

**CHAPTER 5
ANIMAL FEEDLOT ORDINANCE**

9-5: ANIMAL FEEDLOTS

9-5-1: ADMINISTRATION

The County Conservationist shall administer this section and is assigned all necessary duties and powers in accordance with this Code. The Land and Water Conservation office shall maintain any written record relating to each application including a written decision, with findings of fact, in support of the approval or denial of the application. These records will be maintained for not less than seven (7) years.

9-5-2: SITING OF RESIDENTIAL BUILDINGS LIMITED

For the purposes of this Section, a permitted feedlot shall be one for which a permit has been issued pursuant to Section 9-5-7 of the Green County Code and shall not refer to a feedlot which was in existence at the time of enactment of this Ordinance but for which a permit has not been obtained. (Ord. 00-0101)

9-5-3: GENERAL SETBACKS FOR ANIMAL FEEDLOTS PERMITTED UNDER SECTION 9-4-4

- A. New or expanding feedlots are prohibited in the one hundred (100) year floodplain or in a floodway.
- B. All wells located within a livestock facility shall comply with Chapters NR 811 and 812. New or substantially altered livestock structures shall be separated from existing wells by distances required in Chapters NR 811 and 812 regardless of whether the livestock facility operator owns the land on which the wells are located. A livestock structure in existence on May 1, 2006, may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well. These provisions shall not apply if the Department of Natural Resources grants an appropriate variance as provided in Chapters NR 811 and 812.
- C. Setbacks for new or expanding feedlots from non-farm related dwellings and lands shall be in accordance with Table 1.

TABLE 1.

CATEGORY	501-999 Animal Units	1000+Animal Units
Property Line	100 feet	350 feet
Public Road Right-of-Way	100 feet	150 feet
Public Lands, including	150 feet	200 feet

Public Parks		
Wetland	150 feet	200 feet
Drainage Ditch	300 feet	300 feet
Navigable Waters Exclusive of Lakes	300 feet	300 feet
Lake	1000 feet	1000 feet

(Ord. 19-0401, 4/16/2019)

- D. For the purposes of determining setbacks, any manure storage facility utilized by the animal feedlot shall be considered part of the animal feedlot.
- E. All measurements shall be from the closest edge of any manmade structure or natural structure converted for use with an animal feedlot. For those feedlots which are facilities with a production of poultry, livestock or dairy cattle, all measurements shall be from the closest edge of those areas to which the animals have regular and intended access.
- F. For the purpose of this section, expansion means an increase in the largest number of animal units kept at a livestock facility on at least 90 days in any 12-month period. The acquisition of an existing livestock facility, by the operator of an adjacent livestock facility, does not constitute an “expansion” unless the operator increases the numbers of animal units kept on the combined livestock facilities on at least 90 days in any 12-month period.

Any expansion as a result of a change in construction or operation as defined above, for an animal feedlot which is already located within the preceding setbacks may be allowed, but such changes shall not further encroach upon the setbacks. Expansions as a result of the accumulation of additional animal units shall not be permitted unless the entire animal feedlot as defined in §9-5-4-5 also meets all setback requirements for the size of the operation requested to be permitted. (Ord. 00-0101; Ord. 01-0401, 4/17/01; Ord. 03-0201, 2/11/03)

9-5-4: FEEDLOT PERFORMANCE STANDARDS

9-5-4-1: FEEDLOT - GENERAL RESTRICTIONS

- A. New or expanding existing livestock facilities shall comply with all provisions of this Code and those of Chapter ATCP 51, Wisconsin Administrative Code. Where the Wisconsin Administrative Code differs or is more restrictive that Code shall govern except as specifically provided and allowed in ATCP 51.10(3), Wis. Adm. Code.
- B. New or expanding existing farms in Green County shall be classified in one or more of the following two levels, based on the total number of animal units of all types of animals which are fed, confined, maintained or stabled on the premises: 0-500 animal units: allowable with no permit required; 501-999 animal units: permit required.

C. A feedlot existing and operational at the time of this ordinance's passage that is not in compliance with the regulations of this ordinance shall be considered a non-conforming use. An existing non-conforming feedlot that is reduced in its operation to levels below those requiring a conditional use permit, abandoned or not operational for a period of five (5) consecutive years shall no longer retain its non-conforming status and must comply with all the regulations set forth in the Green County Code prior to the reintroduction of livestock. The sole exception to this provision will be in the event that the result of an involuntary change of ownership including, but not limited to, a mortgage or land contract foreclosure or bankruptcy proceeding, the feedlot ceases operation, the lender or subsequent owner will have five (5) years from the original date of acquisition to restock the feedlot and retain the non-conforming status of that feedlot.

D. Feedlot permits required.

For the following conditions, a feedlot permit is required:

1. A feedlot which is proposed for a lot or a site where a feedlot does not exist at the time of the application for permit;
2. Expansion of an existing animal feedlot such that it will need a permit as defined by §9-5-4-1-A. Pursuant to ATCP 51.06(2), Wis. Adm. Code, expansions of 20% or less do not require a permit;
3. An existing permitted feedlot is to be restocked after being abandoned or unused for a period for five (5) or more consecutive years unless excepted pursuant to Sub B, above.

E. For the purposes of this code, if through accident, act of God, or otherwise, a non-conforming animal feedlot is destroyed or damaged in excess of one-half of the replacement value, any reconstruction or use shall be in conformity with all existing ordinances. (Ord. 01-0401, 4/17/01)

F. Permits will not expire so long as applicant adds animals and starts construction within two (2) years. Failure to do so without a written extension from the County Conservationist will require a new application. Absent changes, permits will remain in effect as long as the operation remains in compliance. If a permit holder wishes to transfer the permit, the permit holder may do so but shall notify the County Conservationist in writing of the transfer and a new permit will be issued.

G. Existing permits may be modified without re-application so long as compliance with this Ordinance and Chapter ATCP 51, Wis. Adm. Code are maintained.

9-5-4-2: PERMITTING PROCEDURE; PERMIT CRITERIA

A. All applicants shall follow the current procedure for Animal Feedlot applications as established and revised from time to time, by the Green County Land and Water Conservation Committee. Copies of the procedures are available from the office of the Green County Conservationist.

In addition, the following standards shall be met by all feedlots subject to a permit:

1. As part of the permitting process, the NRCS Nutrient Management Plan shall be submitted with the application. Further, the applicant shall submit any annual updates of the Nutrient Management Plan. Applicants must further complete ATCP 51 Worksheet 3 or substitute the relevant information from the applicant's WPDES permit.
 2. All feedlot designs must be reviewed and approved by the Land and Water Conservation Department. The Land and Water Conservation Department shall further review all feedlot projects to ensure that runoff water from storm water or other sources does not create a pollution or sedimentation problem.
 3. At all times during the exercise of the permit, the applicant shall have ownership of acreage, or shall provide to the County Conservationist copies of contracts for the spreading of manure on acreage, sufficient to comply with the NRCS Nutrient Management Plan. If rental agreements do not include full cropping rights to the land, said contracts shall require a minimum of a four year limited term easement allowing the applicant access to said acreage for the purposes of spreading manure and shall be recorded in the Register of Deeds office in the county of location.
 4. For the purpose of developing the nutrient management plan, two or more animal feedlot operations under common ownership, farmed and/or managed by a common operator or two or more animal feeding operations utilizing a common area or system for the disposal of waste, shall require filing and adherence to an acceptable nutrient management plan which covers all acreage to be spread. (Ord. 00-0101; Ord. 01-0401, 4/17/01)
 5. All adjoining landowners shall be invited to attend an informational meeting before issuance of a permit, with notification being provided by the County Conservationist.
 6. Applicant shall submit with the completed application a permit fee in the amount of \$1,000.00. (Ord. 14-0301, 3/11/2014)
- B. Applicants who submit a complete application, together with the fee, will be approved unless there is clear and convincing information that the proposed facility does not meet the standards of this Ordinance, or Chapter ATCP 51, Wis. Adm. Code.

9-5-4-3: REPEALED AND RESERVED FOR FUTURE USE PURSUANT TO ORD. 03-0201

9-5-4-4: VIOLATIONS

- A. Any person who violates, neglects, refuses to comply with or resists the enforcement of any of the provisions of this Chapter shall be subject to a forfeiture of not less than \$100.00 nor more than \$1,000.00 for each violation. A violation includes failure to comply with any standard of this Chapter or with any condition or qualification attached to the permit. Each day that a violation exists shall be a separate offense. The County Conservationist may refer violations of this Chapter to Corporation Counsel for enforcement.
- B. Enforcement Of Injunctions: As a substitute for or in addition to forfeiture actions, Green County may seek enforcement by injunction order at the suit of the County or the owner or

owners of the land within the district affected by the regulations of this Title.
(Ord. 14-0601, 6/10/2014)

9-5-4-5: APPEALS FROM ADMINISTRATIVE DECISION

- A. Authority: The Green County Land and Water Conservation Committee shall hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination by Land and Water Conservation staff in administering this Chapter.
- B. Procedure: Any appeal shall be made by written request, mailed or delivered to the Green County Land and Water Conservation Committee, c/o Land and Water Conservation, 1627 4th Avenue W, Monroe, WI 53566. The appeal shall be requested 90 calendar days from the issuance of the order, requirement, decision, or determination. The request shall state the ground or grounds upon which it is contended that the decision should be modified or reversed. The appeal shall be heard within 60 days of the date the appeal is filed with the Department. A copy of the meeting notice shall be sent to the applicant and the appropriate town board. The Department shall transmit to the Committee all documents constituting the record from which the appeal was taken. The Committee shall issue a written decision regarding the appeal within 60 days after the appeal hearing. (Ord. 17-0302, 3/14/17)
- C. Statutory Administrative Review And Certiorari: The decision of the Green County Land and Water Conservation Committee shall be subject to judicial review if, within 30 days after the decision of the Green County Land and Water Conservation Committee, an action seeking the remedy available by certiorari is commenced, as authorized by this County Code and §59.694, Wis. Stats.

(Ord. 14-0601, 6/10/2014)

9-5-4-6: DEFINITIONS

LIVESTOCK FACILITY: “Livestock facility” means a feedlot, dairy farm or other operation where livestock are, or will be, fed, confined, maintained or stabled for a total of 45 days or more in any 12-month period. A livestock facility includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single “livestock facility” for the purposes of this Code, except than an operator may elect to treat a separate species facility as a separate “livestock facility.”

LIVESTOCK STRUCTURE: “Livestock structure” means a building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. Livestock structure includes a barn, milking parlor, feed storage facility, feeding facility, animal lot or waste storage facility. “Livestock structure” does not include a pasture or winter grazing area, a fence surrounding a pasture or winter grazing area, a livestock watering or feeding facility in a pasture for winter grazing or a winter grazing area, or a machine shed or like facility that is not used for livestock.

(Ord. 07-0801, 8/14/07)(Ord. 14-0601, 6/10/2014)