TOWN OF ST. JOSEPH
ST. CROIX COUNTY, WISCONSIN

ORDINANCE NO. 2026-07

CONCENTRATED ANIMAL FEEDING OPERATIONS ORDINANCE

The Town Board of the Town of St. Joseph, St. Croix County, Wisconsin, does ordain as follows:

ARTICLE I – GENERAL PROVISIONS

Section 1. Authority

This Ordinance is adopted pursuant to the powers granted under Wisconsin Constitution, and Wisconsin Statutes including but not limited to Section 92.15. This Ordinance is further adopted pursuant to the powers granted to the Town Board under the grant of village powers pursuant to Sec. 60.22 of Wis. Statutes for the protection of public health, safety and general welfare and Sec. 66.0415 of Wis. Statutes, which allows a town to regulate "any industry, thing or place where any nauseous, offensive or unwholesome business is carried on."

Section 2. Purpose and Findings

A. Purpose: The purpose of this Ordinance is to effectively, efficiently and comprehensively regulate the operation of Large-Scale Concentrated Animal Feeding Operations of 500 animal units or greater ("CAFO") in the Town of St. Joseph (also referred to as "the Town"), 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 St. Joseph and to achieve water quality standards within the Town of St. Joseph. This Ordinance sets forth the procedures for obtaining and maintaining a CAFO Operations Permit for the operation of new and expanded livestock facilities in the Town of St. Joseph (sometimes referred to as "the Town").

B. Findings: The need for this Ordinance is based upon the Town's obligation to protect the health, safety and general welfare of the public and is based upon reasonable and scientifically defensible findings, as adopted by the Town Board, clearly showing that these requirements are necessary to protect public health and safety. Specifically, the Town finds there is ample scientific research and evidence establishing that CAFOs pose a significant risk to the integrity of the Town's groundwater, surface water, air quality, the health and well-being of its residents and local property values. These findings are based in part on the scientific articles and research studies discussed and listed below and in Appendix A and the maps specific to Town of St. Joseph in Appendix B.

1. On November 2, 2019, the American Public Health Association enacted a policy statement advising federal, state and local governments and public health agencies to impose a moratorium on all new and expanding CAFOs recommending a complete halt until additional scientific data has been collected and public health concerns associated with CAFOs are addressed.

2. CAFOs confine large numbers of animals of the same species-such as beef and dairy cattle, swine, broilers (poultry raised for meat consumption) and laying hens-on a small area of land. The scale, density, and practices associated with these operations present a range of public health and ecological hazards, including large volumes of untreated animal waste, the release of environmental contaminants to air, water, and soil, and the generation and spread of antibiotic-resistant pathogens. There is a significant body of evidence which shows CAFOs are directly associated with occupational and community health risks, as well as the social and economic decline of rural communities.

3. In 2010, the National Association of Local Boards of Health published a report identifying the following Environmental Health Effects of CAFOs:

    a. Groundwater
    b. Surface Water
    c. Air Quality
    d. Greenhouse Gas and Climate Change
    e. Odors
    f. Insect Vectors
    g. Pathogens
    h. Antibiotics
    i. Property Values
    j. Pollutants commonly found in air surrounding CAFOs include the following:

CAFO Emissions	Source	Traits	Health Risks
Ammonia	Formed when microbes decompose undigested organic nitrogen compounds in manure	Colorless, sharp pungent odor	Respiratory irritant, chemical burns to the respiratory tract. skin, and eyes, severe cough, chronic lung disease
Hydrogen Sulfide	Anaerobic bacterial decomposition of protein and other sulfur containing organic matter	Odor of rotten eggs	Inflammation of the moist membranes of eye and respiratory tract, olfactory neuron loss, death
Methane	Microbial degradation of organic matter under anaerobic conditions	Colorless, odorless. highly flammable	No health risks. Is a greenhouse gas and contributes to climate change.
Particulate Matter	Feed, bedding materials, dry manure, unpaved soil surfaces, animal dander, poultry feathers	Comprised of fecal matter, feed materials, pollen, bacteria, fungi, skin cells, silicates	Chronic bronchitis. chronic respiratory symptoms, declines in lung function, organic dust, toxic syndrome

h. Pathogens found in animal manure include the following:

Pathogen	Disease	Symptoms
Bacillus anthracis	Anthrax	Skin sores, headache, fever, chills, nausea, vomiting
Escherichia coli	Colibacilosis, Coliform mastitis-metritis	Diarrhea, abdominal gas
Leptospira pomona	Leptospirosis	Abdominal pain, muscle pain, vomiting, fever
Listeria monocytogenes	Listeriosis	Fever, fatigue, nausea, vomiting, diarrhea
Salmonella species	Salmonellosis	Abdominal pain, diarrhea, nausea, chills, fever, headache
Clostridium tetani	Tetanus	Violent muscle spasms, lockjaw, difficulty breathing
Histoplama capsulatum	Histoplasmosis	Fever, chills, muscle ache, cough, rash, joint pain and stiffness
Microsporum and *Trichophyton*	Ringworm	Itching, rash
Giardia lamblia	Giardiasis	Diarrhea, abdominal pain, abdominal gas, nausea, vomiting, fever
Cryptosporidium species	Cryptosporidiosis	Diarrhea, dehydration, weakness, abdominal cramping

4. Researchers at the Johns Hopkins Center for a Livable Future have found that the primary human health concerns related to industrial food animal production (IFAP) (also referred to as concentrated animal feeding operations (CAFOs)) include: infections resulting from transmission of harmful microorganisms from animal operations to nearby residents; respiratory effects from increased exposure to air pollution from animal operations; and multiple negative health impacts due to increased exposure to ground and/or surface waters that can be contaminated by manure from animal operations.

C. Disease Transmission: The poor conditions, including crowding, characteristic of industrial animal operations present opportunities for disease transmission among animals, and between animals and humans. [1-2] (Footnotes refer to sources listed in Appendix A, References.) Nearby residents may have an increased risk of infection from the transmission of harmful microorganisms from operations via flies or contaminated air and water. [3-9]

1. Of additional concern is exposure to pathogens that are resistant to antibiotics used in human medicine. Administering antibiotics to animals at levels too low to treat disease (non-therapeutic use) fosters the proliferation of antibiotic-resistant pathogens, and this practice is common in CAFOs. Resistant infections in humans

are more difficult and expensive to treat [10] and more often fatal [11] than infections with non-resistant strains. A growing body of evidence provides support that antibiotic-resistant pathogens are found on animal operations that administer antibiotics for non-therapeutic purposes [12-13] and are also found in the environment in and around production facilities, [13-15] specifically in the manure, [16-18] air, [13] and flies. [19]

2. Manure runoff from CAFO operations may introduce these harmful microorganisms into nearby water sources. [20] Land application of manure presents an opportunity for pathogens contained in the manure to leach into the ground or run off into recreational water and drinking water sources, potentially causing a waterborne disease outbreak.[17] This is of particular concern for residents who rely on private wells for drinking water and household use; [21] private wells are not monitored by government agencies to ensure safe levels of pathogens.

D. Air Pollution: Community members living near CAFO operations also face increased exposure to air pollution from these operations, which can cause or exacerbate respiratory conditions including asthma [22- 24], eye irritation, difficulty breathing, wheezing, sore throat, chest tightness, nausea [25], and bronchitis and allergic reactions.[23] Air emissions include particulates, volatile organic compounds, and gases such as nitrous oxide, hydrogen sulfide, and ammonia. [22,26] Odors associated with air pollutants from large-scale hog operations have been shown to interfere with daily activities, quality of life, social gatherings, and community cohesion [22, 27-29] and contribute to stress and acute increased blood pressure. [29-30]

E. Contaminated Ground and Surface Water: The increase in concentration of livestock and poultry and transition to large, high-density, confined animal feeding operations over the last several decades has resulted in the concentration of animal waste over small geographic areas.[17] Although animal manure is an invaluable fertilizer, waste quantities of the magnitude produced by CAFO operations represent a public health and ecological hazard through the degradation of surface and ground water resources.[17] (For example, a CAFO application recently submitted to St. Croix County, WI indicated that the proposed operator expected a single facility to generate in excess of 9 million gallons of manure per year and that it intended to dispose of that waste by spreading it on local farm fields.)

1. Manure from these operations can contaminate ground and surface waters with nitrates, drug residues, and other hazards, [6, 31-33] and studies have demonstrated that humans can be exposed to waterborne contaminants from livestock and poultry operations through the recreational use of contaminated surface water and the ingestion of contaminated drinking water. [32-34] Exposure to elevated levels of nitrates in drinking water is associated with adverse health effects, including cancers, [35-38] birth defects and other reproductive problems, [34,35,39,40] thyroid problems, [34-35] and methemoglobinemia. [34,41]

2. Nutrient runoff (including nitrogen and phosphorus) has also been implicated in the growth of harmful algal blooms,[17,42] which may pose health risks for people who swim or fish in recreational waters, or who consume contaminated fish and shellfish. Exposure to algal toxins has been linked to neurological impairments, liver damage, gastrointestinal illness, severe dermatitis, and other adverse health effects. [43-44] Given the impacts to health, safety and general welfare, the Town has an obligation to enact reasonable regulations on the operations of CAFOs.

3. In addition to the general impacts, the Town of St. Joseph has also determined that this Ordinance is necessary to achieve water quality standards under Wis. Stat. 281.15 which

are defined to protect the public interest including the present and prospective future use of the Town's water for public and private water systems, propagation of fish and aquatic life and wildlife, domestic and recreational purposes and agricultural, commercial, industrial and other legitimate uses.

4. The Town of St. Joseph waters and waterways include Perch Lake, Bass Lake, Willow River, Burkhardt Mill Pond, Little Falls Lake, St. Croix National Scenic Riverway: and various unnamed lakes, ponds, wetlands, and watershed districts. Bass Lake has a total of 370 acres with a large portion in the town of St. Joseph. It is a destination for boating, swimming and fishing as well as other water sports. Perch Lake, a 45-acre deep lake, is revered for its clarity and scuba diving. The Wisconsin Department of Natural Resources has designated Perch Lake and Bass Lake Outstanding and Exceptional Lakes. These resources are vitally important to its residents and the impacts of CAFOs on water systems, fish and aquatic life, agricultural, commercial and industrial uses require the Town's protection and regulation. Water contamination and impairment may result in detected levels of veterinary antibiotics, elevated levels of nitrates, elevated phosphorous levels and the presence of pathogenic organisms such as E.coli and salmonella.

    a. The Town of St. Joseph is located withing the Lower Willow watershed which is part of the St. Croix River Basin. The Lower Willow watershed is one of twenty-two Wisconsin watersheds in this basin. The Lower Willow covers 115 square miles and as recent as 2026, the Wisconsin DNR has listed the Willow River and Little Falls Lake as impaired riverways.

    b. Elevated nitrates in drinking water can be harmful to infants leading to various syndromes and the possibility of death. Low blood oxygen in adults can also lead to birth defects, miscarriages and poor general health.

    c. Parks within the Town consist of Willow River State Park, Eckert Blufflands Park on the St. Croix River, Homestead Park, Kolliner Park, St. Croix River Crossing, Town Hall Park and the Town of St. Joseph Nature Preserve. The Town of St. Joseph maintains the Perch Lake Boat Lauch, the Town Hall Park, and the Town of St. Joseph Nature Preserve.

4. The Town of St. Joseph Comprehensive Plan outlines the significant importance of protecting and preserving the Town Natural Resources. This was identified as one of the most important issues by Town residents. This issue was placed first because it is so vital to basic living and it was noted that groundwater is invisible and the Town’s natural resources help protect groundwater. All drinking water for The Town residents, businesses, and visitors comes from underground wells.

Before a CAFO may begin operation located within the Town of St. Joseph, it is imperative that the operational risks be analyzed, base lines be established to control medical risks and the monitoring of each risk be established for evaluation and appropriate review.

It is for these reasons the Town of St. Joseph enacts this Ordinance.

Section 3. Definitions

A. “**Applicant” or “Permit Holder**” refer to the entity seeking a CAFO Operations Permit under the terms of this Ordinance.

B. "**Animal Unit**" means a unit of measure used to determine the total number of single animal types or combination of animal types that are at an animal feeding operation. Animal units are calculated as defined in Wisconsin NR 243.05.

C. "**Large-Scale Concentrated Animal Feeding Operation" or "CAFO"** means:

1. a lot or facility, other than a pasture or grazing area, where 500 or more animal units have been, are, or will be stabled or, and will be fed or maintained by the same owner(s), manager(s) or operator(s) for a total of 45 days or more in any 12-month period. Two or more smaller lots or facilities under common ownership or common management or operation are a single Large-Scale Concentrated Animal Feeding Operation or CAFO if the total number of animals stabled or concentrated at the lots or facilities equal 500 or more animal units and at least one of the following is true:

    a. The operations are adjacent;

    b. The operations utilize common systems for the land spreading of manure or wastes;

    c. Animals are transferred between the lots or facilities;

    d. The lots or facilities share staff, vehicles, or equipment; or

    e. Manure, barnyard runoff or other wastes are commingled in a common storage facility at any time.

2. any lot or any facility that meets the above definition of "Large-Scale Concentrated Animal Feed Operation" regardless of location that uses land in the Town to manage waste

D. "**Operations"** means a course of procedure or productive activities for the purposes of conduction and carrying on the business of a CAFO including populating animal housing facilities, storing and managing animal and other waste materials, and conducting any other business activities related to the housing of animals or the storage and management and other waste materials. Operations shall specifically exclude non-animal related agricultural farming activities including planting, harvesting and haying. These non-animal related agricultural farming activities shall not be governed or otherwise regulated by this Ordinance.

E. "**Pollution**" means at least one of the following is true: (1) the contamination of the environment (air, water, and land) with substances and energy that cause harm to human health and ecosystems or (2) degradation that results in any violation of any environmental law as determined by an administrative proceeding, civil action, criminal action or other legal or administrative action investigation or proceeding.

F. "Private Nuisance" means a non-trespassory invasion of another's interest in the private use and enjoyment of land, and the invasion is either: (1) intentional and unreasonable, or (2) unintentional and otherwise actionable under the rules of controlling liability for negligent or reckless conduct, or for abnormally dangerous conditions or activities.

G. "Public Nuisance" means a thing, act, occupation, condition or use of property which shall continue for such length of time as to " (1) substantially annoy, injure or endanger the comfort, health, repose or safety of the public; (2) in any way render the public insecure in life, health or in the use of property; or (3) unreasonably and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage or public use any street, alley, highway, navigable body of water or other public way or the use of public property or other public rights.

Section 4. Permit Required

Regardless of siting, a livestock facility with 500 or more animal units shall be allowed to conduct operations within the Town of St. Joseph only as provided under this Ordinance. Applicants shall apply for a CAFO Operations Permit to operate in the Town of St. Joseph under this Ordinance prior to conducting any operations. Existing operations that exceed the 500-animal unit threshold will have one year from the date the ordinance is enacted to complete the permit application.

A. General Permits

1. A CAFO Operations Permit issued by the Town of St. Joseph is required for 1) new or 2) expanded livestock facilities that will operate with 500 or more animal units.

2. A CAFO Operations Permit is required for the expansion of a pre-existing or previously approved livestock facility if the number of animal units kept at the expanded livestock facility will meet or exceed 500 animal units.

Section 5. Permitting Administration

The Town Board shall administer this Ordinance and related matters thereto and shall have the authority to issue permits under this Ordinance, and to designate the local authority/ies to whom the Operator is required to submit all reports and notices; and shall have the authority to enforce the permit requirements, including immediate revocation of the permit for flagrant violations.

Section 6. Permit Application and Standards

A. The Applicant shall apply for a CAFO Operations Permit prior to conducting any operations associated with a Large-Scale Concentrated Animal Feeding Operation in the Town of St. Joseph. The application shall be submitted on a form provided by the Town Clerk-Treasurer.

B. The Town Board shall decide whether to approve and issue a CAFO Operations Permit to an Applicant that has submitted a complete application and paid the required application fee, after holding a public hearing on the application and considering any evidence concerning the application and the proposed operation presented by the Applicant and any other interested persons or parties, including members of the public and other governmental agencies or entities. The Town may need to retain special legal counsel and expert consultants to assess an application. If that occurs, the Applicant agrees to reimburse the Town for the actual cost of such special legal counsel and expert consultants hired by the Town Board to review the application and advise the Town Board. Those costs may exceed the application fee set forth in Section 7.

C. The Town Board shall approve and issue a CAFO Operations Permit, either with or without conditions, if it is determined by a majority vote of all members, supported by clear and

convincing evidence presented by the Applicant, that the operations as proposed, with or without conditions, will protect public health (including human and animal health), safety, and general welfare, prevent pollution and the creation of private nuisances and public nuisances, and preserve the quality of life, environment, and existing small-scale livestock and other agricultural operations. of the Town of St. Joseph, and that the Applicant and the application meet all other requirements of this Ordinance, including but not limited to St Croix County Zoning Authority for Chapter 16 Shoreland, Lower St. Croix River Overlay District, and Floodway Overlay District.

Section 7. Permit Application Fee

A non-refundable application fee per proposed animal unit payable to the Town of St. Joseph shall accompany an application for the purpose of offsetting the Town costs to review and process the application. See The Town Fee Schedule. The Town may reevaluate and adjust accordingly the amount of the application fee on an annual basis. Any excess funds collected for the purpose of offsetting the Town's costs to review and process the application will be refunded.

Section 8. Application Procedure

An Applicant for a CAFO Operations Permit shall complete a Town of St. Joseph CAFO Operations Permit Application and pay the required application fee. At the time the application is submitted, the Applicant must be an owner or officer of the corporate entity proposing to operate the CAFO and sign the application. The application must also be signed by the property owner, who agrees to be held by the same standards as the operator, and by one or more qualified and professionally licensed third-party engineers or geoscientists, approved by the Town, who attest that they have prepared or reviewed the plans and certify that they will meet the following performance requirements, as further clarified in the "conditions" section, below:

A. **Prevent the spread of infectious diseases** from the CAFO to other animals, livestock and humans;

B. **The CAFO Waste Management Plan** as implemented with engineered perimeter berms and liners, or equivalent or better containment measures, will prevent any obnoxious odors emanating from waste management activities, any discharge of contaminated runoff to surface water, and any seepage to ground water, including impacts to surface water and ground water from offsite management or disposal of animal wastes and that the CAFO has applied for and will not operate until it has received zero-discharge permit from the State, or in absence of action by the State, from the Town, a local zero discharge waste water and storm water permit(s);

C. **The Animal Population Control and Depopulation Plans** provide for the daily recording and reporting of animal counts and mortality and reporting to the Town of St. Joseph (the Town Board unless the Town Board has designated a person or committee to fulfill this function) within 24 hours of any unusual mortality, as defined in the plan, and that the provisions for managing the movement and transportation of livestock and animals, containment and treatment of bodily fluids from carcasses, and safe disposal of carcasses, will prevent the spread of disease to other livestock, animals, workers and other residents and humans in the area;

D. The Biosecurity and Animal Health Plan provides for:

1. the health and humane treatment of all animals; routine observation and testing for diseases of concern as defined in the plan;

2. the separation and quarantine of diseased animals;

3. the separation and quarantine of animals in contact with diseased animals;

4. euthanasia when required;

5. the handling and disposal of diseased animals, sufficient to prevent the spread of disease other animals and humans inside and outside of the facility;

6. for quarterly reporting of animal testing results;

7. plan-specified enforceable metrics;

8. confirmation by a third-party inspector (selected or approved of by the Town) that, based on plan-specified enforceable metrics, the livestock and conditions at the facility are healthy and that any deviations from the metrics and/or any detection of diseases of concern will be immediately reported to the local health department and Town- designated local authority;

9. adequate financing for and immediate implementation of emergency containment measures by third-party contractors (selected or approved of by the Town) that includes testing of workers and contractors who may have come into contact with diseased animals and other emergency measures in the event of an outbreak of disease, based on the latest authoritative disease containment guidance;

E. The Animal Transportation Plan, in combination with the biosecurity and animal health plans, will provide for the safe transportation of all livestock and animals to and from the CAFO, the disinfection of transport trailers and treatment of water used to disinfect trailers, the prevention of disease, and provide for coordination with local traffic and road authorities to assure their safe transport and prevent traffic accidents and to provide the necessary emergency response measures in the event of an accident;

F. The Water Use Plan is based on a thorough hydrogeologic characterization study, including identification of all onsite and nearby wells and springs, and artesian fed streams and water bodies (including ponds, wetlands, and lakes) within 5 miles, and that the planned use of water will have no impact, considering projected 50-year growth of population in the area, on the flow rate, extent, volume and storage capacity for any existing well or spring, or artesian fed water body within 2 miles of the CAFO and the quarterly reporting of water use to the local authority or their designated hydrogeologist. The Water Use Plan must include a procedure for metering of any wells utilized by the Applicant;

G. The Stormwater Plan will follow St Croix County Ordinance Chapter13, Land Division https://www.sccwi.gov/DocumentCenter/View/1109/Chapter-13-PDF?bidId=
This includes all stormwater management requirements in the Town Chapter 149 Roads, Driveways, Trails, Erosion and Sediment and Control and Right of Way Construction, as well as what the Town engineer deems necessary.

Stormwater Management and Erosion and Sediment Control plans shall meet or exceed the design criteria, standards and specifications and Best Management Practices identified in Chapter 13 SCC Ordinance for Land Division as well as what the Town engineer deems necessary.

H. The Odor and Toxic Air Pollution Prevention Plan will prevent the presence of odiferous smells noticeable to human olfactory and the detection of toxic air pollutants along the property boundaries and provides for adequate offsets, waste containment, air and odor emission control devices including particulate filters to prevent air pollution and the transmission of disease particles from the CAFO or offsite waste management area;

I. The Community Economic, Land Use and Property Value Assessment and Impact Study has been performed by a licensed appraiser and a qualified land use planner, is scientifically sound and concludes that there will be no negative impact to properties within 1 mile of the proposed CAFO, and a net positive benefit to the Town, including considering the risks of the operations on the public health, particularly in the case of a mass mortality event or a sudden loss of workforce.

J. The Construction, Fire and Road Plans, including signed engineered drawings for the measures required to meet the performance requirements of this ordinance and the measures specified in the plan have been submitted with the application, and include a fire-prevention/fire-fighting capacity/fire-water capacity needs analysis and the requisite fire water storage/fire prevention/fire-fighting equipment plans, as well as a traffic study and road improvement needs analysis and road traffic and roadway improvement plans, along with letters of conformance, on agency letterhead, stating that application-submitted plans are complementary with and are in conformance with the associated traffic and road plans and requirements of and from the local, regional, state and federal road and transportation authorities;

K. The Compliance Assurance Testing, Sampling and Monitoring Plan shall provide for an identified chain-of-command, including local authority incident commanders, for the reporting and correction, including emergency measures, of any and all deviation(s) from the plan's enforceable metrics, as well as the daily monitoring of all operations for compliance with the enforceable metrics identified in the plan, including inspection and sampling of storm water discharges, quarterly ground water monitoring at locations that will allow corrective actions and containment measures to prevent offsite migration or vertical migration of contamination, identification and verification of the efficacy of testing methods and quality assurance reviews of test results, and reporting within 24 hours of any and all deviations from compliance metrics to the owner, the third-party corrective measures contractor, and the local authorities identified in the local permit;

L. The Compliance Assurance Plan shall be updated annually and document that the prepared plans and procedures are based on sound science and: include an updated review of best practices and technologies and test methods; provide for specific compliance metrics to assure the performance requirements of the plans are met and the permit approval conditions are satisfied; provide for annual audits, inspections, and certification by qualified, experienced, and licensed Town engineer(s) (selected or approved of by the Town); and compliance with the procedures and provisions of the various operational plans;

M. CAFO's located outside of the Town and spreading waste in the Town are exempt from requirements in Section 8.A, D, E, F, H and I. In addition, they are exempt from the Construction and Fire Plan in Section 8.J.

N. Upon signing and submitting a CAFO Operations Permit Application to the Town Clerk-Treasurer, the Applicant shall unconditionally agree to fully compensate the Town for all legal services, expert consulting services, and other expenses which may be reasonably incurred by the Town in reviewing and considering the application, regardless of whether or not the application for a Permit is subsequently approved, with or without conditions, or denied by the Town Board. The Applicant shall submit an administrative fee as required by the Town.

O. Town application procedure

1. After receiving the application and the application fee, the Town Clerk Treasurer shall mail a notice that a CAFO Operations Permit Application has been received to all landowners within the Town of St Joseph and all clerks of the adjoining municipalities with the date and time of a Town Board meeting at which the application will be considered. The notice shall provide information on how interested persons and parties may inspect and obtain a copy of the application.

2. The Town Clerk-Treasurer shall place the application on the agenda for the next regular Town Board meeting for which required notice can be provided.

3. At a formal public hearing held by the Town Board on the application at least sixty (60) days after it has been determined to be complete, the Town Board shall consider any evidence concerning the application and the proposed CAFO presented by the Applicant and any other interested persons or parties, including members of the public and other governmental agencies or entities, and special legal counsel and expert consultants who may be hired by the Town to review the application and advise the Town Board. The Applicant agrees to reimburse the Town for the actual cost of special legal counsel and consultants hired by the Town Board to review the application and advise the Town Board.

4. Its review and consideration of a CAFO Operations Permit Application, the Town Board shall act in a quasi-judicial capacity, and its final decision on whether to approve and issue a CAFO Operations Permit, either with or without conditions, shall be based on written findings of fact and conclusions of law consistent with the provisions of this Ordinance, which shall be filed with the Town Clerk Treasurer and served on the Applicant by regular U.S. Mail.

5. The Town Board shall approve and issue a CAFO Operations Permit, either with or without conditions, if it determines by a majority vote of all members of the Town Board, supported by clear and convincing evidence presented by the applicant, that the operations of the proposed CAFO, with or without conditions, will protect health (including human and animal), safety, and general welfare, prevent pollution and the creation of private nuisances and public nuisances, and preserve the quality of life, environment, and existing small-scale livestock and other agricultural operations of the Town and that the application meets all other requirements of this Ordinance.

Section 9. Financial Surety

A CAFO Operations Permit shall require the Applicant and all contractors, subcontractors, agents and representatives, to ensure that sufficient funds will be available for pollution clean-up, nuisance abatement, and proper closure of the operation if it is abandoned or otherwise ceases to operate as planned and permitted, based on the following provisions:

A. A determination shall be made of the amount of financial assurance required by the scale of the operation.

1. As a condition of the permit, the required financial assurance shall be filed with the Town of St. Joseph in an amount sufficient to clean up environmental contamination if the same were to occur, to abate public nuisances caused by the operation, including but not limited to the testing and replacement of any potentially contaminated private and public wells and water supplies within the areas subject to operations, and to ensure proper closure of the operations should the Applicant elect to close or should closure occur for some other reason.

2. The amount of the financial assurance shall be based on a Closure/Cleanup/Decommissioning and Site Restoration Plan, sealed by a licensed engineer, and based on engineering estimates of the typical cost to address the contamination of ground water within a quarter-mile radius, the replacement cost for any wells or water supplies within a quarter mile, the remediation cost for 1/2 mile of the sediment of a receiving stream, and the complete removal, closure and restoration of the subject facility to approximate its original condition, including demolition based on a site-specific closure plan, including: assuming 1 foot of affected soil below all ponds, tanks, pipes and animal holding areas, and including a reasonable contingency based upon the uncertainty in the estimate as identified by the engineer.

3. Upon notification of the required financial assurance, but prior to commencing operations, the applicant shall file with the Town Clerk-Treasurer the financial assurance conditioned on faithful performance of all requirements for the permit.

4. Upon notification of finance assurance or deposit approval and conformance with permit conditions, the Applicant may commence operations.

B. The Applicant may deposit cash or irrevocable letters of credit established with a bank acceptable to the Town as the required financial assurance.

C. The Town may reevaluate and adjust accordingly the amount of financial assurance required on an annual basis.

Section 10. Conditions of Approval

A CAFO Operations Permit may be approved with conditions to protect public health (including human and animal health), safety, and general welfare, prevent pollution and the creation of private nuisances and public nuisances, and preserve the quality of life, environment, and existing small-scale livestock and other agricultural operations of the Town. To the extent not expressly or otherwise preempted by Wis. Stat. 93.90, and Wis. Admin. Code Ch. ATCP 51 or any other provision of state or federal law, such conditions may include, but are not limited to:

A. Conditions relating to the operational characteristics of the proposed operation, to protect public health, prevent point and non-point sources of air and water pollution, and prevent private nuisances and public nuisances;

1. Information Provided Pursuant to These Conditions and Consent to Conditions

2. As a condition of operating within the Town of St. Joseph, the Applicant agrees that the information required by the Town of St. Joseph to be produced and maintained, as set forth in these conditions, is not confidential, a trade secret or proprietary.

3. Any claim as to the confidential or alleged protected nature of the information referenced in these conditions is waived by the Applicant as a condition of operating in the Town of St. Joseph.

4. By submitting an application to operate in the Town of St. Joseph the Applicant acknowledges that the information provided pursuant to these conditions shall be accessible to representatives of the Town of St. Joseph, Representatives of St. Croix County and representatives of the State of Wisconsin and that this information may be made public on Town, County or State websites or in response to requests made under the Freedom of Information Act.

5. Furthermore, by accepting a Permit issued by the Town containing conditions imposed hereunder, the Applicant submits itself to the jurisdiction of the Town and agrees and consents to the terms of the conditions imposed hereunder.

6. Violations and Sanctions for Failure to Comply with Conditions: Violations of the Conditions contained in any Permit issued pursuant to the Town's ordinance may be enforced by the Town Board or any committee authorized by the Board to oversee CAFO operations.

    a. Violation of Conditions imposed by the Town of St. Joseph shall result in assessment to the Applicant of all costs required to investigate and remediate any damages caused by the violation. Violations of Conditions imposed by the Town of St. Joseph may also result in lump-sum penalties if the violation has been cured or daily penalties that accrue until the violation has been cured. Such lumpsum or accruing penalties may include the cost of professional monitoring or assessment by engineers or other technical experts retained by the Town to address the violation.

    b. Depending upon the nature and extent of the Violation of Conditions imposed by the Town of St. Joseph, the Town may withdraw the Applicant's Permit to operate until all violations have been cured. Serious or repeated Violations of Conditions imposed by the Town of St. Joseph may result in permanent withdrawal of an Applicant's Permit to operate.

7. False Statements or Misrepresentations: Any false statement or misrepresentation made by the Applicant in its application or in information provided to the Town, County or State in association with an application to operate a CAFO within the Town of St. Joseph shall be grounds for denial of a Permit.

8. Construction and Fire Plans**:** The Applicant must include signed engineering drawings for the measures required to meet the performance requirements of this ordinance and the measures specified in the plans submitted with the application.

    a. The Applicant shall include a fire-prevention/fire-fighting capacity/fire-water capacity needs analysis and the requisite fire water storage/fire prevention/fire-fighting equipment plans.

    b. Any other conditions deemed reasonably necessary or appropriate by the Town Board to effectively, efficiently, and comprehensively regulate the operations of a facility, to protect public health (including human and animal health), safety, and general welfare, prevent pollution and the creation of private nuisances and public nuisances, and preserve the quality of life, environment, and existing small-scale livestock and other agricultural operations of the Town, including provisions for adequate fire-fighting equipment and storage of adequate fire-fighting water based on a needs analysis approved by the Town and a Fire Safety Needs Analysis Plan that is annually reviewed and updated based on the following:

        (1) Guidelines from the National Fire Protection Association NFPA 1141: Standard for Fire Protection Infrastructure for Land Development in Wildland, Rural, and Suburban Areas;
        (2) Water Supply Needs Analysis based on guidelines included in NFPA 1142: Standard on Water Supplies for Suburban and Rural Fire Fighting;
        (3) Wildlands Fire Analysis based NFPA1144: Standard for Reducing Structure Ignition Hazards and Wildland Fires;
        (4) Animal Housing Analysis based on NFPA 150: Fire and Life Safety in Animal Housing Facilities Code.

B. Conditions relating to the management of animal and other waste that may be generated as part of an operations' ongoing operation, to protect public health, prevent point and non-point sources of air and water pollution, and prevent private nuisances and public nuisances;

1. In addition to the requirements stated below, see requirements for disposal of manure under Condition F.

2. Design: The production area shall be designed, operated and maintained to contain the entire design storage volume. To contain means to prevent any release of any pollutant from the area, including by leakage into groundwater.

3. Design storage volume means double the estimated volume of manure, litter and other processed waste waters accumulated during the storage period.

4. New facilities may not use outdoor lagoons.

5. The Waste Management Plan required by Section 8(a)(2) will include scientifically significant baseline data on the water quality of local human drinking and agricultural wells.
6. A site-specific assessment shall be done by a Professional Engineer.

7. Inspections: Each facility must conduct and record inspections of the production and storage areas (and as otherwise required of the fields where manure is deposited) according to the schedule and standards attached to this Permit.

a. Inspection records are public property and must be provided to listed authorities upon request and at least every 6 months.

b. Each facility must correct any identified deficiencies within 48 hours of discovery. Correcting an identified deficiency does not relieve the owner or operator of responsibility for reporting any Permit violation.

c. Dead animals shall be disposed of in a manner that prevents creation of a public health hazard. All handling practices shall be in accordance with all applicable state and local regulatory requirements. (See Condition C.)

d. Daily visual inspections for mortalities shall be performed, and mortalities shall be removed and disposed of upon discovery. (See Condition C.)

e. Clean water must be diverted, as appropriate, from the production area. Any clean water that is not diverted and comes into contact with raw materials, products or by-products including manure, litter, feed, or bedding are subject to the effluent limitations specified above.

f. Each facility must prevent direct contact of confined animals with the waters of the state or with land within 30 feet of the waters of the state.

g. Permit Holders must ensure that chemicals and other contaminants handled on-site are not disposed of in any manure, litter, or processing area or in any stormwater storage or treatment system unless specifically designed to treat such chemicals and other contaminants. (Ex. Pesticides and petroleum products).

8. Nutrient Management Plan (NMP)

a. Site Specific Conservation Practices: Site specific practices to be implemented include buffers or equivalent practices, to control runoff of pollutants to waters of the state, and specifically to minimize the runoff of nitrogen and phosphorus. The NRCS Practice Standard, Code 590, including residue management, conservation crop rotation, grassed waterways, strip cropping, vegetated buffers, riparian buffers, setbacks, terracing and diversions may be utilized to prevent runoff of pollutants.

b. Additional prevention of runoff attention must be given to areas at greater risk for erosion due to topography or increased potential to contribute to pollution of the waters of the state.

c. Injection or “knifing in” of manure onto local fields is required. No form of surface spraying shall be allowed.

d. Signed leases with disclosure of manure spreading to property owners receiving such are required for each property utilized for disposal/spreading of manure.

e. Disclosure of loss of any leases to the Town of St. Joseph Town Board.

f. Adherence to all record keeping requirements per separate document.

C. Conditions relating to the population and depopulation of individual animal housing facilities, to protect public health and prevent the spread of animal-borne and vector-borne disease, to assure a safe level of sanitation, and to assure human health hazard control or health protection for the community:

1. The Animal Population Control and Depopulation Plans provide for the daily recording and reporting of animal counts and mortality and reporting to the Town-designated local authority within 24 hours of any unusual mortality, as defined in the plan, and that the provisions for managing the movement and transportation of livestock, containment and treatment of bodily fluids from carcasses, and safe disposal of carcasses, will prevent the spread of disease to other livestock, animals, workers and other residents and humans in the area.

2. Applicants' depopulation plan shall include a three-step, or 3D, process - Depopulation, Disposal and Disinfectant. All or parts of this process shall apply to three circumstances:

   a. Standard mortality - The tonnage of dead animals produced annually by normal operations is substantial. For example, mortality rates in a typical 5,000 sow farrow-to-finish farming system run up to 10% and will produce over 200,000 pounds of carcasses annually. In many systems, losses may be higher. Horizontal integration of livestock agriculture systems can concentrate mortality losses into smaller and smaller geographic areas.

   b. Non-diseased animal catastrophe - The need for the 3D process can be triggered by catastrophic events such as the hurricanes, tornadoes or fire. In addition, CAFOs can be impacted by human pandemics. For example, chicken and hog CAFOs were forced to depopulate in 2020 when high worker Covid-19 infection rates shutdown processing plants.

   c. Diseased animal catastrophe - CAFO operators face disease outbreaks such as Foot-and-Mouth, Avian Influenza and Porcine Reproductive and Respiratory Syndrome (PRRS). Minnesota and Iowa have an especially virulent PRRS mutant affecting both sow and hog finishing barns. USDA earmarked $500 million in September 2021 in an effort to keep the global African Swine Fever outbreak from entering the country.

   d. Each part of the plan shall include, at a minimum the following components:

      (1) Removal of livestock/Euthanasia protocols.

      (2) Protocols for removal of any biohazardous materials, including but not limited to animals that have been euthanized from the facility, including the use of protective equipment, temporary storage of the carcasses outside the buildings during the removal.

      (3) Protocols for disposal of the carcasses or animal tissue (e.g., Composting on-site; Composting off-site; Burial; Burial above ground; Rendering; Incineration; Burning (mobile gasifier or similar). The plan shall include an estimate of the volume of animal carcasses (in pounds) expected annually and, once operations begin, actual numbers of the volume of animal carcasses (in pounds) shall be provided to the Town. Animal carcasses and related material must be removed promptly and frequently from the site so that they do not generate odors or excess

insect populations. When carcasses and related materials are removed from the site, the materials being removed must be in an enclosed truck or trailer to contain odors and ensure that debris does not fall out.

(4) If carcasses and related materials are to be composted, a composting plan must be approved by an environmental engineering firm (selected or approved of by the Town) to ensure the health and safety of the residents of the area. If the composting results in objectionable odor, the CAFO will have to use other means to dispose of the carcasses.

(5) Protocols for remediation of any pollution, including contaminated soils or waters and chemical disinfection of all contaminated structures, equipment, vehicles, and surfaces on the premises follows animal euthanasia and disposal and application of insecticides and rodenticides.

(6) Protocols for repopulating the facility with stock free of major diseases. Producers shall thoroughly analyze risk factors for herd re- infection as well as the level of biosecurity that can be maintained. Hog CAFOs located in swine-dense areas are at great risk for re-infection.

(7) No animal carcasses or related material may be hauled into the site from other locations.

(8) Protocol for the removal of equipment.

D. Conditions relating to biosecurity and the maintenance of animal health and welfare, to prevent the spread of animal-borne and vector-borne disease, to protect public health, and provide for animal safety and welfare;

1. In the context of animal agriculture, biosecurity is a series of management steps and practices implemented to prevent:

a. 1) the introduction of infectious agents, especially Foreign Animal Diseases (FAD), into a herd or flock; 2) the spread of these agents through the herd; and 3) the spread of these agents out of the herd to other animals or humans.

b. Each Applicant must produce an acceptable Biosecurity and Animal Health Plan. The Biosecurity and Animal Health Plan provides for the health and humane treatment of all animals, routine observation and routine testing for diseases of concern--as defined in the plan--and for the separation and quarantine of diseased animals and animals in contact with diseased animals, their euthanasia, and the handling and disposal of diseased animals, sufficient to prevent the spread of disease to workers, other livestock and animals and to humans.

c. The Biosecurity and Animal Health Plan must also provide for quarterly reporting by a third-party inspector of animal testing results and plan-specified enforceable metrics, confirmation that the livestock and conditions at the facility (based on plan-identified metrics) are healthy, any deviations from the metrics, and that any detection of diseases of concern will be immediately reported to the local health department and local authority.

d. The plan must provide for adequate financing and immediate implementation of emergency containment measures by third-party contractors, including testing of workers and contractors who may have come into contact with diseased animals, and other emergency measures in the event of an outbreak of disease, based on the latest authoritative disease containment guidance.

e. The movement of people and equipment among livestock farms is a primary route of transmission for disease. Inspection of cleanliness and disinfection of incoming transport vehicles may be necessary for the Biosecurity and Animal Health Plan to be effective. Mitigation strategies to tackle outbreaks go beyond ordinary preventative measures. Accordingly, strategies such as animal traceability, disease syndrome reporting, and analysis and risk-based herd health management should all be considered when preparing the Biosecurity and Animal Health Plan.

f. A strong biosecurity program is critical and must be properly implemented by the Applicant and not just developed as a plan on paper. The protocol shall include the following components:

(1) Utilization of technology needed to characterize rapidly evolving, highly pathogenic and efficiently transmitted viruses.

(2) A plan to notify the Town, County and State within 24 hours of the Applicant becoming aware of the presence of infectious agents, especially Foreign Animal Diseases (FAD), into a herd or flock, the spread of these agents through the herd, and out of the herd to other animals or humans.

E. Conditions relating to transportation of animals as part of the ongoing operations, to protect public health, prevent pollution, and prevent private nuisances and public nuisances;

1. General Use of the Roadways: The Applicant will prepare a Transportation Plan which shall include a traffic study, road improvement needs analysis and road traffic and roadway improvement plans, along with letters of conformance, on agency letterhead, stating that application-submitted plans are complementary with and are in conformance with the associated traffic and road plans and requirements of and from the local, regional, state and federal road and transportation authorities. The plan will also include the following elements:

2. Due to the recreational nature of the Town of St. Joseph and St. Croix River areas, and the large number of people that use our roads to walk, bike, ride ATVs and ride snowmobiles, all trucking and moving of materials in and out of the CAFO lot or facility will be done during standard business hours of 8:00 AM to 5:00 PM Monday through Friday. This includes the use of farm tractors and any other such vehicles. Exceptions for trucks or other agricultural vehicles entering or leaving the CAFO lot or facility before or after the standard business hours of 8:00 AM to 5:00 PM, where the trucks or other agricultural vehicles are involved in typical non-animal related agricultural farming activities including planting, harvesting and haying, may be approved as part of the applicant's Transportation Plan.

3. Exterior of trucks, tractors and all other farm vehicles when entering and leaving the CAFO lot or facility will be free from manure and other debris in order to keep the roadways roads clean and free from debris.

4. Livestock trucks will be designed and operated in such a way so that material will not fall from them.

5. All vehicles going in and out of the facility will comply with the cleaning and sterilization requirements contained in the Applicant's Biosecurity and Animal Health Plan.

6. Mandatory Transportation Log: The Applicant shall keep a log of all trucks entering and leaving the Applicant's facility that are used for transportation of livestock, manure, feed, other waste (including biological and non-biological waste), construction material, or any other material identified by the Town of St. Joseph as falling under this condition.

   The log shall include the following information:

   a. the date and time the vehicle entered and left the facility;
   b. identity of the owner and company name of the trucking company;
   c. the type of truck, including the weight per axle;
   d. the license plate number of the truck;
   e. the name of the insurance carrier insuring the vehicle and the insurance policy number;
   f. the name and driver's license number for the operator of the vehicle;
   g. the material being transported;
   h. where the truck came from and where its next stop will be;
   i. if the truck is hauling drugs or disinfectants, a detailed explanation of their intended use;
   j. if the truck is hauling live animals to the facility, where the animals came from, a copy of a certificate of health, the number of animals and their weight;
   k. if the truck is hauling live animals away from the facility, where the animals are going, a certificate of health, the number of animals and their weight;

7. Trucks hauling livestock have the risk of spreading diseases. To prevent the spread of disease, the Transportation Plan shall provide that all trucks shall be cleaned and washed with disinfectant before leaving the Applicant's CAFO facility. All wash water and cleaning materials will be considered to be infected and will have to be removed to an appropriate facility for treatment or storage of the contaminated water.

F. Conditions relating to protection of private and public drinking and agricultural wells, and other public water supplies, as part of an ongoing operation to protect public health, prevent pollution, and prevent private nuisances and public nuisances;

1. The Applicant will produce a Water Protection Plan that addresses protection of local wells, groundwater and surface water to protect the health, safety and welfare of the Town of St. Joseph residents and visitors. The water protection plan shall address the following:

2. The Applicant must disclose information regarding all wells that will be drilled or existing wells that will be utilized in its operation. The information shall include: 1) location; 2) depth; 3) pumping capacity; 4) rate of flow; and 5) ultimate use or purpose for the well. All wells utilized by the Applicant must be metered so as to effectively monitor the amount of water used by Applicant. The Town may place conditions on such wells to ensure that such wells do not cause significant environmental impact.

3. If the Applicant intends to dispose of manure by depositing the manure on local fields, whether those fields are within the Town of St. Joseph or outside of its boundaries, Applicant will provide executed field leases for each such property.

4. Each lease must explicitly disclose that the field is going to be used for the disposal of manure or other animal byproducts and must contain a provision allowing representatives of the Town, at its discretion, to enter the property to perform testing or inspection.

5. Any leases that lapse, are cancelled or otherwise become unenforceable shall be reported to the Town as soon as the change in status of the lease occurs. If the loss of a lease renders an Applicant unable to dispose of manure without complying with all of the conditions placed upon the Applicant, the Applicant shall find other acceptable methods of disposing of its manure or cease operations.

6. If the Applicant intends to dispose of manure by depositing the manure on local fields, whether those fields are within the Town of St. Joseph or outside of its boundaries, the amount of land used to spread waste as part of the Waste Management Plan in Section 8(a)(2) will be based on *spreadable* acres, not total acres.

7. If the Applicant intends to dispose of manure by depositing the manure on local fields, whether those fields are within the Town of St. Joseph or outside of its boundaries such manure must be injected or "knifed" into the ground or otherwise deposited below the surface of the field by other means. No surface spreading of any kind will be allowed.

8. Applicant may not deposit manure on any field where the water table is less than 24 inches from the surface.

9. Applicants may not deposit manure on fields that have slopes with a grade steep enough so that manure runs off into adjacent ditches, streams, lakes, or adjacent fields for which the Applicant does not have an executed field lease. The term "substantial" when used in this section means sufficient to adversely affect any pond, lake, stream, creak, river or wetland into which the manure may run off.

10. Applicant may not deposit manure on fields when weather conditions exist that might cause the manure to run off the field into adjacent ditches, streams, lakes, or adjacent fields for which the Applicant does not have an executed field lease. For example, where precipitation is occurring or expected, or where the ground is frozen.

11. Town is aware that there have been substantial failures, in Wisconsin and other states, of lines (pipes, hoses, etc.) transmitting manure to fields where the manure is applied. Such failures would be devastating in the Town of St. Joseph because of the number of waterways, wetlands, sensitive wildlife areas and the proximity to the St. Croix River, Willow River, numerous watersheds, lakes, ponds, and waterways within The Town. Accordingly, manure may not be transported in hoses, piping or other conduit running through or across drainage ditches, rivers, creeks, streams, ponds, lakes or wetlands.

12. Applicant must incorporate an emergency manure disposal procedure in its plan that provides for an alternative method of disposing of manure, other than knifing it into a farm field or depositing it below the surface of the field by other means, for occasions where weather conditions are not conducive to spreading manure or where the Applicant no longer has sufficient acreage upon which to deposit manure. Such an alternative

method may include, for example, approved waste treatment facilities. The Applicant should not expect to receive an exception to this condition.

13. In consultation with a qualified consultant, approved by or designated by the Town, the Applicant will provide the Town with a plan (and upon initiation of operations, effectuate that plan) for monitoring the groundwater on fields where manure is being spread. The consultant will determine the location, the frequency, and depth of groundwater test wells. Consultant will also determine how often test results need to be obtained. All test results for this and any other condition will be made available to the consulting expert, the Town of St. Joseph, representatives of St. Croix County and representatives of the State of Wisconsin.

14. If the Applicant intends to deposit manure on fields that are adjacent to ditches, streams, creeks, rivers, ponds lakes, wetlands or other bodies of water, whether those bodies of water are permanent or seasonal, Applicant shall, in consultation with a qualified consultant, (selected or approved by the Town) provide the Town with a plan (and effectuate that plan) for monitoring any surface waters that could be affected by the Applicant's operation.

G. Conditions relating to air emissions and dust control as part of an ongoing operation, to protect public health, prevent pollution and prevent private nuisances and public nuisances; The Applicant will submit an Air Emissions and Dust Control Plan that includes the following conditions:

1. In consultation with a qualified consultant, approved by or designated by the Town, the Applicant will provide the Town with a plan (and upon initiation of operations, effectuate that plan) for filtration of air exiting barns or other structures that are part of its operation.
2. The plan referenced in the preceding paragraph must include:

    a. the incorporation of a filtration system for outgoing air exiting any building housing livestock or used for storage of manure, carcasses or other waste.
    b. engineering drawings of the outgoing air filtration system;
    c. identification of the make, model and specifications for the outgoing air filtration system;
    d. protocols for replacing and/or cleaning the filters or other components incorporated in the filtration system that require such maintenance;
    e. protocols for the testing of air outside of the facility to monitor odor, chemicals including, but not limited to ammonia, hydrogen sulfide and methane, particulate matter and any other chemical or biological hazards that may be identified by the consultant. Such monitoring may also apply to field where manure is deposited.
    f. A description of setbacks and/or physical barriers incorporated into the design of the Applicant's facility

H. Conditions relating to protection of the private and public property rights and property values of affected property owners, as part of an ongoing operation, to protect the general welfare of the Town's residents and property owners, and to prevent private nuisances and public nuisances;

1. The Applicant will submit a Community Economic, Land-Use and Property Value Assessment and Impact Study performed by a licensed appraiser and qualified land use planner which demonstrates that there will be no negative impact to properties within 1

mile of Applicant's proposed facility. Applicant will provide the Town with any studies appraisals or other information referenced in the Community Economic, Land-Use and Property Value Assessment and Impact Study.

I. Conditions relating to Permit compliance, enforcement and monitoring, including establishment of fees that may be assessed against the Permit Holder to cover the costs of hiring, training, and maintain Town personnel, or for contracting with private consultants, to conduct Permit compliance, enforcement and monitoring activities for the Town. Conditions relating to the monitoring of surface water, ground water, air quality and all other environmental factors and considerations.

1. The Applicant will provide financial surety to help enforce compliance with the conditions imposed by the Town, as set forth below**.**

   a. Fees: The Applicant shall include and sign a statement that the Applicant agrees to fully compensate the Town for all legal services, expert consulting services, and other expenses which may be reasonably incurred by the Town in reviewing and considering the application, regardless of whether or not the application for a Permit is subsequently approved, with or without conditions, or denied by the Town Board. The Applicant statement shall also state that the Applicant agrees to fully compensate the Town for all legal services, expert consulting services and other expenses, for evaluating Applicant's application, verifying and enforcing compliance with the terms of the Permit, with or without conditions, if approved by the Town Board. The Applicant shall submit an administrative fee as established and required by the Town**.**

   b. Financial Surety

      (1) Notification: The Town of St. Joseph Town Board shall determine the required financial assurance level of the CAFO and shall notify the Applicant. As a condition of a Permit, the Town Board shall require financial assurance to be filed with the Town Board in an amount sufficient to clean-up environmental contamination if the same were to occur, to abate public nuisances caused by CAFO operations, including but not limited to the testing and replacement of any potentially contaminated private and public wells and water supplies within the areas subject to CAFO operations, and to ensure proper closure of the CAFO, should the Applicant elect to close or should the closure occur for some other reason.

      (2) Upon notification of the required financial assurance levels by the Town Board, but prior to commencing operations of the CAFO, the Applicant shall file with the Town Board said financial assurance conditioned on faithful performance of all requirements of this chapter and the Permit. Upon notification by the Town Board of financial assurance or deposit approval and conformance with Permit conditions, the Applicant may commence CAFO operations.

   c. Bond Requirements.

      (1) Bonds shall be issued by a surety company licensed to do business in this state. At the option of the Applicant or Permit Holder a performance bond or a forfeiture bond may be filed. Surety companies may have the opportunity to complete the

clean-up of environmental contamination or complete proper closure of the CAFO in lieu of cash payment to the Town of St. Joseph.

(2) Each bond shall provide that the bond shall not be canceled by the surety, except after not less than 90 days' notice to the Town Board, in writing, by registered or certified mail. Not less than 30 days prior to the expiration of the 90-day notice of cancellation, the Applicant or Permit Holder under this chapter must deliver to the Town Board a replacement bond or approved alternate financial assurance in absence of which all CAFO operations shall cease.

(3) The bond shall be payable to "Town of St. Joseph, Wisconsin."

(4) The bond shall provide that the Town may obtain recovery from the bond through arbitration under the rules of the American Arbitration Association. The Town may recover against the bond for any damages to public or private property, degradation or impairment of surface water, groundwater or air quality. The Town of St. Joseph property owners may also bring action against the bond in the event that they are damaged by the Applicant's failure to comply with the terms of the conditions imposed hereunder.

d. Alternate Financial Assurance**:** An Applicant or Permit Holder may deposit cash, irrevocable letters of credit, irrevocable trusts, established escrow accounts, negotiable certificates of deposit or negotiable government securities with the County in lieu of a bond. Certificates of Deposit shall be automatically renewed or replaced with an alternate security before the maturity date. Any interest earned by the financial assurance will be paid to the Applicant at the time such financial assurance is cancelled or withdrawn.

e. Financial Assurance Reevaluation**.**

(1) The Town of St. Joseph Town Board may reevaluate and adjust accordingly the amount of the financial assurance required for the CAFO, including reevaluating said financial assurance when requested to do so by the Applicant or Permit Holder, provided that the Applicant or Permit Holder may only request a reevaluation once per year.

(2) The Applicant or Permit Holder shall notify the Town of St. Joseph Town Board in writing if there is a ten percent (10%) change in the average daily number of animal units housed at the CAFO in any 365-day period. This notification shall be provided at any time such a change occurs, and not just for financial assurance reevaluation.

(3) The Town of St. Joseph Town Board shall notify the Applicant in writing within 60 days of a decision to adjust the amount of the financial assurance for the CAFO, whether the adjustment results in a greater or lesser financial assurance requirement.

f. Financial Assurance on Multiple Projects**.**

Any Applicant or Permit Holder that receives a Permit from the Town of St. Joseph Town Board for two or more CAFOs may elect, at the time the second or subsequent CAFO is approved, to post a single financial assurance in lieu of separate financial

assurance on each CAFO. Any financial assurance so posted shall be in an amount equal to the estimated cost to the Town to clean-up environmental contamination if the same were to occur at all such CAFOs, to abate public nuisances caused by CAFO operations, including but not limited to the testing and replacement of any potentially contaminated private and public wells and water supplies within the areas subject to CAFO operations, and to ensure proper closure of all such CAFOs, should the Applicant elect to close or should the closure occur for some other reason. When an Applicant elects to post a single financial assurance in lieu of separate financial assurance previously posted on an individual CAFO the separate financial assurance shall not be released until the new financial assurance has been accepted by the Town Board.

g. Financial Assurance Release**.**

The Town of St. Joseph Town Board shall release the Applicant's or Permit Holder's financial assurance after providing notice to all property owners within the Town of St Joseph and the clerks of the adjoining municipalities of the intent to release financial insurance and allowing such owners 90 days to object, if it finds, after inspection of the CAFO and documentation provided by the Permit Holder, that the Permit Holder has completed or ceased CAFO operations at the Permit location and all associated parcels, and that there is no environmental contamination or public nuisance remaining at any locations used for any part of the CAFO operations, after operations have ceased.

h. Cancellation**.**

The financial assurance shall provide that it may not be canceled by the surety or other holder or issuer except after not less than a 90 days' notice to the Town Board in writing by registered or certified mail. Not less than 30 days prior to the expiration of the 90 days' notice of cancellation, the Applicant or Permit Holder shall deliver to the Town Board a replacement financial assurance. In the absence of this replacement financial assurance, all CAFO operations shall cease until the time the required financial assurance is delivered and in effect.

i. Changing Methods of Financial Assurance**.**

The operator of a CAFO may change from one method of financial assurance to another. This may not be done more than once a year unless required by an adjustment imposed pursuant to this chapter. The Permit Holder shall give the Town of St. Joseph Town Board at least 60 days' notice prior to changing methods of financial assurance and may not actually change methods without the written approval of the Town Board Bankruptcy Notification.

The Applicant or Permit Holder under this chapter shall notify the Town of St. Joseph Town Board by certified or registered mail of the commencement of voluntary or involuntary proceedings under the United States Bankruptcy Code, U.S. Code Title 11— Bankruptcy, naming the Applicant or Permit Holder as a debtor, within 10 days of commencement of the bankruptcy proceeding.

J. Conditions relating to the monitoring of surface water, ground water, air quality and all other environmental factors and considerations.

1. The Applicant shall submit a Compliance Assurance Testing, Sampling and Monitoring Plan which provides for an identified chain-of-command, including local authority incident commanders, for the reporting and correction, including emergency measures, of any and all deviation(s) from the plan's enforceable metrics, as well as the daily monitoring of all operations for compliance with the enforceable metrics identified in the plan, including inspection and sampling of storm water discharges, quarterly ground water monitoring at locations that will allow corrective actions and containment measures to prevent offsite migration or vertical migration of contamination, identification and verification of the efficacy of testing methods and quality assurance reviews of test results, and reporting within 24 hours of any and all deviations from compliance metrics to the owner, the third-party corrective measures contractor, and the local authorities identified in the local Permit.

2. The Compliance Assurance Testing, Sampling and Monitoring Plan shall document that the prepared plans and procedures are based on sound science and include an updated review of best practices and technologies and test methods, and provide for specific compliance metrics to assure the performance requirements of the plan are met and the Permit approval conditions are satisfied, and for audits, inspections, and certification by qualified and experienced, and licensed Town engineer(s), of compliance with the procedures and provisions of the various operational plans, including with the identified metrics in the plans.

K. Any other conditions deemed reasonably necessary or appropriate by the Town Board to effectively, efficiently, and comprehensively regulate the operations of a facility, to protect public health (including human and animal health), safety, and general welfare, prevent pollution and the creation of private nuisances and public nuisances, and preserve the quality of life, environment, and existing small-scale livestock and other agricultural operations of the Town.

1. The Town of St. Joseph recognizes that scientific and technical developments continue and the Town requires some flexibility to impose additional conditions not referenced above, or relax conditions as technology improves, in order to protect the health, safety and general welfare of the Town of St. Joseph’s property owners and residents. Accordingly, the Town may impose additional conditions, at the discretion of the Board, where the Board determines that they are required by reasonable and scientifically defensible findings of fact.

2. The conditions stated above may apply not only to the CAFO facility itself, but also to any property upon which manure, carcasses, body tissue or other byproducts of the CAFO are spread, deposited or disposed of. Any conditions imposed under this Ordinance may be modified by the Town Board at the time of each annual review. Any modifications must be documented as required by Section 11.

Section 11. Record of Decision

The Town Board must issue its decision in writing. The decision must be based on written findings of fact supported by evidence in the record.

Section 12. Change in CAFO ownership

A CAFO Operations Permit and the privileges granted by this Permit run with the CAFO owner approved under the Permit. Upon change of ownership or operator of the CAFO facility, the new owner or operator of the CAFO shall apply for a CAFO Operations Permit prior to any CAFO operations.

Section 13. Expiration of Permit

A CAFO Operations Permit remains in effect regardless of the amount of time that elapses before the livestock operator exercises the authority granted under this Permit, and regardless of whether the livestock operator exercises the full authority granted by the approval. However, the Town may treat a CAFO Operations Permit as lapsed and withdraw the Permit if the Permit holder fails to do all of the following within 2 years after issuance of Permit:

- Begin populating the CAFO.
- Begin constructing all the new or expanded livestock housing or waste storage structures proposed in the application for local approval.
- Pay the renewal fee on or before January 1 of each calendar year as required by Section 14 of this Ordinance.

Section 14. Permit Terms and Modifications and Annual Renewal Fee

A. A CAFO Operations Permit and the privileges granted by a CAFO Operations Permit issued under this Ordinance is conditioned on the CAFO operator's compliance with the standards in this Ordinance, and with commitments made in the application for a CAFO Operations Permit. The operator may make reasonable changes to maintain compliance with the standards in this Ordinance, and the Town Board shall not withhold authorization for those changes.

B. A violation of the Permit or a failure to comply with the commitments made in the application may result in suspension and/or termination of the Permit. The Town Board, or its designee, shall work to ensure on an ongoing basis that all requirements and conditions of any Permit issued under this Ordinance are followed by the Permit Holder. To assist in accomplishing this task, any Permit issued pursuant to this Ordinance shall be subject to an annual inspection by a designated Town engineer. A permit renewal will be subject to a cost-based inspection fee.

Section 15. Penalties

A. Any person who violates any of the provisions of this Ordinance, or who fails, neglects or refuses to comply with the provisions of this Ordinance, or who knowingly makes any materially false statement or knowing omission in any document required to be submitted under the provisions hereof, shall be subject to the following penalties:

    1. Upon conviction by a court of law, pay a forfeiture of not less than $5000, plus the applicable surcharges, assessments, and costs for each violation.

    2. Each day a violation exists or continues shall be considered a separate offense under this Ordinance.

3. The Town Board may seek injunctive relief from a court of record to enjoin further violations.

4. In addition, the Town Board may suspend or revoke the local approval of a CAFO Operations Permit under this Ordinance after due notice to the livestock facility owner and a public hearing to determine whether the Permit should be suspended or revoked.

5. The Town shall exercise sound judgment in deciding whether to suspend or revoke a CAFO Operations Permit. The Town shall consider extenuating circumstances, such as adverse weather conditions, that may affect an operator's ability to comply.

6. If a CAFO Operations Permit issued under this Ordinance is later suspended or revoked, all operations of the CAFO shall cease within thirty (30) days after such suspension or revocation. The sole remedy for reinstating a suspended or revoked CAFO Operations Permit shall be for the owner or operator of a facility under such Permit to re-apply for a CAFO Operations Permit pursuant to this Ordinance.
7. In addition to any other penalty imposed by this Ordinance, the cost of abatement of any public nuisance on the permitted premises by the Town may be collected under this Ordinance or Sec. 823.06 of Wis. Statutes against the owner of the real estate upon which the public nuisance exists. Such costs of abatement may be recovered against the real estate as a special charge under Sec. 66.0627 of Wis. Statutes unless paid earlier.

Section 16. Appeals

A. An Applicant or any other person or party who is aggrieved by a final decision of the Town Board on whether to issue a CAFO Operations Permit, either with or without conditions, or a taxpayer, may, within thirty (30) days after the filing of the decision with the Town Clerk Treasurer, commence an action seeking the remedy available by certiorari in St. Croix County Circuit Court. The court shall not stay the decision appealed from, but may, with notice to the Town Board, grant a restraining order. The Town Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof. If necessary for the proper disposition of the matter, the court may take evidence or appoint a referee to take evidence and report findings of fact and conclusions of law as it directs, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify, the decision brought up for review.

B. In any certiorari proceeding brought under the preceding paragraph, attorney fees and costs shall not be allowed against the Town Board unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.

C. A final decision of the Town Board under this ordinance is not subject to appeal under Wis. Stat. 93.90(5); Wis. Stat 93.30, or Wis. Admin Code Ch. ATCP 51, which apply only to siting decisions.

Section 17. 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.

Section 18. Effective Date

This Ordinance is effective the day after publication or posting as required by law.

Adopted this _____ day of _____, 2026 by the Town Board of the Town of St Joseph.

_____ Date: _____
Theresa Johnson, Chair

Vote:

Theresa Johnson	Y	N
Justin Kruse	Y	N
Richard Hailey	Y	N
Dan Gavin	Y	N
Chris Marshall	Y	N

_____ Date: _____
Attested by Clerk/Treasurer