

**CHAPTER 23**  
**LIVESTOCK AND ANIMAL FACILITY LICENSING ORDINANCE**

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## LIVESTOCK AND ANIMAL FACILITY LICENSING 23.01

THE COUNTY OF JACKSON DOES HEREBY ORDAIN AS FOLLOW:

### 23.01 Authority

This ordinance is adopted pursuant to the powers granted under Wisconsin Constitution, and Wisconsin Statutes including but not limited to Chapter 59, Section 92.15 and 93.90.

### 23.02 Purpose

Purpose: The purpose of this ordinance is to comply with requirements of Sec. 93.90 of Wis. Statutes and ch. ATCP 51, Wis. Adm. Code (ATCP 51), and to establish standards and authority to protect the public health and safety of the people of Jackson County. This ordinance sets forth the procedures for obtaining a license for the siting of new and expanded livestock and/or animal facilities in Jackson County. It is also intended to provide penalties for its violation.

### 23.03 Findings

The Jackson County Board of Supervisors finds that improper management of animal waste causes pollution of ground and surface waters, and may result in actual or potential harm to public health, other animals, aquatic life, and consequently to the property tax base of Jackson County.

## LIVESTOCK AND ANIMAL FACILITY LICENSING 23.04

### 23.04 Definitions

- (1) ADJACENT means located on land parcels that touch each other, or on land parcels that are separated only by a river, stream, or transportation or utility right-of-way.
- (2) ANIMAL means domesticated and other types of animals together with fish and birds.
- (3) ANIMAL UNIT has the meaning that was given in s. NR 243.03 (3) as of April 27, 2004.
- (4) BUILDING means any structure of every kind for the shelter, support or enclosure of persons, animals, chattel or property of any kind, and when separated by party walls without openings, each portion of such building so separated shall be deemed a separate building.
- (5) COMPLETE APPLICATION FOR LOCAL APPROVAL means an application that contains everything required under s. ATCP 51.30 (1) to (4) for those licenses needing to meet ATCP 51 Siting Standards.
- (6) EXPANDED LIVESTOCK AND ANIMAL FACILITY means the entire animal and livestock facility that is created by the expansion, after May 1, 2006, of an existing animal and livestock facility. "Expanded livestock and animal facility" includes all livestock and/or animal structures in the expanded facility, regardless of whether those structures are new, existing, or altered.
- (7) 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 that operator increases the largest number of animal units kept at the combined livestock facilities on at least 90 days in any 12-month period. For livestock and animal facilities requiring only a Jackson County license, expansion means an increase of 20% or greater of the existing number of animal units which are confined at a permitted and/or an un-permitted animal feedlot.

LIVESTOCK AND ANIMAL FACILITY LICENSING 23.04(8)

- (8) LIVESTOCK means domestic animals traditionally used in this state in the production of food, fiber or other animal products. "Livestock" includes cattle, swine, poultry, sheep and goats. "Livestock" does not include equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids, or mink.
- (9) LIVESTOCK AND/OR ANIMAL FACILITY means a feedlot, dairy farm or other operation where livestock and/or animals are or will be fed, confined, maintained, or stabled for a total of 45 days or more in any 12-month period. A "livestock and/or animal 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 and/or animal facility" for purposes of this chapter, except that an operator may elect to treat a separate species facility as a separate "livestock facility".
- (10) LIVESTOCK AND/OR ANIMAL STRUCTURE means a building or other structure used to house or feed livestock, to confine animals and/or livestock for milking, to confine animals and/or livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. "Livestock and/or animal structure" includes a barn, milking parlor, feed storage facility, feeding facility, animal lot or waste storage facility. "Livestock and/or animal 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 or winter grazing area, or a machine shed or like facility that is not used for animals and/or livestock.
- (11) LONG-TERM STORAGE FACILITY means a storage facility that is intended to store waste and manure for more than 30 days.
- (12) MANURE means excreta from animals or livestock kept at a livestock or animal facility. "Manure" includes livestock bedding, water, soil, hair, feathers, and other debris that becomes intermingled with livestock and animal excreta in normal manure handling operations.

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- (13) NEW LIVESTOCK FACILITY means a livestock facility that will be used as a livestock facility for the first time, or for the first time in at least 5 years. “New livestock facility” does not include an expanded livestock facility if any portion of that facility has been used as a livestock facility in the preceding 5 years.
- (14) OPERATOR means a person who applies for or holds a local approval for a livestock facility.
- (15) PASTURE means land on which animal or livestock graze or otherwise seek feed in a manner that maintains the vegetative cover over all of the grazing or feeding area.
- (16) PERSON means an individual, corporation, partnership, cooperative, limited liability company, trust, or other legal entity.
- (17) POPULATE means to add animal units for which local approval is required.
- (18) PROPERTY LINE means a line that separates parcels of land owned by different persons.
- (19) RELATED LIVESTOCK FACILITIES means livestock facilities that are owned or managed by the same person, and related to each other in at least one of the following ways:
  - (a) They are located on the same tax parcel or adjacent tax parcels of land.
  - (b) They use one or more of the same livestock structures to collect or store manure.
  - (c) At least a portion of their manure is applied to the same land spreading acreage.

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(20) SEPARATE SPECIES FACILITY means a livestock facility that meets all of the following criteria:

(a) It has only one of the following types of livestock, and that type of livestock is not kept on any other livestock facility to which the separate species facility is related under sub. (36):

1. Cattle
2. Swine
3. Poultry
4. Sheep
5. Goats

(b) It has no more than 500 animal units.

(c) Its livestock housing and manure storage structures, if any, are separate from the livestock housing and manure storage structures used by livestock facilities to which it is related under sub. (36).

(d) It meets one of the following criteria:

1. Its livestock housing and manure storage structures, if any, are located at least 750 feet from the nearest livestock housing or manure storage structure used by a livestock facility to which it is related under sub.(36).
2. It and the other livestock facilities to which it is related under sub. (36) have a combined total of fewer than 1,000 animal units.

LIVESTOCK AND ANIMAL FACILITY LICENSING 23.04(21)

- (21) SHORT-TERM STORAGE FACILITY means a storage facility that is intended to store waste and manure for less than 30 days.
- (22) SUBSTANTIALLY ALTERED livestock and/or animal structure means a livestock and/or animal structure that undergoes a material change in construction or use, including any of the following material changes:
- (a) An increase in the capacity of a waste storage facility.
  - (b) The addition of a liner to a waste storage facility.
  - (c) An increase of more than 20% in the area or capacity of a livestock and/or animal structure used to house, feed or confine livestock and/or animals, or to store livestock and/or animal feed.
  - (d) An increase of more than 20% in the number of animal units that will be kept in a livestock and/or animal structure on at least 90 days in any 12-month period.
- (23) WASTE STORAGE FACILITY means one or more waste storage structures. "Waste storage facility" includes stationary equipment and piping used to load or unload a waste storage structure if the equipment is specifically designed for that purpose and is an integral part of the facility. "Waste storage facility" does not include equipment used to apply waste to land.
- (24) WASTE STORAGE STRUCTURE means a waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure. "Waste storage structure" does not include equipment used to apply waste to land. For purposes of ss. ATCP 51.12 (2) and 51.14, "waste storage structure" does not include any of the following:
- (a) A structure used to collect and store waste under a livestock housing facility.
  - (b) A manure digester consisting of a sealed structure in which manure is subjected to managed biological decomposition.

## LIVESTOCK AND ANIMAL FACILITY LICENSING 23.04(25)

(25) WPDES PERMIT means a Wisconsin pollutant discharge elimination system permit issued by DNR under ch. NR 243.

The remaining definitions in ATCP 51 are hereby incorporated by reference without reproducing them in full in this ordinance.

### 23.05 General Provisions

- A. Jurisdiction – The jurisdiction of this ordinance shall include all unincorporated areas of Jackson County.
- B. License required.  
A license issued by Jackson County is required for new or expanded animal and livestock facilities that will have 500 or more animal units.
- C. Licenses for New and Existing Animal or Livestock Facilities with less than 500 animal units.
  - 1) A license is required for the expansion of a pre-existing or previously approved animal or livestock facility if the number of animal units kept at the expanded livestock facility will exceed all of the following:
    - a) The applicable size threshold for a license.
    - b) The maximum number previously approved or, if no maximum number was previously approved, a number that is 20% higher than the number kept on or after the date of this ordinance.

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- 2) A license is required for animal and livestock facilities less than 500 animal units that are new or expanding. This license is to ensure compliance with the four Siting Standards as follows:
  - 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.
- 3) A license is not required for an animal or livestock facility that existed before November 1, 2001 or before the effective date of the license requirement in this ordinance, except as provided in sub. 1 and sub. 2).
- 4) A license is not required for an animal or livestock facility that was previously issued a conditional use permit, license or other local approval, except as provided in sub.1 and sub. 2). A prior approval for the construction of an animal or livestock facility implies approval for the maximum number of animal units that the approved livestock facility was reasonably designed to house, except as otherwise clearly provided in the approval. Prior approval of a single livestock structure, such as a waste storage structure, does not constitute prior approval of an entire livestock facility.

## LIVESTOCK AND ANIMAL FACILITY LICENSING 23.05(D)

### D. Application

- 1) In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- 2) It is not intended by this Chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to laws.
- 3) If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a Court of Competent jurisdiction, the remainder of this Chapter shall not be affected thereby.

### 23.06 Licensing Administration

Jackson County does hereby designate the Land Conservation Department to have the primary responsibility of administering this ordinance and related matters thereto.

### 23.07 Licensing Standards

The standards for issuing a license are as follows:

1. The state livestock facility siting standards adopted under ATCP 51, Wis. Adm. Code, inclusive of all appendixes and worksheets and any future amendments to this chapter, except as may be noted in this section of the ordinance, are incorporated by reference in this ordinance, without reproducing them in full.

## LIVESTOCK AND ANIMAL FACILITY LICENSING 23.07(2)

2. All animal and livestock facilities new or expanding need to be permitted and must meet the following:
  - 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.
3. The following setbacks shall apply to livestock and/or animal structures:
  - a) Property lines  
Except as provided for waste storage structures, livestock and/or animal structures must be located a minimum of 100 feet from the property line if the livestock and/or animal facility will have fewer than 1,000 animal units, and 200 feet from the property line if the livestock and/or animal facility will have 1,000 or more animal units.

The setback requirement does not prevent the use or expansion of a livestock and/or animal structure that was located within the setback area prior to the effective date of the setback requirement, except that a structure may not be expanded closer to the property line.

LIVESTOCK AND ANIMAL FACILITY LICENSING 23.07(3)(b)

b) Public road right-of-way  
Highway Setbacks.

For the purpose of determining the distance buildings and other structures shall be set back from the streets and highways of the County, the highways of the County are divided into the following classes:

(1) CLASS A HIGHWAYS.

- (a) All State and federal highways are hereby designated as Class A highways.
- (b) The setback line for Class A highways shall be 110' from the centerline of the highway or 50' from the right-of-way line, whichever is greater.
- (c) Service roads to Class A highways shall be considered as Class C highways for the purpose of determining the setback along such service roads

(2) CLASS B HIGHWAYS.

- (a) All County trunks are hereby designated as Class B highways. For the purpose of this subchapter, any road will be considered as a County trunk after it has been placed on the County trunk systems by the County Board and approved by the Highway Commission.
- (b) The setback for Class B highways shall be 75' from the centerline of such highway or 42' from the right-of-way line, whichever is greater.

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(3) CLASS C HIGHWAYS.

(a) All town roads, streets and highways not otherwise classified are hereby-designated Class C highways.

(b) For all Class C highways setback lines are hereby established parallel to and distant 63' from the centerline of such highway or 30' from the right-of-way line, whichever is greater.

(4) LESSER SETBACKS. Lesser setbacks may be permitted by the Board of Adjustment according to 17.96 in cases of unusual topography or existing patterns of lesser setbacks of buildings on nearby properties.

The setback requirement does not prevent the use or expansion of a livestock and/or animal structure that was located within the setback area prior to the effective date of the setback requirement, except that a structure may not be expanded closer to the public road right-of-way.

c) Animal Waste Storage Structure

A new waste storage structure, designed to contain 30 days or more of animal manure (long-term storage facility), may not be located within 350 feet of a property line, or within 350 feet of the nearest point of any public road right-of-way. A new animal waste storage structure designed to contain less than 30 days of animal manure (short-term storage facility), may not be located within 100 feet of a property line, or within 100 feet of the nearest point of any public road right-of-way.

A single new waste storage structure may be constructed closer to the property line or public road if a new structure is:

- Located on the same tax parcel as a waste storage structure in existence before May 1, 2006.
- No larger than the existing structure.
- No further than 50 ft. from the existing structure.
- No closer to the road or property line than the existing structure.

This setback requirement does not apply to existing waste storage structures. An existing short-term storage facility within 100 feet of a property line or road may not expand toward that property line or road. An existing long-term manure storage facility within 350 feet of a property line or road may not expand toward the property line or road.

## LIVESTOCK AND ANIMAL FACILITY LICENSING 23.07(3)(d)

- d) New, expanding, or substantially altered feedlots are prohibited in the 100 Year Floodplain.
- e) New, expanding, or substantially altered feedlots shall follow NR.811 and BR.812 Rules for siting wells.
- f) New, expanding, or substantially altered feedlots shall be set back a minimum of three hundred (300) feet from a river, creek or stream and one thousand (1000) feet from a lake, pond, or flowage. An existing feedlot already located at less than one hundred fifty (150) feet from a river, creek or stream or one thousand (1000) feet from a lake, pond, or flowage may expand, but the addition shall not further encroach upon the shoreline setback. The setback may be reduced, but only by the County Board of Adjustment through the Variance procedure.

### 23.08 License Application

#### A. New or Expanded Livestock and/or Animal facilities at or above 500 animal units.

A livestock operator must complete the application form and worksheets prescribed by ATCP 51 and Jackson County, including any authorized local modifications. The application form and worksheets demonstrate compliance with standards in ATCP 51 and this ordinance.

The operator must file 4 duplicate copies of the application form, including worksheets, maps and documents (other than engineering design specifications) included in the application.

#### B. Livestock and/or animal facilities below 500 animal units.

New or expanding livestock and/or animal facilities under 500 animal units must complete the county application form to assure compliance with the County and State Siting Standards 23.07 (2) A-D.

## LIVESTOCK AND ANIMAL FACILITY LICENSING 23.09

23.09 License Application Fees – See Addendum A.

23.10 Application procedure

A. For Livestock facilities that are required to use the Wisconsin Department of Agriculture, Trade, and Consumer Protection application form.

1. Pursuant to ATCP 51.30 (5), within 45 days after the county receives an application, it shall notify the applicant whether the application is complete. If the application is not complete, the notice shall describe the additional information needed. Within 14 days after the applicant provides all the required information, the county shall notify the applicant that the application is complete. This notice does not constitute an approval of the proposed livestock facility.
2. Pursuant to ATCP 51.30 (6), within 14 days after the County notifies an applicant that the application is complete, the county shall notify adjacent landowners of the application. The county shall use the approved notice form in ATCP 51, and mail by first class mail a written notice to each adjacent landowner.
3. Pursuant to ATCP 51.32, the county shall grant or deny an application within 90 days after the county gives notice that the application is complete under paragraph 2 above. The county may extend this time limit for good cause, including any of the following:
  - The county needs additional information to act on the application.
  - The applicant materially modifies the application or agrees to an extension.

The county shall give written notice of any extension. The notice shall specify the reason for the extension, and the extended deadline date by which the county will act on the application.

## LIVESTOCK AND ANIMAL FACILITY LICENSING 23.10(B)

- B. Livestock operations that are required to obtain a license must meet the four Livestock Siting Standards and must complete the county application prior to starting to populate the site.

### 23.11 Criteria for issuance of a License.

A license shall be issued if the application for the proposed livestock and/or animal facility:

- Complies with this ordinance, and
- Is complete, and
- Contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed livestock and/or animal facility meets the standards specified in this ordinance, specifically 23.07.

A license shall be denied if any of the following apply:

- The application on its face, fails to meet the standard for approval in the previous paragraph,
- The county finds, based on other clear and convincing information in the record, that the proposed animal and livestock facility does not comply with applicable standards in this ordinance.
- Other grounds authorized by s93.90, Stats., that warrant disapproving the proposed animal and livestock facility.

## LIVESTOCK AND ANIMAL FACILITY LICENSING 23.12

### 23.12 Record of Decision for license requiring a Wisconsin Department of Agriculture, Trade and Consumer Protection Application for Local Approval – New or Expanded Livestock Facility.

The county will issue its decision in writing. The decision must be based on written findings of fact supported by evidence in the record. Findings may be based in part on the presumptions created by ATCP 51.

If the county approves the application, it will give the applicant a duplicate copy of the approved application, marked “approved.” The duplicate copy must include worksheets, maps, and other documents (other than engineering specifications) included in the application.

The Land Conservation Department as required by ATCP 51.36 within 30 days of the county decision on the application shall do the following:

- a. Give the Department of Agriculture, Trade and Consumer Protection written notice of the county’s decision.
- b. File with the Department a copy of the final application granted or denied, if the county has granted or denies an application under this ordinance. (The copy shall include all of the worksheets, maps and other attachments included in the application, except that it is not required to include the engineering design specifications.)
- c. If the county has withdrawn a local approval under this ordinance, file with the department a copy of the county final notice or order withdrawing the local approval.

### 23.13 Transferability of License

A license and the privileges granted by this license run with the land approved under the license and remain in effect, despite a change in ownership of the livestock and/or animal facility, as long as the new operator does not violate the terms of the local approval. An applicant may record with the register of deeds, at the applicant's expense, the duplicate copy of the approved application.

The county requests that upon change of ownership of the livestock and/or animal facility, the new owner of the facility shall file information with the Land Conservation Department providing pertinent information, including but not limited to such information as the name and address of the new owner and date of transfer of ownership.

### 23.14 Expiration of License

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

- Begin populating the new or expanded livestock and/or animal facility.
- Begin constructing all of the new or expanded livestock housing or waste storage structures proposed in the application for local approval.

23.15 License Terms and Modifications

A license and the privileges granted by a license issued under this ordinance is conditioned on the livestock and/or animal operator's compliance with the standards in this ordinance, and with commitments made in the application for a license. The operator may make reasonable changes that maintain compliance with the standards in this ordinance, and the county shall not withhold authorization for those changes. A violation of the license or a failure to comply with the commitments made in the application may result in suspension and/or termination of the license.

23.16 Compliance Monitoring

The county shall monitor compliance with the ordinance as follows:

- a. Upon notice to the livestock and/or animal facility owner request the right of the Land Conservation Department under 23.06 of this ordinance to personally view the licensed premises at a reasonable time and date to insure that all commitments of the application as approved are being complied with. Verification that permit conditions are being met will be required every five years.
- b. If the livestock and/or animal facility owner refuses the Land Conservation Department the right to view the licensed premises, the Land Conservation Department may request the assistance of the Sheriff or a deputy Sheriff to obtain an inspection warrant from the circuit court to inspect the licensed premises for the purpose of protection of the public health and safety under Sec. 66.0119 of Wis. Statutes.

## LIVESTOCK AND ANIMAL FACILITY LICENSING 23.16(c)

- c. If a licensed premises is found not to be in compliance with the commitments made in the approved application, the Land Conservation Department shall issue a written notice to the livestock and/or animal facility owner stating the conditions of non-compliance and directing that compliance of the commitments of the approved application and license be complied with in a reasonable amount of time stated in this written notice.
- d. If non-compliance of the license conditions as described in the written notice given by the Land Conservation Department continue past the stated reasonable time to comply, the Land Conservation Department may take further action as provided in this ordinance, including but not limited to issuance of a citation or seeking of injunctive relief.
- e. If the livestock and/or animal facility owner disputes that the conditions of the license have not been complied with, the livestock and/or animal facility owner may request a hearing in writing within five days of receipt of the notice of non-compliance. The Land Conservation and Agriculture Committee shall schedule a hearing within five days to determine if the conditions of the license have been complied with or whether non-compliance of the commitments of the approved application and local approval exists.

### 23.17 Enforcement Authority

The Land Conservation Department is authorized to post an order stopping work upon land, which has had a permit revoked or on land currently undergoing activity in violation of this ordinance. Notice is given by both posting upon the land where the violation occurs one or more copies of a poster stating the violation, and by mailing a copy of the order by certified mail to the person whose activity is in violation of this ordinance. The order shall specify that the activity must cease and be brought into compliance within 5 days.

23.18 Penalties

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 material false statement or knowing omission in any document required to be submitted under the provisions hereof, shall be subject to the following penalties:

- a. Upon conviction by a court of law, pay a forfeiture of not less than \$25 nor more than \$2500, plus the applicable surcharges, assessments and costs for each violation.
- b. Each day a violation exists or continues shall be considered a separate offense under this ordinance.
- c. In addition, the Land Conservation and Agriculture Committee may seek injunctive relief from a court of record to enjoin further violations. Violations of the ordinance will be enforced by the County Corporation Counsel.
- d. Failure to have a completed license application approved by the Jackson County Land Conservation Department prior to commencing licensed activities will result in the person paying a license fee listed in Addendum A. The person will be responsible for obtaining compliance to the ordinance and paying appropriate forfeitures for non-compliance.

## LIVESTOCK AND ANIMAL FACILITY LICENSING 23.18(e)

- e. In addition, the Land Conservation and Agriculture Committee may suspend or revoke the local approval of a license under this ordinance after due notice to the livestock and/or animal facility owner and a public hearing to determine whether the license should be suspended or revoked.
- f. The Jackson County Land Conservation Department will determine the amount of time allowed for the abatement of specific violations.

In addition to any other penalty imposed by this ordinance, the cost of abatement of any public nuisance on the licensed premises by the county 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.

### 23.19 Appeals

Applications that require Wisconsin Department of Agriculture, Trade and Consumer Protection Application for Local Approval – New or Expanded Livestock Facility.

In addition to other appeal rights provided by law, Sec. 93.90 (5), Stats, provides that any “aggrieved person” may request review by the Livestock Facility Siting Review Board of any decision by the county in connection with a permit application. An “aggrieved person” may challenge the decision on the grounds that the county incorrectly applied the standards under this ordinance or violated sec. 93.30, Stats.

## LIVESTOCK AND ANIMAL FACILITY LICENSING 23.19

An “aggrieved person” under this section as defined in Sec. 93.90 (5) of Wis. Statutes means a person who applied to a county for approval of a livestock siting or expansion, a person who lives within 2 miles of the livestock facility that is proposed to be sited or expanded, or a person who owns land within 2 miles of a livestock facility that is proposed to be sited or expanded.

An “aggrieved person” may request review of the Land Conservation Department decision or action by the county committee.

Any appeal brought under this section must be requested within 30 days of the county approval or disapproval or within 30 days after the decision on appeal before the county committee.

An appeal to the State Livestock Facility Siting Review Board shall comply with Sec. 93.90 of Wis. Statutes and administrative rules of said board.

### 23.20 Board of Adjustment

(a) The County Board of Adjustment will have the following duties when not governed by Section 23.19:

- (1) It shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this chapter.
- (2) It may authorize upon appeal in specific cases a variance from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this chapter will result in unnecessary hardship and so that the spirit of this chapter shall be observed and substantial justice done. No variance shall have the effect of allowing in any district uses prohibited in that district.

## LIVESTOCK AND ANIMAL FACILITY LICENSING 23.20(b)

### (b) Appeals to the Board.

Appeals to the Board of Adjustment may be taken by any person aggrieved or by an officer, department, board or bureau of the municipality affected by a decision of any other administrative officer. Such appeal shall be taken within a reasonable time as provided by the rules of the Board by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

### (c) Hearing Appeals

- (1) The Board of Adjustment shall fix a reasonable time for hearing of the appeal and publish a class II notice thereof under Ch. 985, Wisconsin Statutes, specifying the date, time and place of hearing and the matters to come before the Board, as well as give notice upon hearing to such party at the last known address and decide the same within a reasonable period of time. Upon the hearing, any party may appear in person, by agent or by attorney.
- (2) The Board of Adjustment shall adopt such rules, as it deems necessary for the conduct of business and may exercise all of the powers and is vested with all of the duties conferred on such boards by 59, Wisconsin Statutes.

## 23.21 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.

## LIVESTOCK AND ANIMAL FACILITY LICENSING 23.22

### 23.22 Effective Date

This Chapter shall be effective in all unincorporated areas of the County upon approval by the full County Board.

### Addendum A

For licenses requiring the Wisconsin Department of Agriculture, Trade and Consumer Protection Application for Local Approval – New or Expanded Livestock Facility

A non-refundable application fee of \$1,000 payable to the Jackson County Land Conservation Department shall accompany an application for the purpose of offsetting the county costs to review and process the application.

For licenses that need to meet four Siting Standards (23.07(2) A – D)

A non-refundable application fee of \$200.00 payable to the Jackson County Land Conservation Department shall accompany the application.

After-the-Fact licenses are five times the required fee.