

TREMPEALEAU COUNTY FEEDLOT PERFORMANCE STANDARDS

The Trempealeau County Board of Supervisors does ordain as follows:

15.1 TITLE

This section shall be known, cited and referred to as the Trempealeau County Feedlot Performance Standards.

15.2 INTENT AND PURPOSE

This Ordinance is adopted for the purpose of:

- Establishing a procedure for the permitting of feedlots.
- Protecting feedlots from residential encroachment.
- Protecting human and animal health.
- Protecting human welfare.
- Protecting the natural environment.
- Protecting property values.
- Regulating the location, development, and expansion of feedlots.
- Protect agriculture's ability to grow and change.
- Reduce conflicts between municipalities, rural non farm dwellings and feedlots.

15.3 GENERAL PROVISIONS

- A. Jurisdiction. Subject to 59.69 (5)(e), Wis. Stat., the jurisdiction of this Ordinance shall include all areas of Trempealeau County outside the incorporated limits of municipalities.
- B. Scope. From and after the effective date of this Ordinance and subsequent amendments, all new feedlots, expanding feedlots and existing feedlots for which permits are required under this ordinance or are requested by a feedlot operator shall be designed, built and operated in conformity with the provisions of this Ordinance.
- C. Application.
 - 1. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements.
 - 2. Where requirements under other laws, regulations or Ordinances are more restrictive than those set forth in this Ordinance, those requirements shall apply.

15.4 DEFINITIONS

- A. Aids to interpretation.

1. For the purpose of this Ordinance, words used in the present tense shall include the future. Words in the singular shall include the plural, and the plural the singular.
2. The word “person” shall include a firm, association, organization, partnership, trust, company or corporation as well as an individual.
3. The word “shall” is mandatory and not discretionary.
4. The word “may” is permissive.
5. The word “lot” shall include the word “plot”, “piece” and “parcel”.
6. The masculine gender includes the feminine and neuter genders.
7. All distances, unless otherwise specified, shall be measured horizontally.

B. Specific Words and Purposes Defined.

“Agricultural use” means beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; licensed game farms; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participating in milk production termination program under 7 USC 1446 (d); and vegetable raising.

“Animal” means domesticated and other types of animals together with fish and birds.

“Animal feedlot” or “feedlot” means an operation or facility, including a drylot other than a pasture, where animals have been, are or will be fed, confined, maintained or stabled for a total of forty-five (45) consecutive days or more, or such other period of time which is equivalent to the shortest growth cycle for the type of animal so fed, confined, maintained or stabled, in any twelve (12) month period.

For the purpose of developing the Phosphorus Based Manure Management Plan two or more animal feeding operations whether under common ownership or not, are deemed to be a single animal feedlot if they utilize a common area or system for the disposal of wastes.

For the purpose of determining setbacks two or more animal feeding operations under common ownership, farmed and/or managed by a common operator and within 500 feet of one another shall be considered as a single animal feedlot.

“Animal manure” means poultry, livestock or other animal excrement or a mixture of excrement with feed, bedding or other materials.

“Animal unit” means a unit of measure used to determine the total number of single animal types or combination of animal types which are fed, confined, maintained or stabled in an animal feedlot. For purposes of this definition, the following equivalents shall apply. For animals not listed below, the number of animal units shall be defined as the average weight of the animal divided by one thousand (1,000) pounds.

ANIMAL	UNIT	100 AU EQUALS
DAIRY		
Cows and Springers	1.4	71 Animals
Yearlings (750-1,200 lbs)	1	100 Animals
Heifers (400-749 lbs)	0.55	182 Animals
Calves (birth-399 lbs)	0.25	400 Animals
BEEF		
Cow/Calf	1	100 Animals
Finish Cattle (>1,200 lbs)	1.2	83 Animals
Heavy Feeders (1,000-1,199 lbs)	1	100 Animals
Feeders (700-999 lbs)	0.85	118 Animals
Stockers (450-699 lbs)	0.55	182 Animals
SWINE		
Boars	0.35	286 Animals
Sow & Litter	0.375	267 Animals
Gestating Sows	0.275	364 Animals
Heavy Finishing (>201 lbs)	0.2	500 Animals
Finishing (151-200 lbs)	0.175	571 Animals
Grower (65-150 lbs)	0.1	1,000 Animals
Nursery Pig (<64 lbs)	0.05	2,000 Animals
POULTRY		
Broilers	0.002	50,000 Animals
Layers	0.004	25,000 Animals
HORSES		
Pony	.5	200 Animals
Pleasure	1	100 Animals
Draft	1.25	80 Animals
SHEEP		
Rams	.24	417 Animals
Dry Ewes	.175	571 Animals
Ewes & Lambs	.2	500 Animals
Feeder Lambs	.07	1429 Animals

*Number of units is based on an average weight per growing cycle.

“Drylot “ means an enclosure usually bare of vegetation and used for the holding of livestock.

“Expansion” means an increase of greater than 20% of the existing number of animal units which are confined at an unpermitted animal feedlot or a construction investment that improves or increases the size of the operation or facility by 2,000 square feet or more. A construction investment of less than 2,000 square feet will be considered an expansion if it increases the potential pollution hazard.

“Family” means the feedlot owner, the feedlot owner’s grandparents, parents or stepparents, aunts or uncles, siblings, spouse, children or stepchildren, or grandchildren.

“Feedlot Expansion Exemption” means that a one time exemption to the setback and animal unit permit requirements of this ordinance shall be granted in those instances where livestock producers successfully verify that feedlot expansion activities had been initiated but not completed prior to the adoption of this ordinance. In order to qualify for this exemption, feedlot permit applications must be submitted to the Zoning Department within six (6) months of the adoption of this ordinance.

“Lagoon” means a biological treatment system designed and operated for biodegradation, converting organic matter in animal wastes to more stable end products. This system is differentiated from a storage facility by design in that it is a system that reduces the amount of material that needs to be removed. A lagoon is also characterized as a long term facility versus the short term nature of a storage facility.

“Livestock” means animals kept for use on a farm, range or lot and/or raised for sale and profit.

“Manure storage area” means an area used for the temporary storage of animal manure or run-off containing animal manure until it can be utilized as domestic fertilizer or removed to a permitted animal manure disposal site.

“Manure storage facility” means a permanent site used in conjunction with an animal feedlot on which animal manure or run-off containing animal manure is stored until it is utilized as domestic fertilizer or removed to a permitted animal manure disposal site.

“Navigable waters” means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under s.281.31(2m), Wis. stats, notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under s. 59.69, Wis. Stats, and ch. NR 115, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if:

- (a) Such lands are not adjacent to a natural navigable stream or river.

- (b) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
- (c) Such lands are maintained in nonstructural agricultural use.

“Non-conforming structure and use” means any structure, land or water lawfully used, occupied, or erected at the time of the effective date of this Ordinance or amendments thereto which use or structure does not conform to the regulations of this Ordinance or amendments thereto. Any such structure conforming as to use but not as to locations or dimensional limitations shall be considered non-conforming.

“Pasture” means land with a permanent, uniform cover of grasses or legumes used for providing forage to livestock. For this ordinance, pastures also include areas where cattle are wintered or carried on crop residue (corn stover, bean stover, hay, etc.), along with some supplemental feeding during the winter, drought or flooding. Pastures are not bare of vegetation or crop residue. What is a pasture shall be further limited by and be subject to the grazing rates established in accord with University of Wisconsin Extension “Grazing Reference Material Manual”.

“Permit” means the granting of authority by the County to conduct certain activities subject to this Ordinance which may also include a certificate of compliance.

“Permitted use” means a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards of such district.

“Phosphorus Based Manure Management Plan” means the Trempealeau County Land Conservation Department Phosphorus Based Manure Management Plan Guidelines, Dec., 1999.

“Potential pollution hazard” means a use or condition which indicates a potential for pollution of the land or waters of the County, including:

1. An animal feedlot, manure storage area, or some other potential pollutant generator or handler whose boundaries are located within shoreland or flood plain, or are located in an area draining directly to a sinkhole or draining to an area with shallow soils overlaying a fractured or cavernous rock, or are located within 100 feet of a water well, or
2. An animal feedlot, manure storage area, or some other potential pollutant generator or handler whose construction or operation may allow a discharge of pollutants to surface or groundwater of the County in excess of applicable standards, or violate any applicable state rules.

3. All areas of concentrated (channeled) flow which provides a direct hydraulic conduit to the surface waters (including wetlands) of Trempealeau County.

“Vegetative Buffer Strip” means a permanently vegetated corridor of land immediately adjacent to navigable waters. It shall be a minimum of twenty (20) feet in horizontal width as measured perpendicularly from the ordinary high water mark of the navigable water. Ground cover, seeding mixtures, mowing and grazing of the vegetative buffer strip shall be in accord with recommendations of the Land Conservation Department.

“Water Quality Management Areas” means those areas in the County in which each livestock operator is required to comply with certain prohibitions through use of a variety of Best Management Practices (BMP) if his/her/its operation is:

Within 300 feet of a stream; or
Within 1000 feet of a lake; or
Specific sites based on susceptibility and the possibility of direct conduits to groundwater

“Wetland” means those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions. The Wisconsin Wetlands Inventory Maps produced by the Wisconsin Department of Natural Resources Bureau of Planning will be used as references in determining the size and location of wetlands. Discrepancies between the wetland inventory maps and actual field conditions will be determined at the discretion of the Zoning Administrator.

“WPDES” means a State of Wisconsin Pollutant Discharge Elimination Permit issued pursuant to Chapter 283, Wis. Stats.

15.5 ADMINISTRATION

Zoning Department. The Trempealeau County Feedlot Ordinance shall be administered by the Trempealeau County Zoning Department with technical assistance and support to be provided by the Trempealeau County Land Conservation Department and the University of Wisconsin Extension Agricultural Agent if and when available.

15.6 GENERAL REGULATIONS

A. Feedlots Restricted to Agricultural Zone. Feedlots shall only be located in areas of Trempealeau County zoned Agricultural. Feedlots will be designated as either permitted or conditional uses dependent on the size classification of the proposed operation:

1. A feedlot with 10 to 49 animal units shall be considered a permitted use subject, however, only to the environmental controls under this Ordinance. With the exception of vegetative buffer strips Section 15.7 B.(1-6) and

15.7 D.3., none of the setback limitations imposed under Section 15.7 B.7. or C. shall apply to feedlots with less than 50 animal units.

2. A feedlot with 50 to 299 animal units shall be considered a permitted use.
3. A feedlot with 300 - 650 animal units shall be considered a conditional use and shall require a conditional use permit. A public hearing shall not be required.
4. A feedlot with 651 - 999 animal units shall be considered a conditional use and shall require a conditional use permit. A public hearing shall be required.
5. A feedlot containing 1,000 or more animal units shall be considered a conditional use and shall require a conditional use permit. A Wisconsin Pollution Discharge Elimination System (WPDES) permit shall be obtained from the Wisconsin Department of Natural Resources and shall be attached to the permit application. A public hearing shall be required.

A feedlot existing and operational at the time of this Ordinance that is not in compliance with regulations of this Ordinance shall be considered to be non-conforming. An existing non-conforming feedlot that is abandoned or not operational for a period of twenty-four (24) consecutive months shall no longer retain its non-conforming status and must comply with all of the regulations set forth in this Ordinance prior to the reintroduction of livestock. Exception: In the event that as a result of an involuntary change of ownership of a feedlot including but not limited to mortgage or land contract foreclosures or bankruptcy proceedings, the lender or subsequent owner would have twenty- four (24) months from the original date of acquisition to restock the feedlot and retain the non- conforming status of that feedlot.

B. Feedlot Permits Required. Under the following conditions a feedlot permit is required:

1. A new feedlot is proposed for a lot or a site on a lot where a feedlot does not exist at the time of application for a permit nor at which site a feedlot previously existed;
2. Expansion of an existing animal feedlot is proposed;
3. An existing feedlot is sought to be permitted;
4. An existing permitted feedlot is to be restocked after being abandoned, or unused for twenty-four (24) or more consecutive months.

C. Renewal of Feedlot Permits. Feedlot permits must be renewed every seven (7) years or in the event of change of ownership.

D. Information Requirements for a Feedlot Permit.

1. A completed permit application listing all owners and operators, if not the owners, signed by at least one of the owners. Each application for a permit and each application for a conditional use permit shall be accompanied by the fee required. The fee structure shall be based on the numbers of animal units.
2. A statement as to the maximum number of animals, by average weight range, that will be confined at the feedlot at one time.
3. A description of the geological condition and soil types.
4. A map or aerial photo indicating dimensions of the feedlot, showing all existing homes, buildings, lakes, ponds, watercourses, wetlands, dry runs, rock out-croppings, roads, wells, land contours, and surface water drainage within one half (1/2) mile of the feedlot.
5. A manure management plan that shall be in accordance with the Phosphorus Based Manure Management Plan and include the following:
 - a. FSA aerial photos of the location of all manure application sites and acreage reports.
 - b. Written and signed land spreading contracts shall be provided if the applicant does not have the minimum acreage under the Phosphorus Based Manure Management Plan to apply animal waste.
 - c. Manure handling and application techniques.
 - d. Plans for proposed manure storage and/or pollution abatement structure(s).
 - e. An analysis of the soils and manure when required by the Phosphorus Based Manure Management Plan.
6. A scaled map of the site showing the following information:
 - a. The locations and dimensions of all animal confinement buildings including outside lots.
 - b. The locations, dimensions, and design criteria of any manure storage facilities.
 - c. The location of any well, active or abandoned, and its distance to the nearest confinement building or outside lot.
 - d. The drainage patterns on the site.

- e. The location of all structures within the setback area of the proposed facility.
 - f. Proof of ownership or control and timeline for construction.
- 7. A list of all adjacent property owners.
 - 8. A letter from the town board regarding the proposed feedlot.
- E. Notification of Adjacent Property Owners Required. All adjacent property owners shall be individually notified by the Zoning Administrator prior to the granting of permits for new feedlots under this ordinance.

15.7 PERMIT CRITERIA

A. Standards Applicable to All Feedlots. The following standards shall be met by all feedlots, whether permitted under this Ordinance or subject to a conditional use permit:

- 1. Permits shall be in effect only as long as the County's Phosphorus Based Manure Management Plan standards are met.
- 2. All new or expanding manure storage facilities shall conform with the Trempealeau County Animal Waste Management Ordinance. All plans for manure storage lagoons and manure storage structures shall be designed and the plans signed, by an agricultural or civil engineer registered in the State of Wisconsin, or by an agricultural engineer practitioner as defined by the Wis. Adm. Code §ATCP 50.95.
- 3. New or expanding feedlots and existing feedlots sought to be permitted shall conform with the County's Animal Waste Management Ordinance.
- 4. New or expanding feedlots and existing feedlots sought to be permitted must meet limitations imposed by the State's Animal Waste Advisory Committee:
 - a. No overflow of manure storage structures.
 - b. No unconfined manure stacking (piling) within Water Quality Management Areas.
 - c. No direct runoff from feedlots or stored manure to waters of the state.
 - d. No unlimited livestock access to waters of the state where the sod cover is compromised in the process and/or a pollution hazard is created by a concentration of livestock.

5. All feedlot designs must be reviewed and approved by the Land Conservation Department.
6. The Land Conservation Department shall review all feedlot projects to ensure that runoff water from storm water and other sources does not create a pollution or sedimentation problem. Feedlot construction projects must meet the requirements of the Wisconsin Department of Natural Resources "Wisconsin Construction Site Best Management Practice Handbook".
7. Feedlot expansion exemptions shall be approved. Submitted with the permit application must be a signed statement from the applicants Lender (unless no financing is required in order to finance the existing feedlot) and/or the Trempealeau County Agricultural Agent stating that a financial plan has been approved and a financial investment has been made towards the expansion of an existing feedlot. The financial statement shall include the maximum number of animal units associated with the financial plan as well as the date for completion of the feedlot expansion.

B. General Setbacks for Feedlots.

1. New or expanding feedlots are prohibited in the one hundred (100) year floodplain.
2. New or expanding feedlots shall not be located closer than one hundred (100) feet from any well. The expansion of an existing feedlot that is already located at less than one hundred (100) feet from a well may occur but the expansion may not encroach upon the well set back.
3. New or expanding feedlots shall be set back a minimum of fifty (50) feet from the top of a twenty percent (20%) slope. The expansion of an existing feedlot that is already located at less than fifty (50) feet from a twenty percent (20%) slope may occur but the expansion may not encroach upon the slope set back.
4. New or expanding feedlots shall be set back a minimum of three hundred (300) feet from the normal high water mark of navigable waters and one thousand (1000) feet from the normal high water mark of a lake. An existing feedlot already located at less than three hundred (300) feet from navigable waters or one thousand (1000) feet from a lake may expand, but the addition shall not further encroach upon the shoreline setback. The required setback from navigable waters may be reduced to seventy-five (75) feet if the design of the feedlot is approved by the Land Conservation Department.
5. New or expanding feedlots shall be set back a minimum of one hundred (100) feet from a public or private drainage ditch. If the drainage ditch is

connected to navigable waters a three hundred (300) foot setback shall be maintained. The expansion of an existing feedlot already located at less than the required setback distance may expand, but the addition shall not further encroach upon the drainage ditch setback. The required setback from navigable waters may be reduced to seventy-five (75) feet if the design of the feedlot is approved by the Land Conservation Department.

6. New or expanding feedlots shall be set back a minimum of one hundred (100) feet from a wetland. An existing feedlot already located at less than the one hundred (100) feet may expand, but the addition shall not further encroach upon the wetland setback.
7. Setbacks for new or expanding feedlots from non-farm dwellings, other than those owned by the owner, or operator or their family members shall be established in accord with Table 1.

Table 1.

CATEGORY	50-299 AU	300-650 AU	651-999 AU	1000 + AU
Public parks	500 feet	500 feet	750 feet	1/4 mile
Residential dwelling	500 feet	500 feet	750 feet	1/4 mile
Property lines	100 feet	100 feet	100 feet	100 feet

- C. Setbacks for the application of manure shall be established in accord with Table 2. The applicant may spread manure within the required setback distances from residential dwellings provided that written permission is obtained from affected property owner(s) and occupant(s). For the purpose of the application of manure; drainage ditches, streams and rivers are defined as a body of continuous running water with a defined bed. In addition, a body of water designated as a solid blue line on the United States Geological Survey Quadrangle Maps for Trempealeau County shall be considered a drainage ditch, stream or river. Discrepancies between the United States Geological Survey Quadrangle Maps for Trempealeau County and actual field conditions will be reconciled jointly by the Zoning Administrator and Land Conservation Department Administrator.

Table 2.

SETBACK FROM PHYSICAL FEATURES OR STRUCTURE	SPREADING WITHOUT INCORPORATION*	INJECTION OR INCORPORATION WITHIN 72 HOURS OF APPLICATION*
Streams or rivers	200 feet	20 feet
Lakes	200 feet	20 feet
Water wells	200 feet	50 feet
Residential dwelling	100 feet	100 feet

*Spreading of manure is not allowed on the Public right-of-way.

- D. General Standards for Manure Application.

1. New or expanding feedlots need an approved Phosphorus Based Manure Management Plan. If the feedlot owner does not own land sufficient to implement a Phosphorus Based Manure Management Plan, the applicant must provide signed land spreading contracts providing for spreading rights consistent with the Phosphorus Based Manure Management Plan. Permits shall automatically terminate upon the expiration of such contract(s) unless extensions or alternative contracts consistent with the Phosphorus Based Manure Management Plan have been secured.
 2. Animal manure shall not be stored for longer than one (1) year.
 3. A twenty (20) foot vegetative buffer strip shall be maintained adjacent to streams, rivers and lakes. Row cropping is not permitted within the buffer strip. Adequate vegetative cover or BMP erosion control practices are required to be maintained within the buffer strip.
- E. Feedlots Located in Water Quality Management Areas. In the event that it is proposed to place a feedlot in one of the following described locations, before a permit shall be issued the owner or operator shall demonstrate its compliance with a BMP Sec. 15.7 A(4)(a-d) plan for the feedlot:
1. Within three hundred (300) feet of a stream.
 2. Within one thousand (1000) feet of a lake.
 3. Specific sites identified by the Zoning Department based on the susceptibility and the possibility of ground and/or surface to groundwater.

15.8 CONDITIONAL USE PERMITS FOR FEEDLOTS

- A. Circumstances Requiring Issuance of Conditional Use Permits. Conditional use permits shall be required for all feedlots described in Sec. 15.6A. 3. and 4., and for the siting of single family dwellings (see C., below).
- B. Conditional Use standards for Feedlot Permits. The County may impose additional conditions beyond the standards and requirements set forth in this Ordinance which a joint Zoning Committee/Land Conservation Committee considers to be necessary to protect the public health, safety, and welfare. These may include but are not limited to conditions based upon consideration of the following factors:
1. Economic activity
 2. Ground water: quality and quantity
 3. Surface water quality

4. Air quality
5. Noise and odor levels
6. Major land uses
7. Visual appearance
8. Housing
9. Traffic
10. Utilities, schools, police and fire protection, sewage treatment, and other public services
11. Wildlife
12. Vegetation
13. Tourism
14. Wetlands
15. Light pollution
16. Grave sites and Native American burial grounds
17. Social Implications
18. Any important archeological, ethnological, cultural, religious and historical landmarks and artifacts
19. Any endangered species
20. Concerns of neighboring property owners
21. Environmental implications of the proposal
22. Infrastructure impacts (roadways, bridges, etc.)
23. Effect on neighboring property values

- C. Siting of Single Family Dwellings Limited. A single family dwelling, other than that of the owner of the feedlot or a family member, which is proposed to be located within twice the required setback area of a permitted feedlot, shall require a conditional use permit. Conditional use permits granted for a single family dwelling to be located within the required setback area of a permitted feedlot shall not preclude the permitted feedlot from future expansion provided that all of

the requirements of this Ordinance are satisfied. If granted, a conditional use permit for a single family dwelling in the setback area shall include as one condition that the applicant and his/her successors in interest shall be limited by Sec. 823.08, Wis. Stats., in their pursuit of nuisance actions against the owner or operator of the feedlot.

1. In addition to other information required under other applicable state and local regulations, an applicant for a conditional use permit must submit the following information to the Zoning Department:
 - a. Standard Permit and/or Conditional Use Permit Application and fee.
 - b. A topographical survey of the lot highlighting existing features, manmade and natural, and the structures and components of the proposed residence.
 - c. Location of all feedlots within one-half (1/2) mile.
 - d. Well location for the proposed structure.
 - e. Evidence of title to and/or right to use the property.
 - f. Letter from the Town Board regarding the proposed single family dwelling.
 - g. Names and addresses of all adjoining property owners.
 - h. Any additional information the Zoning Committee may require in accordance with Section 11.4 of this Ordinance.

15.9 FEEDLOTS DECLARED TO BE AGRICULTURAL USE

In accord with Sec. 823.08(2)(b), Wis. Stats., all feedlots operated pursuant to a feedlot permit or conditional use permit under this Ordinance are considered to be an agricultural use of land.

15.10 ENTRY TO BE AFFORDED TO ZONING DEPARTMENT AS A PERMIT CONDITION.

Each permit for construction and operation of a feedlot shall be subject to the requirement that the owner of the lot on which it is located together with the occupant, if operated by someone other than the owner, shall constitute a right of entry to Zoning Department officers and employees and to entry to all parts of the feedlot and the lot on which it is located for inspection purposes relating to conformity of its construction and operation to the terms of this Ordinance. Such inspections shall, except for emergencies, take place between 8:00 a.m. and 5:00 p.m. Monday through Saturday. Before entering upon the land of a permit holder the inspector shall make a reasonable attempt to contact the owner or occupant by telephone or in person at least 24 to 48 hours in advance of the proposed inspection.

15.11 COUNTY INTERVENTION TO PREVENT OR LIMIT POLLUTION FROM LEAKING LAGOON OR MANURE STORAGE SYSTEM.

If a feedlot, whether operated pursuant to a permit issued under this Ordinance or not, contains a lagoon or other storage system for the retention of animal manure, which lagoon or other storage system is in a state of disrepair or is otherwise neglected or has been abandoned by its owner or operator and if upon inspection by the County it is determined that manure is leaking into the groundwater or onto the surface of the ground or into adjacent surface waters, the County may, with or without notice to the owner or operator, take such steps as are necessary to drain or contain said manure so as to prevent or limit pollution resulting from such a release. If the County, through its own resources and employees or through a contractor, is forced to take such steps, it shall collect the costs thereof against the owner and/or operator of the leaking lagoon or manure storage system. If necessary, legal action shall be commenced to compel reimbursement to the County.

15.12 OWNER/OPERATOR RESPONSIBILITY FOR LEAKING LAGOON OR MANURE STORAGE SYSTEM NOT TO BE LIMITED BY COUNTY INTERVENTION UNDER SECTION 15.11.

The decision of whether or not to intervene under Section 15.11 to prevent or limit pollution from a leaking lagoon or manure storage system shall be vested in the sound discretion of the Land Conservation Department Administrator and the Zoning Administrator. Even in the event, however, that the County engages in such a process it shall not, as a result thereof, be held to assume any responsibility for the negligence or failure of the owner or operator to properly maintain and operate the lagoon or manure storage system in question.

15.13 UNREGULATED FEEDLOTS TO BECOME SUBJECT TO THIS ORDINANCE IN THE EVENT OF A VIOLATION OF WIS. ADM. CODE CH. 243.

In the event that an unregulated feedlot, including both a pre-existing feedlot not subject to regulation under this ordinance and a feedlot operating with less than 10 animal units, becomes the subject of a Wis. Adm. Code Ch. NR 243 investigation as to unacceptable practices causing or having caused the discharge of a significant amount of pollutants to the waters of the state, as a result of which a notice has been issued under Wis. Adm. Code Section NR 243.23 to implement corrective measures, each such feedlot shall become subject to the regulations of this ordinance.

15.14 VIOLATIONS SUBJECT TO ACTION.

Any person who, with or without a permit, under this Ordinance violates any of its standards or requirements shall be subject to imposition of an appropriate forfeiture in accordance with the Trempealeau County Citation Ordinance or injunctive relief or both in the discretion of the County.

15.15 FEES

The fee schedule adopted by the joint Zoning Committee/Land Conservation Committee as amended from time to time shall be in effect in the administration of this Ordinance.

Feedlot Fee Schedule			
Animal Units	Permit Fee	Public Hearing Fee	7 Yr. Renewal
10-49	\$50.00	NA	\$25.00
50-299	\$75.00	NA	\$50.00
300-650	\$100.00	NA	\$50.00
651-999	\$150.00	\$200.00	\$75.00
1000 +	\$300.00	\$200.00	\$100.00