

TOWN OF Taft – Taylor County
ORDINANCE #2023-01 _____
PROHIBITION AND REGULATION OF ANIMAL PROCESSING PLANTS

SECTION 1. AUTHORITY, PURPOSE, AND PROHIBITION.

1.1 Authority. This ordinance is enacted pursuant to the authority granted to the Town Board of the Town of Taft under Wis. Stat. §66.0415 to direct the location, management, and construction of, and license, regulate or prohibit, any industry, thing or place where any nauseous, offensive or unwholesome business is carried on.

1.2 Purpose. The purpose of this Ordinance is to preserve the public health and safety of the Town of Taft. The Town Board recognizes that the operation of an Animal Processing Plant (as defined in Sec. 3), poses a very specific and significant threat to public health and safety by way of (including but not limited to): 1) noxious gases and odors which can travel substantial distances and interfere with the health of the residents and visitors to the Township on an ongoing basis, and 2) the contamination of the local environment, including but not limited to: groundwater, and surface water. In other words, the Town Board deems any Animal Processing Plant to be a nauseous and offensive business. Per Wis. Stat. § 66.0415, a business that is conducted in violation of a town ordinance that is authorized under §66.0415 section is, by law, a public nuisance.

1.3 General Prohibition. “Animal processing plants” (as defined in section 3, below) are hereby prohibited in their entirety within the Town of Taft.

1.4 Licensing Required. Should Sec. 1.3 ever be deemed unenforceable, either in whole or on a case-specific basis by a court of competent jurisdiction for any reason (including but not limited to: the application of Wis. Stat. § 823.08), such a determination shall extend only to Sec. 1.3 of this Ordinance, and the remainder shall remain in full effect.

SECTION 2. STATE STATUTES ADOPTED

The provisions of §95.72 Wis. Stats. and Chapter ATPC 57 Wis. Admin. code relating to the construction, regulation, and operation of rendering and animal processing plants and dead animal collectors are adopted and made a part of this Ordinance by reference. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Ordinance. Any future amendment, revisions, or modifications of the statutes incorporated herein are intended to be made part of this Ordinance.

SECTION 3. DEFINITIONS

As used in this Ordinance, the term, “Animal Processing Plant,” means a plant or facility for slaughtering animals or collecting dead animals and composting, rendering, or processing them to produce fertilizer, grease, compost, or other products or byproducts.

SECTION 4. ANIMAL PROCESSING PLANT LICENSING

(a) License Requirement.

- a. No person, who is required to be licensed under §95.72(2) Stats., may construct, establish, or operate an Animal Processing Plant or engage in the business of collecting or processing dead animals as a renderer, animal food processor, grease processor or collector unless the person pays a license fee and is issued an annual license by the Town of Taft for that specific type of business operation.

- b. No person, whether they are required to be licensed under Wis. Stat §95.72(2) or not, may construct, establish, or operate an Animal Processing Plant or engage in the business of collecting or processing dead animals for the purpose of composting or producing compost unless the person pays a license fee and is issued an annual license by the Town of Taft for that specific type of business operation.

(b) **Application.** An applicant for a license shall submit a completed application, on the form prescribed by the town board, which states the type of operation for which a license is desired, a precise description of the business or plant location where operations are to be conducted, including a drawing showing property lines, neighboring residential dwellings, and neighboring public or private business buildings, building and design plans, odor control plan, and such other information as required by the township, including but not limited to: a copy of all applicable licensure from the County and State of Wisconsin, detailed plans for the construction of said facility, and the methods by which the applicant intends to comply with Wis. Stat. § 95.72 and WI Admin Code ATCP 57 (see Sec. 10, below).

(c) **License Fees.** An applicant for an initial license to operate an animal processing plant shall submit a fee of \$10,000.00. An applicant for a renewal license to operate an Animal Processing Plant shall submit a fee of \$2,000.00. In addition to the basic license fee, the applicant shall submit a payment sufficient to cover the cost of consultants to review his or her odor control plan and water protection plan at the time and in the amount requested by the board (applicant will be provided with this amount, and must pay this amount, before a date is set for the application to be considered. Application and consultation fees are non-refundable.

(d) **Monitoring Equipment and Inspection.**

- a. An applicant shall provide the township with monitoring equipment, approved by the town board, to enable the township to determine on an ongoing basis that no significant threats to public health and safety develop (including but not limited to the presence of noxious gases and contamination of groundwater and surface water).
- b. An applicant shall also provide at least annually, but no more frequently than quarterly, funds deemed sufficient by the Town Board to hire an inspector to inspect the premises, inside and out, and provide the Town Board with a report indicating the proprietor's ongoing compliance with the established odor control plan, water drainage plan, and all other aspects of operation of the Animal Processing Plant as approved in the application (see Sec. 4(b), above).

(e) **Start and Expiration.** Each license will be effective the next June 30th and expires June 29th the year following the effective date.

SECTION 5. GENERAL RESTRICTIONS AND REQUIREMENTS.

(a) **Animal Processing Plant Location.** No person may establish an animal processing plant:

- 1) within one mile of a dwelling, other than a dwelling associated with the Animal Processing Plant, or within one mile of a public or private business building, other than a public or private business building associated with the Animal Processing Plant.
- 2) on a road not designed for the traffic generated by the animal processing plant unless the licensee, at his or her own expense, develops and implements a plan to maintain or improve the road and ensure public safety, subject to the approval of the town board.

(b) **Operations Confined.** All operations at the Animal Processing Plant, including, but not limited to, receiving, loading, unloading, processing, and storage, shall be confined within an enclosed structure. Covering an otherwise outdoor pile of Animal Processing-related materials (e.g. including but not limited to: carcasses, processing byproducts, compost produced or being

produced from animal products, etc.) with a plastic sheet, tarp, sawdust, or another material does not count as being in an “enclosed structure.”

- (c) **Odor Emissions.** The best available technology shall be utilized at the animal processing plant to eliminate the emission of detectible odors. For example, receiving, distributing, and processing facilities shall include a system designed to create negative air pressure, air filters and high-speed doors that remain closed until a vehicle enters or exits.

SECTION 6. OTHER LICENSE REQUIREMENTS.

- (a) **Waiting Period.** All applications for an animal processing plant license must be filed with the town clerk at least 30 days prior to the granting of the license.
- (b) **Publication.** Notice of all applications for animal processing plant licenses must be published as a Class 1 Notice under Chapter 985 Stats.
- (c) **Approval Period.** All applications filed on or before March 15 must be granted or denied no later than June 15.
- (d) **Limitation on Licensee.** No person may allow another to use his or her animal processing plant license. The license must be held by the actual operator who is deriving the profits. The licensee must have control of the licensed premises.

SECTION 7. REFUSAL TO GRANT LICENSE.

- (a) Denial. In reviewing an application, the Town Board may consider public sentiment and local concerns and shall give the public an opportunity to give comments on the application, either in writing or verbally at the meeting at which the application is considered. The Town board may refuse to grant a new license based on a failure to meet statutory qualifications, failure to meet other license requirements, and/or overwhelming public sentiment against the proposed Animal Processing Plant.
- (b) Notice of Denial. When the town board decides not to grant a new license, it must notify the applicant in writing and set forth the reasons for denial.
- (c) Remedies of Applicant. An applicant denied a new license may:
 - 1) Reapply for the license, addressing any concerns or deficiencies in said application, which will require a new application fee; or
 - 2) Appeal the denial to the circuit court as permitted by Wisconsin law.

Section 8. WITHHOLDING LICENSES.

- (a) Municipal Debts. Any license granted under this ordinance shall be withheld if the applicant owes delinquent or unpaid taxes, assessments, or other claims to the Township of Taft.
- (b) Municipal Forfeitures. Any license granted under this ordinance shall be withheld if the applicant has failed to pay overdue municipal forfeitures.

SECTION 9. TRANSFER OF LICENSES.

No license may be transferred from person to person except if the licensee, or an applicant for a subsequently granted license, dies, becomes bankrupt or makes an assignment for the benefit of creditors during the license year or after filing the application.

- (a) Upon the happening of any of the events described above, the personal representative, the surviving spouse if a personal representative is not appointed, the trustee, or the receiver may continue or sell or assign the business.

- (b) If the business is sold or assigned, the License may be transferred to the successor Owner or assignee at no charge if (a) he or she complies with the requirements applicable to original applicants; and (b) he or she is acceptable to the town board and consent to the transfer is given by the town board.

SECTION 10. REGULATION OF LICENSED PREMISES AND LICENSEES.

(a) Safety and Sanitation Requirements.

- a. **Nuisance Conditions Prohibited.** Each licensed premises shall be constructed, maintained, and operations conducted in a sanitary and safe manner, free of all Nuisance Conditions. "Nuisance conditions" means conditions that pose a significant risk to human health or the environment or cause obnoxious odors other than normal odors incidental to generally accepted processing practices. "Nuisance conditions" may include accumulated carcasses, carcass materials, or manure; drainage from carcasses, carcass materials or manure; accumulated litter; insect or rodent infestations; unclean facilities; or similar conditions.
- b. **Facility Operations.** Animal Processing Plants in the Town of Taft shall be designed, constructed, and operated to be compliant with Wis. Stats. §95.72(4), regardless of whether the business qualifies as a "Render" or "Processing Plant" under the State Statutes, and under the Rules Promulgated by the Wisconsin Department of Agriculture, Trade, and Consumer Protection, specifically ATCP 57.10(7)-(9), regardless of whether the business is technically defined as a "Renderer" under ATCP 57.10. Any future amendment, revisions, or modifications of said Statutes rules incorporated herein are intended to be made part of this Ordinance. At the time of the adoption of these Ordinances, those Statutes and rules include, but are not limited to, that the Animal Processing Plant shall comply with the following:
 - i. **New plants.** No person may construct an Animal Processing Plant unless it is constructed and equipped according to rules promulgated under ATCP 57.10. No person may operate a rendering or processing plant unless the plant has sewage facilities and floor drains, all areas of the building and premises on which the plant is situated are kept in a clean and sanitary condition, and all operations are conducted to prevent the creation of a nuisance.
 - ii. **Closed vessels.** A person who operates an Animal Processing Plant shall conduct all rendering in closed vessels.
 - iii. **Disposal of dead animals.**
 1. A person who operates an Animal Processing Plant shall deposit all dead animals received for rendering or processing within the plant or other enclosed structure immediately upon their arrival.
 2. A person who operates An Animal Processing Plant shall dispose of an animal within 24 hours after its arrival during the days of Sunday to Friday, or within 48 hours after its arrival on a Saturday or a Sunday followed by a holiday, unless any of the following occurs:
 - a. The WI ATCP issues a permit allowing a longer amount of time.
 - b. The carcass is received in a frozen condition and is disposed of within a reasonable period of time.
 - c. Disposal of the animal within the time period is impossible and the WI ATCP is so notified by telephone.
 - iv. **Facility Requirements:**
 1. Designed, constructed, and equipped for safe, sanitary, and orderly operation, and for easy cleaning.

2. Fully enclosed to prevent access by dogs, cats, wild animals, rodents, birds, and insects.
 3. Constructed with self-draining floors and smooth interior walls and ceilings that can be easily cleaned.
 4. Equipped with effective ventilation and vapor control systems to minimize offensive odors.
 5. Maintained for safe, sanitary, and orderly operation, and for easy cleaning.
 6. Kept clean, orderly, and free of Nuisance Conditions.
 7. Served by hot and cold running water that is adequate for processing, cleaning, waste disposal, drinking and employee sanitation needs. Water shall be obtained from a source that complies with chs. NR 811 or 812. Water outlets shall be conveniently designed and located.
 8. Equipped with drinking water, toilet, and hand washing fixtures for persons who work at the facilities.
- v. **WASTE COLLECTION AND DISPOSAL.** An Animal Processing Plant shall do all of the following:
1. Collect, and safely dispose of, all solid waste related to that person's operations. The person shall collect manure, offal, processing waste and other solid waste at least daily, and more often as necessary to keep facilities clean and orderly.
 2. Promptly collect, and safely dispose of, all liquid waste related to that person's operations. Liquid waste shall be discharged to a public sewer system, or to an effluent disposal system that complies with Wis. Admin Code chs. NR 108 and 258.
 3. Comply with applicable federal, state, and local law related to waste disposal.
 4. Keep solid waste storage areas clean and orderly.
 5. Keep waste collection and disposal systems in good working order.
 6. Prevent unconfined accumulations of carcasses, carcass materials or waste.
- vi. **STORING COMPLETED PRODUCT.** An Animal Processing Plant shall store fully completed products in a location and manner that effectively protects those products from contamination by live animals, un-rendered or un-processed carcasses and un-rendered or un-processed carcass materials.

(b) **Consent to Entry.** Every applicant procuring a license thereby consents to the entry of duly authorized representatives and agents of the township at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of this Ordinance or state laws.

SECTION 11. NONRENEWAL, REVOCATION OR SUSPENSION OF LICENSES.

- (a) **Cause Required for Nonrenewal, Revocation or Suspension of Licenses.** The town board may refuse to renew, or may revoke, or suspend a license issued under this Chapter for the following causes:
- 1) One or more violations of this Ordinance, or the statutes or administrative codes adopted herein.
 - 2) The licensee or applicant does not possess the qualifications required under this ordinance to hold the license.
 - 3) The applicant or plant does not or has not met the requirements of this Ordinance (or the statutes or administrative code adopted herein) for a license.

- 4) There exists at any time a significant threat to public health and safety caused by the operation of the Animal Processing Plant by way of (including but not limited to): 1) noxious gases and odors which can travel substantial distances and interfere with the health of the residents and visitors to the Township on an ongoing basis, and 2) the contamination of the local environment, including but not limited to: groundwater, and surface water.

- (b) **Nonrenewal of License.** Prior to the time for renewal of a license, the town board must notify the Licensee of its intent to deny renewal of the license and the reason(s) for doing so. Hearings regarding the nonrenewal of a license issued under this Ordinance shall be conducted in the manner and under the procedure established by Section 12 of this Ordinance.
- (c) **Revocation or Suspension of License.** Proceedings for the revocation of a license issued under this Chapter shall be instituted and conducted in the manner and under the procedure established Section 12 of this Ordinance.
- (d) **Review.** The action of the town board in granting, failing to grant, renewing or failing to renew, suspending or revoking a license, or failing to revoke or suspend any license for good cause may be reviewed by a circuit court.

SECTION 12. PROCEDURE FOR REVOCATION OR SUSPENSION OF LICENSES

- (a) **Complaint.** Any resident of, or Inspector for, the Town of Taft may file a sworn written complaint with the town clerk alleging facts constituting cause for revocation or suspension under Section 11 of this Ordinance.
- (b) **Summons.** Upon the filing of the complaint, the town board or a duly authorized committee shall issue a summons, signed by the clerk. The summons shall command the licensee complained of to appear before the town board or a committee appointed by the board on a day and place named in the summons, not less than 5 business days and not more than 30 days from the date of issuance and show cause why his or her license should not be revoked or suspended. The summons and a copy of the complaint shall be served on the licensee at least 5 business days before the time at which the licensee is commanded to appear. Service shall be in the manner provided under Ch. 801 for service in civil actions in circuit court.
- (c) **Procedure on hearing.**
 - 1) If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and if the town board or the committee finds the allegations sufficient, the license shall be revoked. The clerk shall give notice of the revocation to the person whose license is revoked by certified mail and regular mail, or personal service.
 - 2) If the licensee appears as required by the summons and denies the complaint, both the complainant and the licensee may produce witnesses, cross-examine witnesses, and be represented by counsel. The licensee shall be provided a written transcript of the hearing at his or her expense. If the hearing is held before the town board and the complaint is found to be true, the license shall either be suspended for not less than 10 days nor more than 90 days or revoked.
 - 3) If the hearing is held before a committee of the town board, the committee shall submit a report to the town board, including findings of fact, conclusions of law and a recommendation as to what action, if any, the town board should take with respect to the license. The committee shall provide the complainant and the licensee with a copy of the report. Either the complainant or the licensee may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the town board.

The town board shall determine whether the arguments shall be presented orally or in writing or both. If the town board, after considering the committee's report and any arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation, the license shall be suspended or revoked as provided under Sec 12. (c)2).

- 4) The town clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked, by certified mail and regular mail, or personal service.
- 5) If the town board finds the complaint untrue, the proceeding shall be dismissed without cost to the accused. If the town board finds the complaint to be malicious and without probable cause, the costs shall be paid by the complainant. The town board or the committee may, but is not required to, require the complainant to provide security for such costs before issuing the summons under par. (b).

(d) **Effect of revocation.** When a license is revoked under this subsection, the revocation shall be recorded by the clerk and no other license issued under this chapter may be granted within 24 months of the date of revocation to the person whose license was revoked. No part of the fee paid for any license so revoked may be refunded.

SECTION 13. VIOLATIONS BY AGENTS AND EMPLOYEES.

A violation of this Ordinance by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

SECTION 14. PENALTIES.

- (a) Forfeitures for violations of this Ordinance shall conform to the forfeiture penalty permitted to be imposed for violations of the Wisconsin Statute to which it makes reference, if any, including any variations or increases for subsequent offenses.
- (b) Any person who violates any other provision of this Ordinance (including any State Statute or Administrative Rule which has been incorporated by reference, if no such penalty is imposed by State Statute) shall forfeit not less than \$1,000.00 nor more than \$5,000.00 per offense.
- (c) A person is guilty of a separate offense for each and every day during which he or she commits, continues, or permits a violation of this Ordinance or any State Statute or Administrative Rule which has been incorporated by reference.
- (d) Any unpaid forfeitures under this Ordinance may be levied against the Real Estate where the Animal Processing Plant is located as a special assessment pursuant to the police powers of the Town of Taft.
- (e) Any licensee or permittee violating the provisions of these Ordinances may be subject to the nonrenewal, suspension, or revocation of his or her license or permit.

I, _____, Clerk for the Town of Taft, hereby certify that Ordinance #2023-01 was ordained by the Town of Taft Town Board at their monthly meeting held on _____.

_____, Town of Taft Clerk

**Town of Taft
Taylor County, Wisconsin
Animal Processing Plant License Application Form**

In accordance with Town of Taft – Taylor County ordinance #2023-01

BUSINESS INFORMATION

Applicants(s) Name _____
Applicants (s) Address _____
City: _____ State: _____ Zip: _____
Phone: (____) _____ Email: _____

NON-REFUNDABLE LICENSE FEES (check one)

Initial License Fee \$10,000.00 _____ Annual Renewal Fee \$2000.00 _____

Note: Additional fees will be required for consultant(s) to review the applicant's odor control and water protection plans. Applicant will be provided with this additional amount and must pay this amount before a date is set for the application to be considered.

APPLICATION REQUIREMENTS

Applicant's proposed place of business to include: (Please attach to form)

1. Detailed blueprints of scale drawings of building layout. To include:
 - a. Floor material specifications
 - b. Walls, partitions, and coverings
 - c. Ventilation and filtration specifications
 - d. Electrical specifications
 - e. Steam/Water systems
 - f. Entrance and Exit systems
2. Layout of drainage system.
3. Holding tank(s) location and total capacity
4. Well location
5. Location of driveways, culverts, and parking areas.
6. Map of property with all distances to neighboring residences and other buildings.
7. Lot line dimensions and location of plant on said property.
8. Copies of all licenses and permits from Taylor County, WI Dept. of Natural Resources, and WI Dept. of Agriculture Trade and Consumer Protection.
9. Detailed statement of method that applicant intends to use to:
 - a) Pick up/transport raw material.
 - b) Render or process said material.
 - c) Transport or dispose of finished products or compost.
 - d) Follow all other provisions of Section 10 of the Ordinance and accompanying State Law and Rules promulgated by the WI ATCP
10. Complete and submit initial or renewal fee with application form to Town Clerk. Make Check out to "Town of Taft".

I understand the contents and application requirements of this form are true and correct and I will comply with all aspects of it.

Date _____ Signature _____

Please print your name here _____

Title _____