

ORDINANCE NO. 13- 03

AN ORDINANCE ESTABLISHING HEALTH REGULATIONS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS; PROVIDING STANDARDS FOR THE PERMITTING OF CONCENTRATED ANIMAL FEEDING OPERATIONS; PROVIDING DEFINITIONS; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR SEVERABILITY.

WHEREAS, § 192.300, RSMo, provides that the County Commission may make and promulgate Ordinances as will tend to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into such county; and

WHEREAS, § 192.300, RSMo, provides that the County Commission may establish reasonable fees to pay for any costs incurred in carrying out such Ordinances and that any such fees generated shall be deposited in the county treasury and shall be used to support the public health activities for which they were generated; and

WHEREAS, § 192.300, RSMo, provides that any person, firm, corporation or association which violates any such Ordinance adopted, promulgated and published by the County Commission is guilty of a misdemeanor and shall be prosecuted, tried and fined as otherwise provided by law; and

WHEREAS, the County Commission or County Health Board has full power and authority to initiate the prosecution of any action under § 192.300, RSMO; and

WHEREAS, H.B. No. 1207, 1288, 1408 & 1409 of the Missouri 88th General Assembly, § 640.710.5, RSMo, recognizes that local controls may be used to regulate concentrated animal feeding operations; and

WHEREAS, health standards and criteria for concentrated animal feeding operations consistent with state law have been prepared based upon state law and professional studies presented to and considered by the Linn County Commission; and

WHEREAS, the adoption and enforcement of said standards is hereby found to be necessary in order to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into Linn County;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LINN COUNTY, MISSOURI, AS FOLLOWS:

1. DEFINITIONS

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular. For purposes of this Ordinance, the following words, terms and phrases shall have the following meanings unless otherwise indicated:

- 1.1. ANIMAL UNIT ("AU"). A unit of measurement to compare various animal types at a concentrated animal feeding operation. One animal unit equals the following: 1.0

beef feeder or slaughter animal; 0.5 horse; 0.7 dairy cow; 2.5 swine weighing over 55 pounds; 15 swine under 55 pounds; 10 sheep; 30 laying hens; 55 turkeys; 100 broiler chickens or an equivalent animal unit. The total animal units at each operating location shall be determined by adding the animal units for each animal type.

- 1.2. ANIMAL UNIT EQUIVALENT. An equivalent animal type and weight that has a similar amount of manure produced as one of the animal unit categories set forth in the definition of "animal unit" herein. This also applies to other animal types which are not specifically listed.
- 1.3. ANIMAL WASTE: Any animal excrement, animal carcass, feed waste, animal water waste, or any other waste associated with animals.
- 1.4. ANIMAL WASTE WATER: Any animal excreta, any liquid which comes into contact with any manure, litter, bedding or other raw material or intermediate or final material or product used in or resulting from the production of animals or products directly or indirectly used in the operation of a CAFO, or any spillage or overflow from animal watering systems, or any liquid used in washing, cleaning or flushing pens, barns, or manure pits, or any liquid used in washing or spraying to clean animals, or any liquid used for dust control on the premises of a CAFO.
- 1.5. APPLICATION: The injection of animal waste or animal waste water into the land.
- 1.6. CONCENTRATED ANIMAL FEEDING OPERATION ("CAFO") all land and/or a lot, facility, parcel, or operating location in which animals have been, are or will be stabled or confined and fed or maintained for a total of forty five (45) days or more in any twelve (12) month period and a ground cover of vegetation is not sustained over at least fifty percent (50%) of the animal confinement area. A "concentrated animal feeding operation" shall not include any land area, structure, lot, yard, or corral or other area which does not meet the numerical threshold for animals as set forth in the classification system of § 2 of this Ordinance. For purposes of this definition, the Concentrated Animal Feeding Operation means and refers collectively to an animal production facility which includes at least one Feedlot, Livestock Lagoon, and a Plant Filter Area. For purposes of this definition, "animal confinement area" includes the buildings or structures, including Feedlots, in which animals are confined, but does not include contiguous land used as plant filter areas over which liquid waste is applied and/or other areas upon which grass or crops are used for waste disposal, landscaping, or land upon which crops or other vegetation are raised independent from the animal feeding operations. A CAFO does not include a feeding operation that has a capacity of less than three-hundred (300) AU.
- 1.7. CONSTRUCTION PERMIT: A construction permit/letter of approval required of a CAFO by the Missouri Department of Natural Resources pursuant to the Missouri Clean Water Law.