

**TANEY COUNTY ORDINANCE NO. 2019-819**

**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.**

**THE COUNTY COMMISSION OF TANEY COUNTY, MISSOURI TO PROMOTE THE PUBLIC SAFETY, HEALTH AND WELFARE, HEREBY ORDAINS AS FOLLOWS:**

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 infections, 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 has full power and authority to initiate the prosecution of any action under § 192.300, RSMo; and

WHEREAS, Section 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 (“CAFOs”) have been prepared based upon state law and professional studies presented to and considered by the Taney 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 disease into Taney County; and

WHEREAS, the County Commission held a public meeting regarding the advisability of this Ordinance on August 19, 2019; and

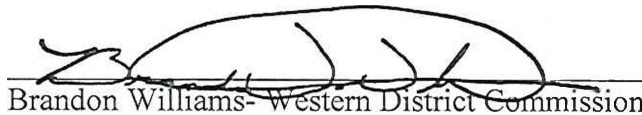
WHEREAS, the County Commission held a duly noticed public meeting regarding the adoption of this Ordinance on August 19, 2019; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSION OF TANEY COUNTY, MISSOURI, AS FOLLOWS:

1. Adoption. The County Commission of Taney County, Missouri hereby enacts and adopts the Ordinance attached to this Order, pursuant to Sections 192.300 and 640.710.5, RSMo.
2. Order of Printing and Publication. Upon adoption of this Order, the County Commission declares and orders that this Order and Ordinance be printed and made available for distribution to the public in the Office of the County Clerk and orders a copy of this Order to be published in a newspaper in the county for three successive weeks, not later than thirty (30) days after the entry of this Order.

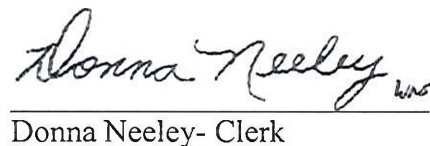
ADOPTED THIS 19<sup>th</sup> DAY OF August, 2019.

  
Mike Scofield- Presiding Commissioner

  
Brandon Williams- western District Commissioner

  
Sheila Wyatt- Eastern District Commissioner

ATTEST:

  
Donna Neeley- Clerk



**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**

**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 (1) animal unit equals the following: 1.0 beef cow or feeder cow/calf pair, veal calf, or dairy heifer; 0.5 horse; 0.7 mature dairy cow; 2.5 swine weighing over 55 pounds; 10 swine weighing less than 55 pounds; 10 sheep, lamb, or meat and dairy goats; 30 chicken laying hens or broilers with a wet handling system; 82 chicken laying hens without a wet handling system; 55 turkey in grow-out phase; 125 broiler chickens, chicken pullets, or turkey poults in a brood phase without a wet handling system. 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 FEEDING OPERATION (AFO): A lot, building, or complex at an operating location where animals are stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period, and crops, vegetation, forage growth, or post-harvest residues cannot be sustained

over at least fifty percent (50%) of the animal confinement area within the normal crop growing season.

- 1.4 ANIMAL WASTE: Any animal excrement, animal carcass, feed waste, animal water waste, or any other waste associated with animals.
  
- 1.5 ANIMAL WASTEWATER: 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.
  
- 1.7 Class IA CAFO. See Section 2.1 of this Ordinance.
  
- 1.8 Class IB CAFO. See Section 2.2 of this Ordinance.
  
- 1.9 Class IC CAFO. See Section 2.3 of this Ordinance.
  
- 1.10 Class II CAFO. See Section 2.4 of this Ordinance.
  
- 1.11 CONCENTRATED ANIMAL FEEDING OPERATION (“CAFO”): An AFO that meets one (1) of the following criteria:
  - A. Class I operation, as described in Section 2 of this ordinance;
  - B. Class II operation, as described in Section 2 of this ordinance, where either (1) of the following conditions are met:
    - I. Pollutants are discharged into waters of the state through a man-made ditch, flush system, or other similar man-made device; or
    - II. Pollutants are discharged directly into waters of the state which originate of and pass over, across, or through the production area

or otherwise come into contact with the animals confined in the operation; or

III. An unclassified operation that is designated as a CAFO in accordance with 10 CSR 20-6.300(2)(D).

- 1.12 COUNTY HEALTH PERMIT: Written authorization issued by the Taney County Commission to erect, construct, develop, use, occupy, expand, modify, or operate a CAFO.
- 1.13 DRY PROCESS WASTE: A process waste mixture which may include manure, litter, or compost (including bedding, compost, mortality by-products, or other raw materials which is commingled with manure) and has less than seventy-five percent (75%) moisture content and does not contain any free draining liquids.
- 1.14 LAND APPLICATION AREA: Agricultural land which is under the operational control of the CAFO owner or operator whether it is owned, rented, or leased, to which manure, litter, or process wastewater from the production area is or may be applied.
- 1.15 OCCUPIED RESIDENCE: A residential dwelling which is inhabited at least fifty percent (50%) of the year.
- 1.16 OPERATING PERMIT: An operating permit and /or letter of approval required of a CAFO by the Missouri Department of Natural Resources and the Taney County Commission pursuant to the Missouri Clean Water Law.
- 1.17 OWNER: Anyone who owns, either individually and/or with any other persons, any of the following interests in the real property upon which a CAFO is situated:
  - 1.17.1 Fee simple title
  - 1.17.2 A leasehold interest
  - 1.17.3 Any interest in an entity which holds fee simply title; or

- 1.17.4 Any interest in any entity which has a leasehold interest.
- 1.18 PERSON: Includes natural persons and also includes corporations, partnerships, associations and any other business or charitable entities, including a natural person who has supervisory authority over the operation of a CAFO, whether or not such person is an owner of the CAFO, and a natural person who applies animal waste or animal wastewater originating from the CAFO.
- 1.19 PLANT FILTERATION AREA: Land used or reserved for the application of liquid wastes from a livestock lagoon or pits.
- 1.20 PUBLIC BUILDING: A building open to and used routinely by the public for public purposes.
- 1.21 PRODUCTION AREA: The non-vegetated portions of an operation where manure, litter, or process wastewater from the AFO is generated, stored, and/or managed. The production area includes the animal confinement area, the manure storage area, the raw materials storage area, and the waste containment areas. The animal confinement area includes, but is not limited to, open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cowyards, barnyards, medication pens, walkers, animal walkways, and stables. The manure storage area includes, but is not limited to, lagoons, runoff ponds, storage sheds, stockpiles, under house or pit storages, liquid impoundments, static piles, and composting piles. The raw materials storage area includes, but is not limited to, settling basins and areas within berms and diversions which separate uncontaminated storm water. Also included in the definition of production area is any egg washing or egg processing operation and any area used in the storage, treatment, or disposal of animal mortalities.
- 1.22 SETBACK: The distance from the CAFO facility to the nearest occupied residence not on CAFO property, as measured in a straight line from the occupied

residence to the nearest CAFO confinement building, confinement lot, other animal confinement area, or water handling facility.

- 1.24 WET HANDLING SYSTEM: The handling of manure that contains less than seventy-five percent (75%) dry matter or has free draining liquids. Wet handling system includes, but is not limited to, lagoons, pits, tanks, all gravity outfall lines, recycle pump stations, recycle force mains, and appurtenances.

## **2. CLASSIFICATION OF CONCENTRATED ANIMAL FEEDING OPERATIONS**

- 2.1 A Class IA CAFO is any concentrated animal feeding operation with a capacity of seven thousand (7,000) AUs or more.
- 2.2 A Class IB CAFO is any concentrated animal feeding operation with a capacity between three thousand (3,000) AUs and six thousand nine hundred and ninety-nine (6,999) AUs inclusive.
- 2.3 A Class IC CAFO is any concentrated animal feeding operation with a capacity between one thousand (1,000) AUs and two thousand nine hundred and ninety-nine (2,999) AUs inclusive.
- 2.4 A Class II CAFO is any concentrated animal feeding operation with a capacity of at least three hundred (300) AUs, but less than one thousand (1,000) AUs.

## **3. PERMIT REQUIREMENTS FOR ALL CAFOS**

- 3.1 No CAFO shall be erected, constructed, developed, used, operated, occupied, expanded to a different classification of CAFO, or otherwise established within Taney County unless a County Health Permit has been issued by the Taney County Commission. To apply for a County Health Permit the proposed CAFO shall submit to the County Commission all of the application materials submitted to the Department of Natural Resources ("DNR") for an Operating Permit, a completed application containing information as required by the County

Commission, and an application fee as established by the Taney County Commission pursuant to Section 11 of this Ordinance. If the CAFO is issued an Operating Permit and if the proposed CAFO meets the requirements of this Ordinance, then the County Commission shall also issue a County Health Permit. If the proposed CAFO is not subject to regulation by the Missouri Department of Natural Resources (“DNR”), then to apply for a County Health Permit the proposed CAFO shall submit a completed application containing information as required by the County Commission, an application fee as established by the Taney County Commission pursuant to Section 11 of this Ordinance, a plan to the County Commission showing the location of the proposed facility, the number of proposed animal units, the proposed method and location of animal waste disposal and the name and address of the owner of the proposed CAFO as well as the name and address of the owner of the land on which the CAFO will be located, if different from the owner of the CAFO. In such case, if the County Commission determines that the proposed CAFO complies in every respect with the terms of this Ordinance, then the County Commission shall issue a County Health Permit.

3.2 An application for a County Health Permit shall be submitted to the County Commission for approval in a form required by the County Commission, which shall require, at a minimum, the following:

- (1) name, address, and telephone number of the owner, operator or registered agent of the proposed CAFO facility;
- (2) name, address, and telephone number of the owner of the land on which the proposed CAFO facility will be located if different from the owner or operator of the proposed CAFO facility;
- (3) if the owner or operator of the proposed CAFO facility is different than the owner of the real estate on which the proposed CAFO facility is to be located, a copy of the lease agreement or other document executed evidencing a right to use and possess the real estate for the purposes described;
- (4) the number of animal units anticipated at the proposed CAFO facility;
- (5) the location and number of acres of the proposed CAFO facility;



(6) the general layout of the facility with GPS coordinate locations for all corners of the CAFO facility, confinement building, confinement lot, or other animal confinement area, and livestock lagoon or pit. In addition, the County may request the GPS coordinate locations for all corners of the CAFO facility locations;

(7) the legal description of the real estate on which the proposed CAFO facility is to be located;

(8) upon request, a high-resolution overhead or aerial map identifying the proposed location of the proposed CAFO facility, which shall identify all property lines and all occupied dwellings located within the setback requirements described in this Ordinance;

(9) all of the application materials submitted to the Department of Natural Resources (“DNR”) for an Operating Permit, if applicable; or, if the proposed CAFO facility is not required to submit application materials to DNR, all of the application materials that would otherwise have to be submitted to DNR if the proposed CAFO facility were required to submit application materials to DNR;

(10) evidence of financial security as required by Section 7 of this Ordinance;

(11) the waste handling plan and/or nutrient management plan; and

(12) any other relevant information which may be required by the County Commission in order to make a determination on issuance of a County Health Permit based on the requirements of this Ordinance.

An application for a County Health Permit shall not be considered complete unless and until the information required by this Ordinance is submitted to the County Commission. The County Commission shall have no obligation to review an application until this requirement is satisfied.

3.3 At least one (1) public hearing shall be held by the County Commission prior to approving any County Health Permit. Such public hearing may be continued from time to time and additional hearings may be held.

- 3.4 Once a CAFO has received a County Health Permit, the CAFO must apply for a renewal of said permit every five (5) years from the date of issuance. All applications for renewal permits shall be submitted, along with the applicable renewal fee, at least thirty (30) days prior to the anniversary date of the issuance of the initial County Health Permit. If the County Commission determines that the CAFO has complied in all respects with permit previously issued, then the County Commission may issue the renewal permit. Otherwise, the County Commission shall not issue a renewal permit and the CAFO immediately shall cease operation.
- 3.5 It shall be a violation of this Ordinance and unlawful for any person to operate a CAFO without first obtaining a County Health Permit from the County Commission.
- 3.6 It shall be a violation of this Ordinance and unlawful for any person to operate a CAFO with a number of AUs in excess of the number specified in the permit issued by the County Commission.
- 3.7 It shall be a violation of this Ordinance and unlawful for any person to apply animal waste or animal wastewater in a manner inconsistent with the requirements of this Ordinance.

#### **4. RULES APPLICABLE TO ALL CAFOS**

- 4.1 The proposed CAFO shall be in compliance with the provisions of Sections 4 through 8 of this Ordinance, as applicable.
- 4.2 All Production Areas, Animal Confinement Areas, Manure Storage Areas, and Raw Material Storage Areas shall be designed in such a manner as to avoid the degradation of the quality of surface or subsurface waters, water courses or other bodies of water.

- 4.3 All Manure Storage Areas shall comply with the design standards and effluent limitations of 10 CSR 20-6.300(4). Plans and specifications concerning the design and construction materials for Manure Storage Areas shall take into consideration the site-specific characteristics of the soils at the location pursuant to 20 CSR 20-8.300, as applicable, including but not limited to, a detailed soils investigation to determine the characteristics of the soil; Atterburg limits; standard proctor density; coefficient of permeability; depth to bedrock; particle size analysis; depth to groundwater table; shrink-swell characteristics; and whether karst formations are present at the location.
- 4.4 Any determination ruled on by the Missouri State Government regarding an environmental standard shall be accepted by the County of Taney.
- 4.5 The applicant shall demonstrate that the soils on the premises, including a soil-plant filter area, are suitable for and compatible with the Production Areas with respect to the location of lagoons or pits and the application of liquid, slurry or solid animal waste onto or into the soil on the premises. Further, no animal waste from a lagoon or pit shall be applied when soils are water saturated, frozen, or covered with snow, or when other soil conditions would result in waste runoff unless DNR grants a variance to spread on top.
- 4.6 The Production Areas, including but not limited to, feedlot, lagoon, or pits shall demonstrate that it shall at all times be operated in compliance with any required local, state or federal permits, licenses or other approvals, and in compliance with all applicable state and local laws and regulations.
- 4.7 If the Taney County Commission or any other individual or entity working under their authority, determines that any CAFO causes or allows fugitive particulate matter emissions to go beyond the premises of origin in quantities that may be found beyond the property line of origin, the Taney County Commission shall

notify the Director of the Department of Natural Resources of the fugitive particulate matter emissions to take any appropriate control measures as the Director deems necessary pursuant to 10 CSR 10-6.170, as set forth in Section 4.14.

4.8 The applicant shall provide to Taney County Commission the Nutrient Management Plan provided to the Department of Natural Resources. The Nutrient Management Plan shall comply with the requirements found within the Nutrient Management Technical Standards.

4.8.1 A Nutrient Management Plan is required for the land receiving any effluent in Taney County from a permitted facility.

4.9 Omitted.

4.10 Animal waste and animal wastewater shall not be applied within three hundred (300) feet of any sinkhole, losing stream, or other structure or physiographic feature that may provide direct connection between the ground water table and surface, within three hundred (300) feet from any existing potable water supply well not located on the property, or within one hundred (100) feet from any wetlands, ponds, gaining streams (classified or unclassified; perennial or intermittent). This rule shall not apply to waste lagoons or ponds on the CAFO property, but shall apply to all other wells, water supplies, streams, strip pits, lakes, springs, and sink holes on the CAFO property.

4.11 No manure, litter, and/or process wastewater may be applied closer than 100 feet to any down-gradient surface waters, open tile line intake structures, sinkholes, agricultural well heads, or other conduits to surface waters including, but not limited to, any land application site composed of karst formations or watershed of any body of water owned and maintained by the U.S. Corps of Engineers. Prior to any land application, a field-specific assessment of the land application area must

be performed and shall take into consideration the site specific characteristics of the soils at the location, including but not limited to, a detailed soils investigation to determine whether the soil conditions and structures are appropriate for land application of manure, litter, and/or process wastewater, pursuant to 20 CSR 20-6.300.

- 4.12 The minimum setback distances from manure storage structures, manure storage areas, confinement buildings, open lots, or mortality composters shall be as follows: ten (10) feet to public water supply pipelines; fifty (50) feet to property lines; fifty (50) feet to public roads; one hundred (100) feet to wetlands, ponds, or lakes not used for human water supply; one hundred (100) feet to gaining streams; three hundred (300) feet to human water supply lakes or impoundments; and three hundred (300) feet to losing streams (classified and unclassified; perennial or intermittent) and sinkholes.
- 4.13 No County Health Permit shall be issued for a livestock and/or poultry manure storage system or other system of manure storage that is of the like and similar nature that prevents feedlot runoff unless such manure storage system is in compliance with all Missouri Department of Natural Resources (“DNR”) regulations for the control of wastes from livestock feedlots, poultry lots and other animal lots and said manure storage system has obtained a permit from DNR, if necessary, for the pollution control devices to be installed.
- 4.14 In the event the Taney County Commission, or designee, receives a complaint or report with respect to compliance with state law and this Ordinance by a CAFO, an inquiry or investigation may be conducted into the complaint or report, and a determination made with respect to any such complaint or report, and the Taney County Commission may notify the Department of Natural Resources with respect to any information received or obtained as a result of any complaint, report, inquiry, or investigation with respect to the requirements under state law and this Ordinance.

## 5. ADDITIONAL RULES APPLICABLE TO CLASS IA CAFOS

5.1 Class IA CAFOS shall be operated under an odor control plan describing the measures to control odor emissions that are necessary to maintain compliance with the odor performance standard. All new Class IA CAFOS and any operation that expands to become a Class IA CAFO shall obtain approval from the Department of Natural Resources for an odor control plan at least sixty (60) days prior to commencement of the operation.

5.1.1 The odor control plan shall contain all of the requirements of 10 CSR 10-6.165(3)(A).

## 6. SETBACK REQUIREMENTS

6.1 Occupied Residence Setbacks. The setback distances described in paragraphs 6.1.1 – 6.1.4 shall be measured from the nearest point of the CAFO's Confinement Area or Waste Management System to the nearest point of the Occupied Residence or Public Building. See Figure 3. These setback distances shall not apply to Occupied Residence owned by the CAFO or to Occupied Residence not in existence at the time of issuance of the County Health Permit.

6.1.1 Class IA. No Class IA CAFO shall be located within three thousand (3,000) feet of an Occupied Residence or Public Building.

6.1.2 Class IB. No Class IB CAFO shall be located within two thousand (2,000) feet of an Occupied Residence or Public Building.

6.1.3 Class IC. No Class IC CAFO shall be located within one thousand (1,000) feet of an Occupied Residence or Public Building.

6.1.4 Class II. No Class II CAFO shall be located within five hundred (500) feet of an Occupied Residence or Public Building.

**Figure 3.**

	<b>Size of CAFO</b>			
	Class IA	Class IB	Class IC	Class II
<b>Setback Distances from Occupied Residence</b>	3,000 feet	2,000 feet	1,000 feet	500 feet

**7. FINANCIAL SECURITY AND WASTE DISPOSAL SYSTEMS REMOVAL AND CLEANUP**

7.1 No health permit shall be issued unless adequate security has been furnished to ensure proper cleanup and disposal as required by sections 7.2 and 7.3 hereto.

7.2 Lagoons or other waste storage structures which are no longer in use shall be closed in accordance with the requirements of 10 CSR 20-6.300(4)(B). The Owner shall also be responsible for the cost of cleaning or remediating any contamination or pollution, including any water resources, wells, or soils which become contaminated, polluted, defiled or soiled from leaks or spills from any Lagoon or other waste storage facility on the premises. The mechanisms used to demonstrate financial assurance shall ensure that the funds necessary to meet the costs of cleanup and remediation, as established herein, will be available when they are necessary. In establishing financial assurance, Owners and Operators shall comply with the provisions of 7.3 and provide documentation to Taney County of its compliance.

7.3 Concentrated Animal Feeding Operation Indemnity Fund. The owner or operator of each Class IA CAFO utilizing a flush system shall remit to the department of natural resources a fee of ten (10) cents per animal unit permitted to be deposited in the fund. The fee is due and payable to the Department on the first anniversary of issuance of each owner or operator permit to operate such a facility and for

nine years thereafter on the same date. This Fund's administration and use is pursuant to Sections 640.740 through 640.747.

## **8. VARIANCE TO SETBACK RULES**

Where, due to an extraordinary or exceptional situation or condition of a specific piece of property, the strict application of this Ordinance would result in peculiar and exceptional difficulties to, or an exceptional and demonstrable undue hardship upon, the owner of the property as an unreasonable deprivation of use as distinguished from the mere grant of a privilege, the County Commission may authorize, as part of the application for a County Health Permit, a variance from the strict application so as to relieve said demonstrable difficulties to the public good and without substantially impairing the intent, purpose, and integrity of the regulations, standards and criteria established in this Ordinance.

## **9. APPLICATION OF ORDINANCE**

A CAFO in existence at the time of the enactment of this Ordinance is exempt from its terms and conditions; provided, however, that before a CAFO in existence at the time of the enactment of this Ordinance may expand or change its operation in terms of a change of classification or amount or manner in which animal waste or animal wastewater is applied or disposed of, the CAFO shall be in compliance with this Ordinance in every respect and shall obtain a new County Health Permit.

## **10. DISPOSAL OF DEAD ANIMALS AND AFTER BIRTHING MATERIAL**

The proper disposal of dead animals and after birthing material shall be completed within twenty-four (24) hours from the time of occurrence. Dead animals and after birthing material must not be disposed of in any liquid manure or process wastewater system, unless specifically designed to handle them. Dead animals and after birthing material must be handled in such a way as to prevent the discharge of pollutants to surface waters and prevent the creation of a public health hazard. Class I operations shall not use burial as a permanent mortality management method to dispose of routine mortalities.

## **11. ADMINISTRATIVE FEES**



11.1 No application for approval of a County Health Permit shall be accepted until the applicant has paid all processing fees as set forth below. Fees paid shall be non-refundable except as provided in Section 11.4 below.

11.2 The fee amount shall not exceed the amount needed to recover the cost of inspection, investigation and review of the proposed application, which fee amounts are based upon the anticipated costs of review, inspection and investigation, and which fee amounts have taken into consideration the need for special investigative services including geologic inspections, hydrologic inspections, groundwater monitoring, soils evaluation, and other unique costs of a scientific or technical nature associated with the processing of the application. For purposes of this Ordinance, the administrative fee amounts shall be as follows:

<b>Classification of CAFO</b>	<b>Fee</b>
Class IA	\$5,000 per year
Class IB	\$500.00
Class IC	\$500.00
Class II	\$500.00

In addition, the applicant shall be responsible for payment of the actual costs incurred in holding the public hearing described in section 3.3, including, but not limited to, the costs of publication, the cost to hire a court reporter, any rental fee for facilities to hold the public hearing, or other related costs.

11.3 There shall be established with the County Treasurer an escrow fund, for each application for a County Health Permit, for the purposes of reimbursing the County Commission for services rendered in connection with administration of this Ordinance. Said escrow account shall include the proceeds of project review fees established pursuant to this Section. The funds contained in said escrow account shall be used solely to reimburse the County Commission for actual costs associated with administration of the Ordinance, for actual services rendered for

investigation, administration and processing of a County Health Permit including costs associated with the retaining and compensation of experts on scientific and technical issues associated with the application, and costs associated with public hearings. The County Treasurer shall disburse payments based upon billings supplied by the County Commission and approved by the County Commission.

- 11.4 The applicant for a County Health Permit may apply to the County Commission for a credit against the fee previously paid in the event that a portion of the costs or review and processing is duplicative, pursuant to the standards of applicable case law or statutes then in effect. After the approval, conditional approval or denial of a County Health Permit, the County Treasurer shall refund to the applicant any unexpended or unencumbered balance of the escrow account established pursuant to this Section for said application.

## **12. VIOLATION OF ORDINANCE**

Any person violating this Ordinance shall be subject to punishment by imprisonment or fine, as provided by law. Each day a person operates a CAFO in violation of this Ordinance, and each time a person applies animal waste or animal wastewater in a manner inconsistent with the requirements of this Ordinance, shall be considered a separate offense. The County Commission may designate a qualified individual to inspect any CAFO or Production Area used by the CAFO which has been issued a County Health Permit and may initiate an enforcement action as provided by Section 192.300, RSMo.

## **13. SEVERABILITY**

The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause or phrase of this Ordinance shall be declared unconstitutional or otherwise invalid by the judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

## **14. REPEAL OF ORDINANCES NOT TO AFFECT LIABILITIES, ETC.**

Whenever any part of this ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the ordinance shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under this ordinance previous to its repeal shall not be affected, released, or discharged but may be prosecuted, enjoined, and recovered as fully as if this ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

#### **15. EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage by County Commissioners, except as provided herein.