION OF MORATORIUM:

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

Section 5--ACTION ANTICIPATED DURING MORATORIUM:

5.1 The Town Board shall complete a comprehensive review of the possible impacts of the issuance of permits under the CAFO Permitting Ordinance.

5.2 The Town Board may, at its discretion, retain experts, including but not limited experts in the fields of geology, hydrogeology, soils, immunology, public health, engineering, law, 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.

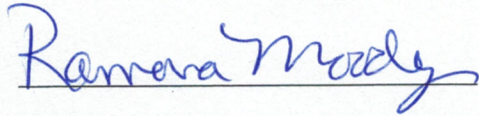
5.5 In accordance with applicable statutes and ordinances, the Town Board shall act upon its findings and the recommendations from Town residents and the Town's consultants.

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 this Ordinance as a Class 1 Notice or post this Ordinance in three locations as required under Wis. Stat. §60.80(1).

By signing below, we affirm that this Ordinance was adopted at a duly noticed meeting of the Town Board held on this 11th day of November, 2021.



Ramona Moody, Town Board Chair

ATTESTED BY:

By: _____

EXHIBIT A
CONCENTRATED ANIMAL FEEDING OPERATIONS ORDINANCE

See Attached.