

## **1.0 Purpose and Intent**

The purpose and intent of the Shawano County Animal Waste Management Ordinance is to achieve the following objectives by the authority outlined in Wisconsin State Statutes, Sections 59.70, 92.15 and 92.16, consistent with requirements of the Livestock Facility Siting Law sec. 93.90, Stats. and ATCP 51, Wis. Adm. Code.

- 1.1 Protect and promote the safety, community welfare and esthetic quality of Shawano County.
- 1.2 Further the appropriate use and conservation of lands and water resources.
- 1.3 Regulate the location, construction, installation, alteration, design and use of animal feedlots and animal waste storage facilities.
- 1.4 Establish a procedure for the permitting of animal feedlots and waste storage facilities.
- 1.5 Minimize conflicts between municipalities, rural non-farm dwellings and agricultural operations.
- 1.6 Protect agriculture's ability to grow and change.

## **2.0 Authority**

The Shawano County Zoning Administrator or his/her designees has permit issuance authority. Permit issuance authority includes issuance of land use permits, animal waste management permits and long range plan amendments under this ordinance. Failure to obtain the proper permits shall be considered a violation of this ordinance and may subject the violator to any appropriate penalties.

## **3.0 Ordinance Requirements**

Owners/operators of an Animal Feedlot and/or an Animal Waste Storage Facility are required under this ordinance to obtain the appropriate permit. Animal feedlots and/or animal waste storage facilities will be designated as permitted, conditional or legal non-conforming uses. Dependent on the size classification of the proposed operation and/or the zoning district in which the operation is located, permits issued under this ordinance will be one or more of the following: land use permit, animal waste management permit or conditional use permit. Owners/operators may also obtain a Long Range Plan Approval from the Planning, Development and Zoning Committee. All new or expanding facilities are required to obtain a permit where the number of animal units corresponds to the categories as listed below, (See also Section 6.1, Table I and Figure I of this ordinance). Owners and operators of existing facilities may seek applicable permits if desired.

### 3.1 Land Use Permits Required

- A. Under the following circumstances a Land Use Permit is required under this ordinance:
1. Category I  
An animal feedlot with 1 to 249 animal units shall be considered a permitted use. All new structures, as defined by this ordinance, placed on Category I operations, require a land use permit. Owners and operators are required to adhere to section 5.0, Performance Standards and section 6.2, Animal Waste Application Setback Requirements of this ordinance.
  - B. A land use permit issued under this ordinance shall expire twelve (12) months after issuance if permit holder fails to begin populating the facility and constructing all of the facilities proposed in the permit.

### 3.2 Animal Waste Management Permit Required

- A. Under the following circumstances an animal waste management permit is required under this ordinance:
1. Category I  
An animal waste storage facility for 1 to 249 animal units shall require an Animal Waste Management Permit Category I when constructing new or modifying existing waste storage facilities, including closure. Owners and operators are required to adhere to section 5.0, Performance Standards and section 6.2, Animal Waste Application Setback Requirements of this ordinance.
  2. Category II  
A new or existing animal feedlot expanding greater than 20% in animal unit numbers with 250 to 499 animal units shall be considered a permitted use and shall require an Animal Waste Management Permit Category II.
  3. An existing permitted or legal non-conforming animal feedlot between 250 and 499 animal units is to be restocked after being abandoned, or unused for twelve (12) or more consecutive months.
  4. Any time an animal waste storage facility or parts thereof for operations between 1 and 499 animal units may be located, installed, moved, reconstructed, extended, enlarged, converted, substantially altered or its use changed, including closure.
  5. Any time there is a change in ownership status for operations between 1 and 499 animal units, the Animal Waste Management permit allowing the facility is transferred. There will be no permit fee required for a transfer of ownership. However, if significant changes in the operation are proposed, a new permit may be required. The Shawano County Zoning Administrator or his/her designees shall determine the requirement of a new permit.

- B. The Shawano County Planning and Development Department shall notify the local municipality of any Animal Waste Management permit applications. Monitoring shall be performed by the owner/operator of the facility or their agent and reported to the Planning and Development Department as required by the Animal Waste Management permit.
- C. Submittal requirements for animal waste management permits under this section shall be a completed Shawano County application form, an approved construction plan and a site map showing wells within 300 feet of the operation's structures.

### 3.3 Long Range Plan Approval

- A. Owners and Operators are encouraged to seek long-range plan approval of up to 5 years from the Shawano County Planning, Development and Zoning Committee. No Public Hearing is required for a Long Range Plan Approval unless the permitting of the facility in question would otherwise require a public hearing action. A request for an extension of time not to exceed two (2) years may be granted by the Planning, Development and Zoning Committee. There is no additional fee required for a Long Range Plan extension.
- B. Submittal requirements for long range plans shall be the requirements listed in section 3.5 (B) (3) and (4) of this ordinance.

### 3.4 Conditional Use Permit required for animal feedlots and animal waste storage facilities.

- A. Under the following circumstances a conditional use permit approval and an animal waste management permit must be obtained under this ordinance:
  - 1. Category III

A new or existing animal feedlot expanding greater than 20% in animal unit numbers with greater than 499 animal units shall require a Conditional Use Permit and an Animal Waste Management Permit Category III. Operations with more than 1000 animal units shall also require a Wisconsin Pollution Discharge Elimination System (WPDES) permit from the Wisconsin Department of Natural Resources. This requirement shall be a condition of approval (i.e. it will not be necessary to obtain an approval from the WDNR before applying for a conditional use permit from Shawano County, however, WDNR approval will be a condition of Shawano County approval).

2. Expansion of an existing animal waste storage facility is currently less than 250 feet from a property line or 200 feet from a road centerline.
  3. An existing permitted or legal non-conforming animal feedlot or animal waste storage facility exceeding 499 animal units is to be restocked after being abandoned, or unused for twelve (12) or more consecutive months.
  4. Any time there is a change in ownership status for operations exceeding 499 animal units, the Animal Waste Management permit allowing the operation will be transferred. There will be no permit fee required for a transfer of ownership. However, if significant changes in the operation are proposed, a new permit may be required. The requirement of a new permit and conditional use permit shall be determined by the Shawano County Zoning Administrator or his/her designees.
  5. An animal feedlot or an animal waste storage facility that is proposed to be built or expanded within a zoning district other than an Agriculture zone will require a conditional use permit.
- B. Submittal requirements for conditional use permits shall be the requirements listed in section 3.6 of this ordinance.

### 3.5 Conditional Use Permit Required for Residential Dwellings.

- A. A residential dwelling, other than that of the owner or a family member of the animal feedlot or animal waste storage facility, which is proposed to be located within the required setback area of a permitted Category II or III animal feedlot under this ordinance, shall require a conditional use permit. Conditional use permits granted for a residential dwelling to be located within the required setback area of a permitted animal feedlot shall not preclude the permitted animal feedlot from future expansion, provided that all of the requirements of this ordinance are satisfied. If granted, a conditional use permit for a residential 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, Wisconsin Statutes, in their pursuit of nuisance actions against the owner or operator of the animal feedlot.
- B. To obtain a conditional use permit under this section, the following information must be submitted to the Shawano County Planning and Development Department:
1. Conditional use permit application and fee.
  2. Written recommendation by local municipality.
  3. Location of all animal feedlots and animal waste storage facilities within ½ mile of the proposed structure.

4. A site plan depicting the following:
  - a) Structure location
  - b) Parcel boundaries
  - c) Location of well for proposed structure
  - d) Temporary benchmark
  - e) Land elevation contours [maximum five (5) foot interval]
  - f) Location of private sewage system
  - g) Any additional information which may be deemed necessary by the Applicable Shawano County Zoning Authority.

### 3.6 Submittal Requirements for Animal Waste Management Permits and Conditional Use Permits

- A. Applicable application fee: See section 3.7 of this ordinance.
- B. Completed Chapter ATCP 51 APPENDIX A APPLICATION FORM AND WORKSHEETS – Application for Local Approval New or Expanded Livestock Facility. 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.
- C. Application Review Procedure
  1. 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 of 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. 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 a written notice to each adjacent landowner.
  3. The County shall grant or deny an application within 90 days after the notice of a complete application is provided as required by 2 above. The County may extend this time limit for good cause, including any of the following:
    - a) The County needs additional information to act on the application.

- b) The applicant materially modifies the application or agrees to an extension. The County 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.

D. Public Hearing

The County may schedule public hearing on the application within 90 days after issuing notice of a complete application.

E. Criteria for Issuance of a Permit

1. A permit shall issue if the application for the proposed livestock facility contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed livestock facility meets the standards specified in this ordinance.
2. A permit may be denied if any of the following apply:
  - a) The application, on its face, fails to meet the standard for approval.
  - b) The County finds, based on other clear and convincing information in the record, that the proposed livestock facility does not comply with applicable standards in this ordinance.
  - c) Other grounds authorized by s. 93.90, Stats., that warrant disapproving the proposed livestock facility.
3. No conditions may be imposed on permit other than standards provided in ordinance.
4. All requirements of the Livestock Facility Siting Law sec. 93.90, Stats. and ATCP 51, Wis Adm. Code are incorporated in this ordinance by reference.

F. Record of Decision

1. The County shall issue its decision in writing. Its decision shall be based on written findings of fact supported by evidence in the record.
2. In the event that a permit is approved, the applicant shall receive 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.

G. Notice to the Department of Agriculture, Trade and Consumer Protection The County as required by ATCP 51.36 within 30 days of the County decision on the application shall do all of the following:

1. Give the Department of Agriculture, Trade and Consumer Protection written notice of the County decision.
2. File with the Department of Agriculture, Trade and Consumer Protection a copy of the final application granted or denied, if the County has granted or denied 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.)
3. 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.

### 3.7 Fees

All Fees under this ordinance are established pursuant to the Shawano County Planning and Development Department, Ordinances and Service Fee Schedule created by Shawano County Ordinance No. 11-01 adopted December 19, 2001 and as may be amended from time to time.

## 4.0 Closure Plan for Animal Waste Storage Facility.

4.1 Each application for a permit which includes construction of an Animal Waste Storage Facility under this ordinance shall include a closure plan. The closure plan will include provisions for future operation of the animal waste storage facility. The plan shall specify:

- A. Provisions to remove and properly dispose of all accumulated wastes in the animal waste storage facility.
- B. Preliminary Nutrient Management Plan, verifying the ability of the owner/operator to comply with Standard 590. Shawano County will complete a Nutrient Management Plan checklist for this purpose.
- C. Provisions to remove any concrete or synthetic liner, or properly use pieces of the concrete or synthetic liner as clean fill at the site.
- D. Provisions to remove and properly dispose of any soil saturated with waste from the animal waste storage facility.
- E. Provision to remove or permanently plug the waste transfer system serving the animal waste storage facility.
- F. Provisions to fill and shape the area so as to not retain water, covering all disturbed area with topsoil, seeding the areas with a grass mixture, and mulching the seeded area. This section does not apply if alternative uses and application of new technology on the site is authorized under a closure plan approved by Shawano County.

- 4.2 Within 60 days the recipient of an Animal Waste Management Permit under this ordinance shall notify the Shawano County Planning and Development Department when the facility is no longer in operation. Animal wastes must be removed from the storage facility within thirteen (13) months after livestock are removed from the animal feed lot. The owner of the facility shall provide a statement of current and future uses of the facilities and date of closure if appropriate. If the facility is not closed properly, it may be deemed a nuisance under Wisconsin Statutes or applicable Shawano County Ordinance. In the event a facility is determined to be a nuisance, Shawano County may act to abate such a nuisance and require the cleanup of the facility at the property owner's expense.

## **5.0 Performance Standards**

- 5.1 Animal Feedlots. The standards and specifications for design, construction, operation and maintenance of animal feedlots shall conform to Standard 635 USDA-NRCS Technical Guide.
- 5.2 Animal Waste Storage Facilities. The standard and specification for design, construction, operation, maintenance and closure of animal waste storage facilities and animal waste transfer system standards are those identified in Standard 313, Standard 360 and Standard 634, USDA-NRCS Technical Guide.
- 5.3 Animal Waste Management and Utilization. Animal wastes shall be managed and utilized in accordance with Standard 590, USDA-NRCS Technical Guide. A Nutrient Management Plan must be updated annually and submitted to the Shawano County Planning and Development Department until the animal waste storage facility is no longer in use and has been properly abandoned.
- A. Animal waste shall not be stored for more than thirteen (13) months.
  - B. A minimum vegetative filter strip shall be maintained adjacent to perennial streams, intermittent streams, rivers and lakes according to NRCS Standard 393 Filter Strip for sediment trapping. .
- 5.4 Animal Waste Prohibitions. The following four prohibitions are incorporated into this ordinance:
- A. No overflow of animal waste storage structures.
  - B. No unconfined animal waste stacking (piling) within shoreland zone.
  - C. No direct runoff from animal feedlots or stored animal waste to waters of the state.
  - D. No unlimited livestock access to waters of the state where high concentration of animals prevent adequate sod cover maintenance. Designed cattle crossings and cattle ramps are permitted according to NRCS and County guidelines.

## 6.0 Setback Requirements

### 6.1 Animal Feedlots/Animal Waste Storage Facilities

**Table 1 Feedlots**

Category	Setback Required
Road Right of Ways/Property Lines	100 feet
Surface Water	Wetland Shoreland Ordinance requirements
Water Wells	According to DNR Well Code
100 Year Flood Plain	Not Permitted

**Table 2 Manure Storage**

Category	Setback Required
New Facilities Road Right of Ways Property Lines	200 feet 250 feet
Existing Facilities not meeting setbacks require a Conditional Use Permit and may only expand away from Road Right of Ways and Property Lines	
Water Wells  Liquid Tight, Fabricated Facilities Earthen Facilities Feedlots	Accordig to NRCS Standard 313 and the DNR Well Code. 100 feet 250 feet 50 feet
100 Year Flood Plain	Not Permitted
Surface Water	Wetland Shoreland Ordinance requirements

### 6.2 Animal Waste Application

Application of animal waste and all nutrients must follow NRCS Standard 590.

## 7.0 Permit Revocation

7.1 Grounds for revocation of an Animal Waste Management Permit shall be limited to one of the following findings as determined by the Shawano County Planning, Development and Zoning Committee.

- A. The owner or operator of the facility fails to comply with the requirements of this ordinance at the time of issuance of the applicable permit;
- B. The owner/operator has failed to comply with the conditions of approval imposed;
- C. The facility has not been maintained in accordance with the standards listed in Section 5.

7.2 Revocation Process.

- A. The owner of an operation shall be notified, by certified mail with return receipt requested, of noncompliance by the Applicable Shawano County Planning and Zoning Authority.
- B. The owner shall comply within 30 days to the satisfaction of the Applicable Shawano County Planning and Zoning Authority.
- C. If compliance is not obtained within 30 days, the Shawano County Planning and Development Department shall notify the Shawano County Planning, Development and Zoning Committee of the noncompliance and request permission to proceed with the revocation process. This time period may be extended by staff to adjust for seasonal limitations.
- D. A representative of the Shawano County Planning and Development Department shall appear at the hearing before the Shawano County Planning, Development and Zoning Committee to present the evidence of noncompliance. All other interested parties may also give testimony to the Committee.
- E. A written decision of the Shawano County Planning, Development and Zoning Committee will be made. In instances where compliance with this ordinance cannot be established, the matter may be forwarded to the Shawano County Corporation Counsel for appropriate legal action.

## 8.0 Appeals Procedures

### 8.1 Administrative Decisions and Ordinance Interpretations

- A. Appeals to the Planning, Development and Zoning Committee may be taken by any person aggrieved or affected by any decision of the Zoning Administrator or his/her designees.
- B. Appeals shall be taken within ten (10) calendar days of the date of the decision in which the party is aggrieved, by filing with the Planning, Development & Zoning Committee a notice of appeal specifying the grounds thereof. The Zoning Administrator or his/her designees shall forthwith transmit to the Committee all the papers constituting the record upon which the action appealed from was taken. The Planning, Development & Zoning Committee is empowered to hear and decide appeals to:
  - 1. Grant or deny appeals of administrative decisions of the Planning and Development Department.
  - 2. Grant or deny appeals of administrative interpretation of the ordinance by the Planning and Development Department.

### 8.2 Variance Procedure and Appeals of Planning, Development and Zoning Committee Decisions.

- A. The County does not have authority to grant variances to state standards.
- B. 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 (political subdivision) in connection with a permit application. An “aggrieved person” may challenge the decision on the grounds that the (political subdivision) incorrectly applied the standards under this ordinance or violated sec. 93.30, Stats. An “aggrieved person” under this section as defined in Sec. 93.90 (5) of Wis. Statutes means a person who applied to a political subdivision 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. Any appeal brought under this section must be requested within 30 days of the town/county approval or disapproval or within 30 days after the decision on appeal before the town board/county committee.

## 9.0 Penalty

Any person who violates any provision of this ordinance shall be subject to a fine up to \$200.00 plus costs of prosecution, for each day of violation. Default of payment shall result in imprisonment in the Shawano County Jail for a period not to exceed six months. Shawano County may institute appropriate action or proceedings to enjoin violations of this Ordinance, any other Shawano County Ordinance or violations of the applicable Wisconsin Statutes.

## 10.0 Severability

It is the legislative intent that should any provision of this ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the ordinance in its entirety or any part thereof, other than that so declared to be invalid.

## 11.0 Definitions

Definitions are not provided for every use and only explain key agricultural uses. Sample provisions contain terms such as Utility, Major and Utility, Minor, which have generally accepted zoning definitions.

**Adjacent:** 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.

**Agriculture, Crop:** means the use of land for the production of row crops, field crops, tree crops, timber, bees, apiary productions, and fur-bearing mammals.

**Agricultural Use:** Beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; 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 the milk production termination program under 7 USC 1446 (d); and vegetable raising. "Agriculturally Related Residence" means a residence which are occupied by (1) a person who, or a family at least one member of which, earns a substantial part of his or her livelihood from farm operations on the land, or (2) a parent or child of the owner of the farm.

**Animal Feed Lot:** An area that stables, confines, feeds, or maintains animals for a total of 45 days or more in any 12 month period, and that area does not sustain crops, vegetation, forage growth, or post-harvested residues in the normal growing seasons. For the purposes of this ordinance: all buildings that stable, confine, feed or maintain

animals, feed storage areas and animal waste storage facilities associated with the operation are considered to be part of the Animal Feed Lot.

For the purpose of developing a nutrient 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 storage and/or treatment system for 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 unit** has the meaning that was given in s. NR243.03(3) as of April 27, 2004.

Animal units are not the same thing as the number of animals on a farm. A conversion factor is used for each different animal type (beef, dairy, swine) and size (mature or immature) to determine animal units. Example: a mature dairy cow is equal to 1.4 animal units.

**Animal Waste:** Livestock excreta and other materials such as bedding, rain or other water, soil, hair, feathers and other debris normally included in animal waste handling operations.

**Animal Waste Management Permit:** Written permission issued by the Shawano County Planning and Development Department enabling the applicant(s) to construct and maintain an animal feedlot and/or an animal waste storage facility according to the criteria set forth in this ordinance. There are three categories of an Animal Waste Management Permit under this ordinance: Category I – 1 to 249 animal units; Category II - 250 to 499 animal units; Category III – 500 and greater animal units

**Animal Waste Storage Facility:** A facility constructed of earth dikes, pits or ponds, or of structural material such as wood, concrete, plastic or steel or a combination of structural materials for temporary storage and/or treatment of animal waste. For the purposes of this ordinance, the term temporary shall mean not to exceed thirteen (13) months.

**Applicable Shawano County Planning and Zoning Authority:** Includes the Shawano County Planning and Development Department, the Shawano County Planning, Development and Zoning Committee and the Shawano County Zoning Administrator or his/her designees.

**Best Management Practices (BMP):** The most effective, practical measures to control non-point sources of pollutants that runoff from land surfaces.

**Building:** Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

**Conditional Use Permit:** Authorization from the Shawano County Planning, Development and Zoning Committee enabling the applicant(s) to construct and maintain an animal feedlot, animal waste storage facility and/or rural non-farm dwelling within the required setback area of an animal feedlot under this ordinance according to conditions

set forth by the committee. The process for acquiring a conditional use permit may be obtained from the Shawano County Planning and Development Department.

**Existing Feedlot:** A feedlot that was in operation at the time of adoption of the Shawano County Animal Waste Management Ordinance on\_\_\_\_\_.

**Expansion or Expanding:** When the number of animal units of an Animal Feedlot increases 20% or more.

**Feed Storage Area:** A location or facility used to temporarily house feed in conjunction with a permitted animal feedlot. For the purposes of this ordinance, this definition shall include, but is not limited to: silos, bunker silos, pads, bags, bins, and locations or facilities used to prepare (TMR) total mix rations.

**Grade, Finished:** The final elevation of the ground level after development.

**Grade, Original:** The elevation of the ground level in its natural state, before construction, filling or excavation.

**Immediate Family:** For the purposes of this ordinance, immediate family members are defined as the parents or children of the property owner and are related by either blood, marriage, adoption or guardianship.

**Land Use Permit:** A document issued by the zoning enforcement officer or his/her authorized designee authorizing building or structures or uses consistent with the terms of this ordinance for the purpose of carrying out and enforcing its provisions.

**Legal Non-conforming:** Any pre-existing animal feedlot and/or animal waste storage facility that was in existence prior to the adoption of this ordinance and that has not been issued a conditional use permit.

**Livestock:** 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.

**Long Range Plan:** A plan proposed for future animal feedlot construction activities of up to five years.

**Monitoring:** Owner/operator will annually review with Shawano County Planning & Development Department staff the Operations and maintenance plan for each BMP installed under The Animal Waste Management Permit and document that all requirements have been performed. In a document booklet, provided by the Planning & Development Department, the owner/operator must keep an annual log of manure applied, commercial fertilizer applied and credit taken for legume plow down. These completed documents must be submitted to the Department annually as stated on the permit.

**Navigable Stream or Lake:** As designated by Shawano County Hydrographic Mapping or determined by the Wisconsin Department of Natural Resources (WDNR).

**Non-point Source Pollution (NPS):** Pollution whose sources cannot be traced to a single point such as a municipal or industrial wastewater treatment plant discharge pipe.

Non-point sources include eroding farmland and construction sites, urban streets, and barnyards. Pollutants from these sources reach water bodies in runoff, which can best be controlled by proper land management.

**Operator:** An individual, firm, association, syndicate, partnership, or corporation responsible for controlling the functioning of an animal feedlot and/or an animal waste storage facility.

**Owner:** An individual, firm, association, syndicate, partnership, or corporation having proprietary interest in an animal feedlot and/or an animal waste storage facility.

**Parcel:** A separately designated area of land, delineated by identifiable legally recordable boundary lines.

**Pasture:** Land with a permanent, uniform cover of grasses or legumes used as forage for livestock. Pastures do not include areas where supplemental forage feeding is provided on a regular basis.

**Person:** means an individual, corporation, partnership, cooperative, limited liability company, trust or other legal entity.

**Related livestock facilities:** 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.  
*NOTE:* A mere acquisition of a neighboring livestock facility does not constitute an “expansion” unless more animal units are added to the combined facilities.
- (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.

*NOTE:* Compare definition of “animal feeding operation” under s. NR 243.03(2). “Related livestock facilities” are treated as a single livestock facility for purposes of local approval, except that a “separate species facility” may be treated as a separate livestock facility.

“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 (see definition of a “related livestock facility”):
  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.

(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.
2. It and the other livestock facilities to which it is related have a combined total of fewer than 1,000 animal units.

**Property Line:** The exterior boundary of an owners' land holding. For the purposes of this ordinance, the road side of property is not considered a property line.

**Shoreland Zone:** Lands within the following distances from the ordinary high water mark of navigable water: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the land ward side of the floodplain, whichever distance is greater.

**Structure:** Anything erected, constructed or installed that is supported by the ground.

**Technical Standards:** Natural Resource Conservation Service (NRCS) conservation practice standards provide guidance for applying technology on the land and set the minimum level for acceptable application of the technology. They are contained in Section IV of the Field Office Technical Guide available at the local USDA-NRCS office and the Shawano County Planning and Development Department - Land Conservation Division office. The following are the most common standards that apply to this ordinance; others may be applicable:

**Standard 313 – Waste Storage Facility** – A waste storage impoundment made by constructing an embankment and/or excavating a pit or dugout, or by fabricating a structure to temporarily store manure, waste water and contaminated runoff in an environmentally safe manner.

**Standard 350 – Sediment Basin** – A basin constructed to collect and store animal waste or sediment from an animal feedlot.

**Standard 360 – Closure of Waste Impoundments** - The closure of waste impoundments, that are no longer used for their intended purpose, in an environmentally safe manner.

**Standard 590 – Nutrient Management** – Managing the amount, form, placement, and timing of applications of plant nutrients (manure and organic byproducts, commercial fertilizer, legume crops, and crop residues) to ensure normal crop production and minimize entry of nutrients to surface and ground water.

**Standard 634 – Waste Transfer System** - The standard and specification for design, construction, operation, and maintenance of animal waste transfer systems are those identified in Standard 634, USDA-NRCS Technical Guide.

**Water Pollution:** Any physical, chemical, or biological alteration of water that is harmful or unfit to living organisms or commercial or recreational use.

**12.0 Effective Date**

This ordinance shall take effect upon passage and publication and shall remain in full force and effect as may be amended from time to time until repealed by the Shawano County Board of Supervisors.

Adopted by Shawano County Board on .  
Date of publication on in the Shawano Leader .