

1 *Approved - December 10, 2025*

2 **TOWN OF GILMAN**
3 **PIERCE COUNTY, WISCONSIN**

4
5 **ORDINANCE NO. 2025-01**
6 **CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO) ORDINANCE**
7

8 **WHEREAS**, the Planning Commission of the Town of Gilman reviewed the possible impacts of permit issuance
9 under the CAFO Ordinance;

1 **WHEREAS**, the Town devoted a substantial amount of time and expertise in reviewing the potential impacts of
2 large-scale livestock farming with respect to the particular natural resources on the Town of Gilman;

3
4 **WHEREAS**, the Planning Commission reviewed the scientific literature and formulated recommendations to the
5 Town of Gilman Town Board for ordinance provisions to address the concerns raised by CAFOs;

6
7 **NOW, THEREFORE**, the Town Board of the Town of Gilman makes the following Findings of Fact and
8 declarations in support of this Ordinance:

9
0 **For Local Findings see appendix A1 Local**

1 **314 Findings in Appendix A2** sourced from Journal Articles and Reports, University Programs, Regulatory and Court
2 Documents and Media Articles
3

# of Findings by Type and Source	Journal Articles and Reports	University Programs	Regulatory & Court Documents	Media Articles	Total
Water Quality	21	3	44	10	78
Water Quantity Usage	9	0	2	1	12
Air Quality	7	2	1	1	11
Public Health	29	0	4	4	37
Socio Economic Factors	6	0	1	2	9
Animal Welfare	2	0	1	0	3
Digesters	9	3	1	4	17
Safety – Road Damage/Repair and Fire Control	5	1	9	2	17
Financial Security	6	0	2	8	16
Animal Catastrophes and Depopulation	5	5	5	6	21
Biosecurity	24	5	13	6	48
Animal Transportation	8	0	2	9	19
Monitoring of CAFOs by WDNR	0	0	4	12	16
Zoning Changes	0	0	1	0	1
Total number of findings	131	19	91	65	305

24 **Conclusion**

25 Given the potential impacts to health, safety and general welfare, the Town has an obligation to enact
26 reasonable regulations on the operations of CAFOs.

27
28 Before a CAFO may begin operation within the Town of Gilman, it is imperative that the operational
29 risks be analyzed, base lines be established to control medical risks and the monitoring of each risk be
30 established for evaluation and appropriate review.

31
32 It is for these reasons the Town of Gilman enacts this Ordinance.

1
2 **TOWN OF GILMAN**
3 **CONCENTRATED ANIMAL FEEDING OPERATIONS ORDINANCE No. 25-01**

4 The Town Board of the Town of Gilman, Pierce County, Wisconsin, does ordain as follows:
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6 **Section 1. Authority**
7

8 This Ordinance is adopted pursuant to the powers granted under the Wisconsin Constitution, and
9 Wisconsin Statutes including but not limited to Section 92.15. This Ordinance is further adopted pursuant
10 to the powers granted to the Town Board under the grant of village powers pursuant to Sec. 60.22 of Wis.
11 Statutes for the protection of public health, safety and general welfare.
12

13 **Section 2. Purpose**
14

15 The purpose of this Ordinance is to effectively, efficiently and comprehensively regulate the operation of
16 Large-Scale Concentrated Animal Feeding Operations of 1,000 animal units or greater (“CAFO”) in the
17 Town of Gilman, without respect to siting, to protect public health (including human and animal health),
18 safety, and general welfare, to prevent pollution and the creation of private nuisances and public
19 nuisances, to preserve the quality of life, environment, and existing small-scale livestock and other
20 agricultural operations of the Town of Gilman and to achieve water quality standards within the Town of
21 Gilman. This Ordinance sets forth the procedures for obtaining a CAFO Operations Permit for the
22 operation of new and expanded livestock facilities in the Town of Gilman (sometimes referred to as “the
23 Town”).
24

25 The need for this Ordinance is based upon the Town’s obligation to protect the health, safety and general
26 welfare of the public and is based upon reasonable and scientifically defensible findings, as adopted by
27 the Town Board, clearly showing that these requirements are absolutely necessary to protect public health
28 and safety. Specifically, the Town finds that there is ample scientific research and evidence establishing
29 that CAFOs pose a significant risk to the integrity of the Town’s groundwater, surface water, air quality,
30 the health and well-being of its residents and local property values. These findings are based in part on the
31 scientific articles and research studies discussed and listed in Appendices A1, A2 & B.
32

33 **Section 3. Definitions**
34

- 35 1. "Animal Units" means the equivalent unit of livestock present at an operation as calculated under
36 Wisconsin NR 243.05 using Animal Unit Calculation Worksheet Form 3400-25A.
37
38 2. “Applicant” or “permittee” refers to the owner of the entity seeking a CAFO Operations Permit
39 under the terms of this Ordinance.
40
41 3. “Large-Scale Concentrated Animal Feeding Operation” or “CAFO” means;
42
43 a. A lot or facility, other than a pasture or grazing area, where 1,000 or more animal units
44 have been, are, or will be stabled or concentrated, and will be fed or maintained by the
45 same owner(s), manager(s) or operator(s) for a total of 45 days or more in any 12-month
46 period, two or more smaller lots or facilities under common ownership or common
47 management or operation are a single Large-Scale Concentrated Animal Feeding
48 Operation or CAFO if the total number of animals stabled or concentrated at the lots or
49 facilities equal 1,000 or more animal units and at least one of the following is true: (1)

1 The operations are adjacent; (2) The operations utilize common systems for the land
2 spreading of manure or wastes; (3) Animals are transferred between the lots or facilities;
3 (4) The lots or facilities share staff, vehicles, or equipment; or (5) Manure, barnyard
4 runoff or other wastes are comingled in a common storage facility at any time.
5

6 b. Any lot or any facility, regardless of location that meets the definition of Section 3.2.A.
7 and uses land in the Town to manage waste.
8

9 4. "Operations" means a course of procedure or productive activity for purposes of conducting and
10 carrying on the business of a CAFO including populating animal housing facilities, storing,
11 spreading and managing animal and other waste materials, and conducting any other business
12 activities.
13

14 5. "Pollution" means degradation that results in any violation of any environmental law as
15 determined by an administrative proceeding, civil action, criminal action or other legal or
16 administrative action investigation or proceeding.
17

18 6. "Private Nuisance" means a nontrespassory invasion of another's interest in the private use and
19 enjoyment of land, and the invasion is either: (1) intentional and unreasonable, or (2)
20 unintentional and otherwise actionable under the rules of controlling liability for negligent or
21 reckless conduct, or for abnormally dangerous conditions or activities.
22

23 7. "Public Nuisance" means a thing, act, occupation, condition or use of property which shall
24 continue for such length of time as to " (1) substantially annoy, injure or endanger the comfort,
25 health, repose or safety of the public; (2) in any way render the public insecure in life, health or in
26 the use of property; or (3) unreasonably and substantially interfere with, obstruct or tend to
27 obstruct or render dangerous for passage or public use any street, alley, highway, navigable body
28 of water or other public way or the use of public property or other public rights.
29

30 **Section 4. License Required**

31
32 Regardless of siting, a livestock facility with 1,000 or more animal units shall be allowed to conduct
33 operations within the Town of Gilman only as provided under this Ordinance. Applicants shall apply for
34 a CAFO Operations Permit to operate in the Town of Gilman under this Ordinance prior to conducting
35 any operations.
36

37 1. General

38

39 A CAFO Operations Permit issued by the Town of Gilman is required for new or expanded
40 livestock facilities that will operate with 1,000 or more animal units.
41

42 2. Licenses for Existing Livestock Facilities

43

44 This ordinance does not apply to any livestock facility in operation in the Town not defined as a
45 CAFO in Section 3, Paragraphs 3 a. & b. on the Effective Date, provided, however, this ordinance
46 shall apply to any such facility at such time as its owner meets the definition of CAFO in Section
47 3, Paragraphs 3 a. & b.

1 **Section 5. Licensing Administration**

2
3 The Town Board shall administer this Ordinance and related matters thereto and shall have the authority
4 to issues licenses under this Ordinance, and to designate the local authority/ies to whom the Operator is
5 required to submit all reports and notices; and shall have the authority to enforce the license requirements,
6 including immediate revocation of the license for flagrant violations.
7

8 **Section 6. License Application and Standards**

9
10 The applicant shall apply for a CAFO Operations Permit prior to beginning an expansion or conducting
11 any operations associated with a Large-Scale Concentrated Animal Feeding Operation in the Town of
12 Gilman. The application shall be submitted on a form provided by the Town Clerk.
13

14 The Town Board shall decide whether to approve and issue a CAFO Operations Permit to an applicant
15 that has submitted a complete application and paid the required application fee, after holding a public
16 hearing on the application and considering any evidence concerning the application and the proposed
17 operation presented by the applicant and any other interested persons or parties, including members of the
18 public, other governmental agencies or entities, special legal counsel and expert consultants who may be
19 hired by the Town Board to review the application and advise the Town Board.
20

21 The Town Board shall approve and issue a CAFO Operations Permit, either with or without conditions, if
22 it is determined by a majority vote of all members, supported by clear and convincing evidence presented
23 by the applicant, that: the applicant can and will comply with all conditions imposed by the Town; that
24 the applicant's operations as proposed, with or without conditions, will protect public health (including
25 human and animal health), safety, and general welfare, prevent pollution, prevent the creation of private
26 nuisances, prevent the creation of public nuisances and preserve the quality of life, environment, existing
27 small-scale livestock and other agricultural operations of the Town of Gilman; and that the applicant and
28 the application meet all other requirements of this Ordinance.
29

30 **Section 7. License Application Fee**

31
32 A non-refundable application fee of Three Dollars (\$3) per proposed animal unit up to 2,000 animal units
33 and One Dollar (\$1.00) per proposed animal unit thereafter payable to the Town of Gilman shall
34 accompany an application for the purpose of offsetting the Town's costs to review and process the
35 application. The Town may reevaluate and adjust accordingly the amount of the application fee on an
36 annual basis.
37

38 **Section 8. Application Procedure**

39
40 1. An applicant for a CAFO Operations Permit shall complete a Town of Gilman CAFO Operations
41 Permit Application (See Appendix C.) and pay the required application fee. The applicant must be an
42 owner of the corporate entity proposing to operate the CAFO and sign the application. The
43 application must also be signed by the property owner, who agrees to be held by the same standards
44 as the operator, and by one or more qualified and professionally licensed third party engineers or
45 geoscientists who attest that they have prepared or have reviewed the plans and certify that they will
46 meet the following performance requirements:
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- 48 a. Prevent the spread of infectious diseases from the CAFO to other animals, livestock and
49 humans;

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- 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 or digestate and that the CAFO has applied for and will not operate until it has received a 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-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;

- d. 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 and provides for quarterly reporting 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 by a third-party inspector and that any deviations from the metrics and any detection of diseases of concern will be immediately reported to the local health department and local authority; and that the plan provides 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 Animal Transportation Plan, in combination with the biosecurity and animal health plans, will provide for the safe transportation of all livestock 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 hydrogeological characterization study, including identification of all onsite and nearby wells and springs, and artesian fed streams and any 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;

- g. The Odor and Toxic Air Pollution Prevention Plan will prevent the presence of odiferous smells noticeable to human olfactories and the detection of toxic air pollutants along the property boundaries and provides for adequate offsets, waste containment, air and odor

1 emission control devices including particulate filters to prevent air pollution and the
2 transmission of disease particles from the CAFO, anaerobic digester, or offsite waste
3 management area;
4

5 h. The Community Economic, Land Use and Property Value Assessment and Impact Study has
6 been performed by a licensed appraiser and a qualified land use planner, is scientifically
7 sound and concludes that there will be no negative impact to properties within 1 mile of the
8 proposed CAFO, and a net positive benefit to the Town, including considering the risks of the
9 operations on the public health, particularly in the case of a sudden loss of workforce;
10

11 i. The Construction, Fire and Road Plans, including signed engineered drawings for the
12 measures required to meet the performance requirements of this ordinance and the measures
13 specified in the plan have been submitted with the application, and include a fire-
14 prevention/fire-fighting capacity/fire-water capacity needs analysis, the requisite fire water
15 storage/fire prevention/fire-fighting equipment and worker accountability plans, as well as a
16 traffic study and road improvement needs analysis and road traffic and roadway improvement
17 plans, along with letters of conformance, on agency letterhead, stating that application-
18 submitted plans are complementary with and are in conformance with the associated traffic
19 and road plans and requirements of and from the local, regional, state and federal road and
20 transportation authorities;
21

22 j. The Compliance Assurance Testing, Sampling and Monitoring Plan shall provide for an
23 identified chain-of-command, including local authority incident commanders, for the
24 reporting and correction, including emergency measures, of any and all deviation(s) from the
25 plan's enforceable metrics, as well as the daily monitoring of all operations for compliance
26 with the enforceable metrics identified in the plan, including inspection and sampling of
27 storm water discharges, quarterly ground water monitoring at locations that will allow
28 corrective actions and containment measures to prevent offsite migration or vertical migration
29 of contamination, identification and verification of the efficacy of testing methods and quality
30 assurance reviews of test results, and reporting within 24 hours of any and all deviations from
31 compliance metrics to the owner, the third-party corrective measures contractor, and the local
32 authorities identified in the local permit;
33

34 k. The Compliance Assurance Plan shall document that the prepared plans and procedures are
35 based on sound science and includes an updated review of best practices and technologies
36 and test methods, and provides for specific compliance metrics to assure the performance
37 requirements of the plans are met and the permit approval conditions are satisfied, and for
38 annual audits, inspections, and certification by qualified and experienced, and licensed third
39 party(ies), of compliance with the procedures and provisions of the various operational plans,
40 including with the identified metrics in the plans;
41

42 2. Upon signing and submitting a CAFO Operations Permit Application to the Town Clerk, the
43 applicant shall include and sign a notarized statement that the applicant agrees to fully compensate the
44 Town for all legal services, expert consulting services, and other expenses which may be reasonably
45 incurred by the Town in reviewing and considering the application, regardless of whether or not the
46 application for a permit is subsequently approved, with or without conditions, or denied by the Town
47 Board. The applicant statement shall also state that the applicant agrees to fully compensate the Town
48 for all legal services, expert consulting services and other expenses, for verifying and enforcing
49 compliance with the terms of the permit, with or without conditions, if approved by the Town Board.
50 The applicant shall submit the application fee as required by the Town Clerk.

- 1 3. After receiving the application and the application fee, the Town Clerk shall mail a notice that a
2 CAFO Operations Permit Application has been received to all landowners within 3 miles of the
3 proposed CAFO with the date and time of a Town Board meeting at which the application will be
4 considered. The notice shall provide information on how interested persons and parties may inspect
5 and obtain a copy of the application.
6
- 7 4. The Town Clerk shall place the application on the agenda for the next regular Town Board meeting
8 for which required notice can be provided.
9
- 10 5. At a formal public hearing held by the Town Board on the application at least sixty (60) days after it
11 has been determined to be complete, the Town Board shall consider any evidence concerning the
12 application and the proposed CAFO presented by the applicant and any other interested persons or
13 parties, including members of the public and other governmental agencies or entities, and special
14 legal counsel and expert consultants who may be hired by the Town to review the application and
15 advise the Town Board.
16
- 17 6. In its review and consideration of a CAFO Operations Permit Application, the Town Board shall act
18 in a quasi-judicial capacity, and its final decision on whether to approve and issue a CAFO
19 Operations Permit, either with or without conditions, shall be based on written findings of fact and
20 conclusions of law consistent with the provisions of this Ordinance, which shall be filed with the
21 Town Clerk and served on the applicant by certified U.S. Mail.
22
- 23 7. The Town Board shall approve and issue a CAFO Operations Permit, either with or without
24 conditions, if it determines by a majority vote of all members of the Town Board, supported by clear
25 and convincing evidence presented by the applicant, that the operations of the proposed CAFO, with
26 or without conditions, will protect health (including human and animal), safety, and general welfare,
27 prevent pollution and the creation of private nuisances and public nuisances, and preserve the quality
28 of life, environment, and existing small-scale livestock and other agricultural operations of the Town
29 and that the application meets all other requirements of this Ordinance.
30

31 **Section 9. Financial Surety**

32

33 A CAFO Operations Permit shall require the applicant and all contractors, subcontractors, agents and
34 representatives, to ensure that sufficient funds will be available for pollution clean-up, nuisance
35 abatement, and proper closure of the operation if it is abandoned or otherwise ceases to operate as planned
36 and permitted, based on the following provisions:
37

- 38 1. A determination shall be made regarding the financial assurance level required by the scale of the
39 operation. As a condition of the license, the required financial assurance shall be filed with the Town
40 of Gilman in an amount sufficient to clean up environmental contamination if the same were to occur,
41 to abate public nuisances caused by the operation, including but not limited to the testing and
42 replacement of any potentially contaminated private and public wells and water supplies within the
43 areas subject to operations, and to ensure proper closure of the operations should the applicant elect to
44 close or should closure occur for some other reason. The amount of the financial assurance shall be
45 based on a Closure/Cleanup/Decommissioning and Site Restoration Plan, sealed by a licensed
46 engineer, and based on engineering estimates of the typical cost to address the contamination of
47 ground water within a quarter-mile radius, the replacement cost for any wells or water supplies within
48 a quarter mile, the remediation cost for 1/2 mile of the sediment of a receiving stream, and the
49 complete removal, closure and restoration of the subject facility to approximate its original condition,
50 including demolition based on a site-specific closure plan, including: assuming 1 foot of affected soil

1 below all ponds, tanks, pipes and animal holding areas, and including a reasonable contingency based
2 upon the uncertainty in the estimate as identified by the engineer. Upon notification of the required
3 amount of the financial assurance by the Town, but prior to commencing operations, the applicant
4 shall file with the Town the financial assurance conditioned on faithful performance of all
5 requirements for the license. Upon notification of receipt of adequate form of finance assurance (as
6 noted below) or deposit approval and verification of conformance with license conditions as verified
7 by a third party engineer, the applicant may commence operations.
8

- 9 2. The applicant may deposit cash or irrevocable letters of credit established with a bank acceptable to
10 the Town as the required financial assurance.
11
12 3. The Town may reevaluate and adjust accordingly the amount of the financial assurance required on
13 an annual basis.
14

15 **Section 10. Conditions of Approval**
16

17 A CAFO Operations Permit may be approved with conditions to protect public health (including
18 human and animal health), safety, and general welfare, prevent pollution and the creation of private
19 nuisances and public nuisances, and preserve the quality of life, environment, and existing small-scale
20 livestock and other agricultural operations of the Town. It is not the intent of the ordinance to create a
21 requirement that exceeds the State's water quality performance standards, prohibitions, conservation
22 practice and technical standards. To the extent not expressly or otherwise preempted by Wis. Stat.
23 93.90, and Wis. Admin. Code Ch. ATCP 51 or any other provision of state or federal law, such
24 conditions may include, but are not limited to:
25

- 26 1. Conditions relating to the operational characteristics of the proposed operation, to protect public
27 health, prevent point and non-point sources of air and water pollution, and prevent private nuisances
28 and public nuisances; including provisions for specific air emissions controls, retention ponds and
29 berms to prevent releases to surface water, liners under operational areas to prevent infiltration to
30 ground water, the annual testing of nearby wells and springs, and annual inspections for permit
31 compliance by representatives of local authorities;
32
33 2. Conditions relating to the management of animal and other waste that, may be generated as part of an
34 operation's ongoing operation, to protect public health, prevent point and non-point sources of air and
35 water pollution, and prevent private nuisances and public nuisances, including the operator's paying
36 for periodic inspections and air emission, surface water, and ground water testing by consultants
37 retained by local authorities, including the following added provisions:
38
39 a. The Waste Management Plan in Section 8.1.b. will include scientifically significant
40 baseline data on the water quality of local human drinking and agricultural wells.
41 b. For applications that include land spreading of manure,
42 i. i. the amount of land used to spread waste as part of the Waste Management Plan
43 in Section 8.1.b. will be based on spreadable acres, not total acres, and
44 ii. ii. the application will include all Manure Land Application Agreements with
45 landowners, with a minimum contract period of five (5) years, and such
46 agreements must include provisions for application of wastes in accord with the
47 Waste Management Plan required in Section 8. 1. b.;
48
49 3. Conditions relating to the population and depopulation of individual animal housing facilities, to
50 protect public health and prevent the spread of animal-borne and vector-borne disease, to assure a

1 safe level of sanitation, and to assure human health hazard control or health protection for the
2 community, including provisions for health department inspections and testing of dead animals and
3 provisions for the safe treatment and transport off-site disposal of sanitation wastes at a separately
4 permitted commercial facility;

5
6 4. Conditions relating to biosecurity and the maintenance of animal health and welfare, to prevent the
7 spread of animal-borne and vector-borne disease, to protect public health, and provide for animal
8 safety and welfare, including provisions for frequent testing of livestock for specific diseases of
9 concern and development of emergency containment measures in the event of the detection of a
10 disease of particular concern;

11
12 5. Conditions relating to transportation of animals as part of the ongoing operations, to protect public
13 health, prevent pollution, and prevent private nuisances and public nuisances, including completion of
14 a traffic and transportation needs analysis and applicant's paying for traffic control and roadway
15 improvements, including provisions for high-pressure washing with disinfectant of all transport
16 trailers coming into the Town to include treatment and disposal of water used for disinfectant;

17
18 6. Conditions relating to protection of private and public drinking and agricultural wells, and other
19 public water supplies, as part of an ongoing operation to protect public health, prevent pollution, and
20 prevent private nuisances and public nuisances, including provisions for completing a thorough
21 survey and mapping of private and public wells and springs and artesian fed water bodies, including
22 wetlands and karst areas, as well as a thorough hydrogeologic characterization of ground water within
23 5 miles of the proposed CAFO;

24
25 7. Conditions relating to air emissions and dust control as part of an ongoing operation, to protect public
26 health, prevent pollution and prevent private nuisances and public nuisances, including provisions for
27 property boundary offsets, air emission and air quality testing and for specific types of air emission
28 controls on all facility exhaust fans, waste management areas, and livestock quarantine holding areas;

29
30 8. Conditions relating to protection of the private and public property rights and property values of
31 affected property owners, as part of an ongoing operation, to protect the general welfare of the
32 Town's residents and property owners, and to prevent private nuisances and public nuisances;

33
34 9. Conditions relating to permit compliance, enforcement and monitoring, including establishment of
35 fees that may be assessed against the permittee to cover the costs of hiring, training, and maintaining
36 Town personnel, or for contracting with private consultants, to conduct permit compliance,
37 enforcement and monitoring activities for the Town, as well as provisions for annual certification of
38 compliance by the owner/operator and by qualified and licensed third-party auditor, approved by the
39 Town;

40
41 10. Conditions relating to the monitoring of surface water, ground water, air quality and all other
42 environmental factors and considerations, including retention pond sampling and testing and ground
43 water quality monitoring at compliance points sufficiently far from the facility's property line to
44 allow implementation of prevention of offsite migration corrective action and containment measures
45 acceptable to the Town;

46
47 11. Any other conditions deemed reasonably necessary or appropriate by the Town Board to effectively,
48 efficiently, and comprehensively regulate the operations of a facility, to protect public health
49 (including human and animal health), safety, and general welfare, prevent pollution and the creation
50 of private nuisances and public nuisances, and preserve the quality of life, environment, and existing

1 small-scale livestock and other agricultural operations of the Town, including provisions for adequate
2 fire-fighting equipment and storage of adequate fire-fighting water based on a needs analysis
3 approved by the Town and a Fire Safety Needs Analysis Plan that is annually reviewed and updated
4 based on the following:

- 5 a. Guidelines from the National Fire Protection Association NFPA 1141: Standard for Fire
6 Protection Infrastructure for Land Development in Wildland, Rural, and Suburban Areas;
- 7 b. Water Supply Needs Analysis based on guidelines included in NFPA 1142: Standard on
8 Water Supplies for Suburban and Rural Fire Fighting;
- 9 c. Wildlands Fire Analysis based NFPA1144: Standard for Reducing Structure Ignition
10 Hazards and Wildland Fires;
- 11 d. Animal Housing Analysis based on NFPA 150: Fire and Life Safety in Animal Housing
12 Facilities Code.

13
14 These conditions may apply not only to the CAFO facility itself, but also to any property upon which
15 manure, carcasses, body tissue or other by products of the CAFO are spread, deposited or disposed of.
16 Any conditions imposed under this Ordinance may be modified by the Town Board at the time of each
17 annual renewal. Any modifications must be documented as required by section 11, below.
18

19 **Section 11. Record of Decision**

20
21 The Town Board must issue its decision in writing. The decision must be based on written findings of fact
22 supported by evidence in the record.
23

24 **Section 12. Transferability of License**

25
26 A CAFO Operations Permit and the privileges granted by this license run with the land approved under
27 the license and remain in effect, despite a change in ownership of the livestock facility, as long as the new
28 operator does not violate the terms of the local approval.
29

30 Within thirty (30) days of a change of ownership of the livestock facility, the new owner(s) of the facility
31 shall submit a signed and notarized affidavit to the Town Clerk ensuring compliance with the
32 requirements of the ordinance. The new owner(s) will also file information with the Town Clerk
33 providing pertinent information, including but not limited to such information as the name, address,
34 phone and email of the new owner and date of transfer of ownership.
35

36 **Section 13. Expiration of License**

37
38 A CAFO Operations Permit remains in effect regardless of the amount of time that elapses before the
39 livestock operator exercises the authority granted under this permit, and regardless of whether the
40 livestock operator exercises the full authority granted by the approval. However, the Town may treat a
41 CAFO Operations Permit as lapsed and withdraw the license if the license holder fails to do all of the
42 following within 2 years after issuance of license:
43

- 44 1. Begin populating the CAFO.
- 45
- 46 2. Begin constructing all of the new or expanded livestock housing or waste storage structures
47 proposed in the application for local approval.
- 48
- 49 3. Pay the renewal fee on or before January 1 of each calendar year as required by Section 14 of this

1 Ordinance.
2

3 **Section 14. License Terms, Modifications and Annual Renewal Fee**
4

5 A CAFO Operations Permit and the privileges granted by a CAFO Operations Permit issued under this
6 Ordinance is conditioned on the livestock operator's compliance with the standards in this Ordinance, and
7 with commitments made in the application for a CAFO Operations Permit. The operator may make
8 reasonable changes that maintain compliance with the standards in this Ordinance, and the Town Board
9 shall not withhold authorization for those changes unless the Town can demonstrate good cause to do so.
10 A violation of the Permit or a failure to comply with the commitments made in the application may result
11 in suspension and/or termination of the Permit.
12

13 The Town Board, or its designee, shall work to ensure on an ongoing basis that all requirements and
14 conditions of any permit issued under this Ordinance are followed by the permittee. To assist in
15 accomplishing this task, any permit issued pursuant to this Ordinance shall be subject to an annual
16 renewal fee in the amount of One Dollar (\$1.00) per animal unit. The Town may reevaluate and adjust
17 accordingly the amount of the application fee on an annual basis. Modifications to the conditions of a
18 CAFO Operations Permit may be made as described in Sections 10 and 11.
19

20 **Section 15. Penalties**
21

22 Any person who violates any of the provisions of this Ordinance, or who fails, neglects or refuses to
23 comply with the provisions of this Ordinance, or who knowingly makes any material false statement or
24 knowing omission in any document required to be submitted under the provisions hereof, shall be subject
25 to the following penalties:
26

- 27 1. Upon conviction by a court of law, pay a forfeiture of not less than \$5,000 nor more than
28 \$10,000, plus the applicable surcharges, assessments, and costs for each violation.
29
- 30 2. Second and subsequent violations require forfeiture of not less than \$10,000.
31
- 32 3. Each day a violation exists or continues shall be considered a separate offense under this
33 Ordinance.
34
- 35 4. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further
36 violations.
37
- 38 5. In addition, the Town Board may suspend or revoke the local approval of a CAFO Operations
39 Permit under this Ordinance after due notice to the livestock facility owner and a public hearing
40 to determine whether the license should be suspended or revoked.
41

42 The Town shall exercise sound judgment in deciding whether to suspend or revoke a CAFO Operations
43 Permit. The Town shall consider extenuating circumstances, such as adverse weather conditions, that may
44 affect an operator's ability to comply.
45

46 In addition to any other penalty imposed by this Ordinance, the cost of abatement of any public nuisance
47 on the licensed premises by the Town may be collected under this Ordinance or Sec. 823.06 of Wis.
48 Statutes against the owner of the real estate upon which the public nuisance exists. Such costs of
49 abatement may be recovered against the real estate as a special charge under Sec. 66.0627 of Wis.

1 Statutes unless paid earlier.

2
3 **Section 16. Appeals**

4
5 An applicant or any other person or party who is aggrieved by a final decision of the Town Board on
6 whether to issue a CAFO Operations Permit, either with or without conditions, or a taxpayer, may, within
7 thirty (30) days after the filing of the decision with the Town Clerk, commence an action seeking the
8 remedy available by certiorari in Pierce County Circuit Court. The court shall not stay the decision
9 appealed from, but may, with notice to the Town Board, grant a restraining order. The Town Board shall
10 not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or
11 sworn copies thereof. If necessary, for the proper disposition of the matter, the court may take evidence,
12 or appoint a referee to take evidence and report findings of fact and conclusions of law as it directs, which
13 shall constitute a part of the proceedings upon which the determination of the court shall be made. The
14 court may reverse or affirm, wholly or partly, or may modify, the decision brought up for review.

15
16 In any certiorari proceeding brought under the preceding paragraph, attorney fees and costs shall not be
17 allowed against the Town Board unless it shall appear to the court that it acted with gross negligence, or
18 in bad faith, or with malice in making the decision appealed from.

19
20 A final decision of the Town Board under this ordinance is not subject to appeal under Wis. Stat.
21 93.90(5), Wis. Stat 93.30, or Wis. Admin Code Ch. ATCP 51, which apply only to siting decisions.

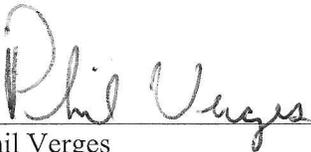
22
23 **Section 17. Severability**

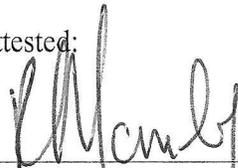
24
25 If any provision of this Ordinance or its application to any person or circumstance is held invalid, the
26 invalidity does not affect other provisions or applications of this Ordinance that can be given effect
27 without the invalid provision or application, and to that end, the provisions of this Ordinance are
28 severable.

29
30 **Section 18. Effective Date**

31
32 This Ordinance is effective the day after publication.

33
34 **Adopted this 10th day of Dec, 2025 by the Town Board of Supervisors.**

35
36
37 
38 _____
39 Phil Verges
40 Town Chair

41
42 Attested:
43 
44 _____
45 Becky Manley
46 Town Clerk
47