

**AMENDMENT TO THE TOWN OF LINCOLN
LIVESTOCK FACILITY SITING AND LICENSING ORDINANCE
REQUIRING ANNUAL REPORTING OF ANIMAL UNITS**

1. Authority

This ordinance is an amendment adopted pursuant to the powers granted under Wisconsin Constitution, and Wisconsin Statutes including but not limited to Section 92.15 and 93.90. Further this ordinance is adopted pursuant to the powers granted to the town board under the grant of village powers pursuant to Sec. 60.22 of Wis. Statutes for the protection of public health and safety.

2. Purpose and Findings

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 the Town of Lincoln. This ordinance provides the Town with baseline information and the means to acquire continuing information for the siting of new and expanded livestock facilities in the Town Lincoln.

3. Applicability

This Ordinance applies to all lands within the boundaries of Lincoln Township.

4. General Regulations: The following amendment to the Town of Lincoln Livestock Facility Siting and Licensing Ordinance is hereby adopted:

24. DOCUMENTATION OF ANIMALS: Existing, Expanded or Proposed Livestock Operations

A. Definitions

"Animal unit" means a unit of measure used to determine the total number of single animal types or combination of animal types, as specified in s. [NR 243.11](#).

"Animal unit equivalents" are based on NR 243.03(3) as it existed on April 27, 2004.

"Large farm" means agricultural operations with 500 or more animal units as calculated pursuant to Wis. Admin Code s.NR243.05(2)

"Mid-sized farm" means agricultural operations with 300 or more animal units as calculated pursuant to Wis. Admin Code s.NR243.05(2)

B. Purpose

In order to implement the Livestock Facility Siting and Licensing Ordinance, the Town of Lincoln requires that the of number of animals housed by animal facilities with WPDES permits as well as mid-sized facilities are properly reported to the Town Board of Supervisors.

C. Applicability

This ordinance is applicable to any farm or operation that houses animals, exclusive of household pets, for any length of time over the course of a year within the Township of Lincoln.

The determination as to whether an existing, proposed or expanded operation meets the criteria of a large farm shall be based on the total number of animal units at the animal feeding operation calculated pursuant to s. [NR 243.05](#).

The initial number of animal units that a facility houses shall be based on the number of animals housed at the time of the adoption of the Livestock Facility Siting and Licensing Ordinance, January 13, 2014.

Based on the provisions of this subchapter, the Plan Commission shall determine whether a Livestock Facility Siting and Licensing Ordinance application is required for an operation.

D. Reporting of Animal Units

1. All large and mid-sized farms shall submit both forms in DNR 3400-25A reporting their animal units to the Town Board as of January 13, 2014 within 60 days of the date of adoption of this ordinance. This initial report of animal units shall be based on the number of animal units reported to the DNR and KCLWCD in the 590 plan for 2013.
2. Subsequently, all large and mid-sized farms shall submit both forms in DNR 3400-25A reporting their animal units to the Town Board by March 31st of each calendar year.
3. The Town of Lincoln may, from time to time, request that all other farms and owners of animals submit form LT 3401 (Lincoln Town Animal Census Form) in order to complete a census of animals kept in the township.

E. Calculation of Animal Units (based on NR 243.05)

1. General: The total number of animal units at an operation shall be calculated using the methods in both subs. [\(2\)](#) and [\(3\)](#) of NR 243.05. The Plan Commission shall compare the totals under both of these methods and shall use the highest calculated total to determine the size of an animal operation. An owner or operator of an animal feeding operation shall use DNR form 3400-25A for calculating the number of animal units present at the operation. Note: In accordance with the definition in s. [NR 243.03\(4\)](#), animals included in the total count may be housed at more than one site or location. Note: Form 3400-25A can be obtained from the Town of Lincoln Zoning Administrator.
2. Mixed (combined) Animal Units: The number of animal units present at an operation shall be calculated by multiplying the number of animals for each animal type by the appropriate equivalency factor in Table 2A. The total number of animal units at the operation is the sum of the calculated animal unit numbers of all animal types present at the operation.
3. Non-Mixed (individual) Animal Units: The number of animal units present at an operation shall be calculated by multiplying the number of animals for each animal type by the appropriate equivalency factor in Table 2B. The total number of animal units at an operation is the highest calculated number of animal units for any individual animal type.

F. Penalties

Any person violating this ordinance shall be subject to the penalties applicable under Section 18 of the Livestock Facility Siting and Licensing Ordinance of the Town of Lincoln.

G. Effective Date

This amendment is effective upon enactment and publication.

Enacted this 2nd day of September, 2014, by the Town Board of Supervisors of the Town of Lincoln, Kewaunee County, Wisconsin.

TOWN BOARD

Cory Cochart, Chairman (signed)

Nick Cochart, Supervisor #1 (absent from meeting)

Jesse Jerabek, Supervisor #2 (signed)

CERTIFICATION OF ENACTMENT

I hereby certify that the foregoing ordinance was duly enacted by the Town Board of the Town of Lincoln on this 2nd day of September, 2014.

Dale Massey, Town Clerk (signed)