



Livestock Facility Siting

Enforcing the siting permit

The livestock siting permit is a local permit. Therefore, local governments are responsible for enforcing the permit, and ensuring that livestock facilities are operated as proposed in the application.

Can we conduct inspections of the livestock facility?

You may consider including in your ordinance a provision to conduct periodic inspections upon written notice to the livestock facility owner and his or her consent to enter the premises. If the facility owner refuses to give permission for the inspection the local unit government has authority to seek inspection warrants under Sec. 66.0119 of Wis. Statutes. The use of such inspection warrants would normally be a last resort.

What actions can we take if the facility is not meeting its permit requirements?

The full range of enforcement options is available to you if a livestock facility has not designed, constructed or maintained the facility consistent what was proposed in the application for approval. The enforcement options you may use must be included in your ordinance.

As a first step, you should provide written notice to the facility owner that the facility is not following the practices agreed to in the application. The notice should state a reasonable time to come into compliance and a statement that compliance must be maintained and that a follow up inspection will be conducted.

What if noncompliance continues?

If noncompliance continues, if the ordinance provides for enforcement by the citation procedure under Sec. 66.0113 of Wis. Statutes, a citation would be enforceable in circuit court or in a municipal court. The local ordinance and citation procedure ordinance would provide for a fine for noncompliance of the standards. The local ordinance may provide that each day of noncompliance after written notice constitutes a separate offense. While the conviction of a citation for one or more days of noncompliance could result in the imposition of a fine, the goal should be to seek compliance as stated in the approved application.

In lieu of issuing a citation seeking imposition of a fine, the local ordinance may also provide that the local unit of government may seek injunctive relief in circuit court. The injunctive relief would be a court order that the livestock facility comply with the best management practices approved for the facility or the livestock facility owner would be subject to contempt of court and possibly a court order closing the operation of the livestock facility.