
ZONING ORDINANCE

GOLDEN VALLEY COUNTY

NORTH DAKOTA

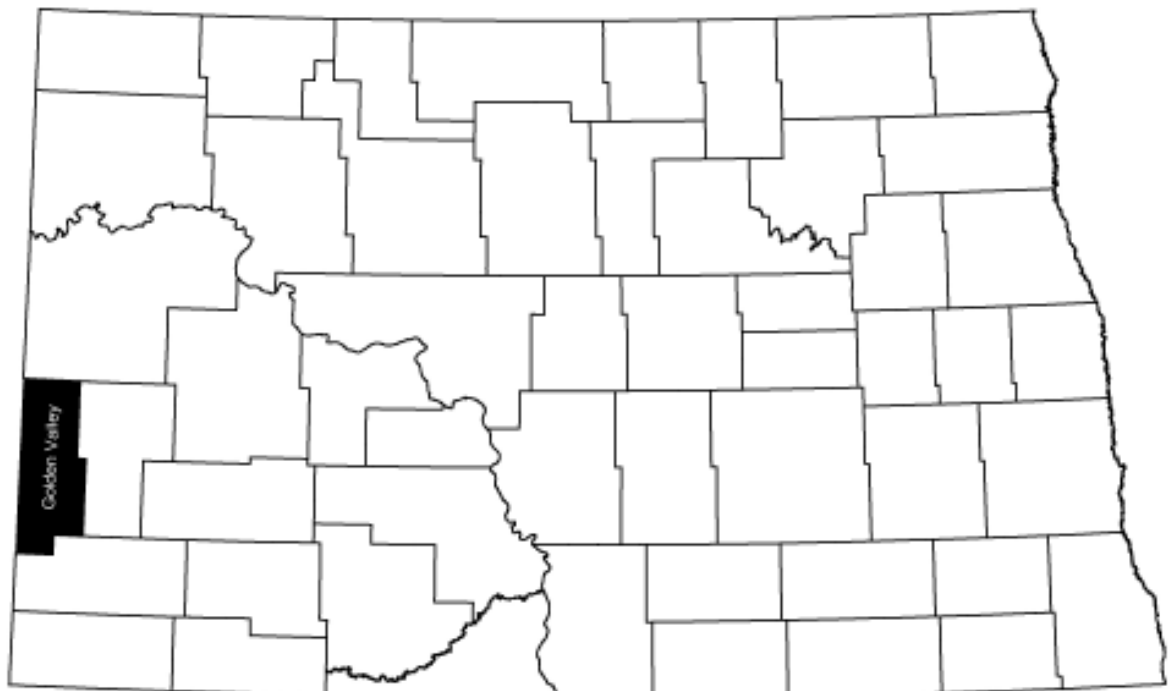


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ARTICLE I: INTRODUCTION

1.1 Title

This ordinance, its regulations, and the County Zoning Map shall be known and may be cited as the Golden Valley County Zoning Ordinance.

1.2 Purpose and Intent

These zoning regulations and zoning districts are herein set forth to direct and guide the development of Golden Valley County; to promote the health, safety, and well-being of the citizens of Golden Valley County; and to promote the sound and desirable use of the lands of Golden Valley County.

1.3 Authorization

This ordinance is developed and enacted under authority granted in Chapter 11-33 of the North Dakota Century Code (N.D.C.C.)

1.4 Definitions

The words herein defined shall have the meaning intended in this ordinance. Words and phrases not defined in this or any other section will be applied as they are in common usage.

1.4.1 General Terms

The word shall is taken to mean mandatory; may is taken as permissive.

The word person is taken to mean any individual, group, firm, partnership, or corporation.

Words used in the present tense shall also be applied in the future; words used in the singular shall also be applied in the plural.

1.4.2 Specific Terms

Accessory Use or Structure – a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Agriculture – the use of land and structures for the raising of crops and/or livestock. An agricultural operation includes the farm residences and any crop/grain or livestock handling or holding facilities on the farm which are necessary to the operation.

Alley – a minor street providing vehicular service access to the back or the side of two or more properties.

Amendment – any change, revision or modification of either the text of this ordinance or the District Zoning Map.

Animal Hospital or Clinic – an establishment where animals are admitted principally for examination, treatment, board and care by a doctor of veterinary medicine.

Automobile Repair Shop – an area of land, including structures thereon, that is used for the repair and servicing of automobiles and/or trucks under one ton of gross weight.

Basement – a story of a multi-story structure which has a greater portion of its height below the ground surface.

Buildable Area – the portion of a lot remaining after required yards have been provided.

Building – any structure designed or intended for the enclosure, shelter, or protection of persons, animals or property.

Building Height – the vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of a flat roof and to the average height between the plat and ridge of a gable, hip or gambrel roof.

Camper – a vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation and vacation, having a body width not exceeding eight (8) feet and a body length not exceeding thirty-two (32) feet.

Camper Park – includes every plot of land kept, used, maintained, advertised or held out to the public as a place for use by guests for parking recreational vehicles.

Coal Exploration – the drilling of exploratory holes by an agent of a registered coal company for the purposes of defining coal seams and/or identifying coal characteristics.

Commercial Sand, Gravel, and Scoria Operations – the lease, sale or rental of land for the purpose of opening a sand, gravel and/or scoria pit and the processing of the material of said pit for sale or resale. The provisions of this ordinance regarding commercial sand, gravel and/or scoria operations do not apply to a farmer’s incidental use of his private operations or to an operation by a political subdivision.

Conditional Use – such uses as are allowed by special permit only. Said permit shall be granted according to the provisions of this ordinance.

Construction Work Camp – a temporary unit development which includes housing facilities and associated nominal services for a portion of the labor force involved in the construction of a major industrial project. Proposed facilities shall be subject to the approval of the planning/zoning commission.

County Highways and/or Roads – any and all roads over which the Board of County Commissioners has authority and for which said commissioners provide maintenance.

District – the areas of Golden Valley County for which these regulations governing the use of land and the use, density, bulk, height and location of structures and buildings are uniform.

Duplex – a structure designed with two (2) dwelling units which share at least one common wall.

Dwelling – any building or portion thereof which is designed and used exclusively for residential purposes.

Dwelling Unit – a room or group of rooms with kitchen and bathroom facilities which is designed or intended for occupancy by a single-family.

Easement – a natural or acquired right to use land, other than as a tenant, for a specific purpose, such right being held by someone other than the owner who holds title to the land.

Family – one or more persons occupying the premises as a single house-keeping unit.

Farm – a tract of land which is devoted to commercial agricultural activities.

Feedlot – any livestock feeding, handling, or holding facility which is not used for pasture or crop raising and where either more than one hundred (100) animal units are held or less than six hundred (600) square feet of space is available per animal unit.

Frontage or Service Road – minor streets which are parallel to and adjacent to arterial streets and highways which provide access to abutting properties and protection from through traffic.

Gathering Line – pipelines which carry oil or gas between the well lease site and the first processing station. Said pipelines are not involved in public commerce and are not under the jurisdiction of the Public Service Commission (PSC).

Garage – a building for the storage, repair or maintenance of motor vehicles.

Historical Monuments and/or Structures – any structure or building associated with an outstanding person, event or period of history.

Home Occupations – any occupation or profession carried on by members of a family residing on the premises, which is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof.

Junk and/or Salvage Yard – a tract of land, structure or part thereof, used primarily for the collecting, storage and sale of scrap or discarded material or for the collecting, dismantling or storing and salvaging of machinery or vehicles not in running order or for the sale of parts thereof.

Livestock Auction Yard – an enclosure or structure designed or used for holding livestock for the purpose of sale or transfer by auction, consignment or other means.

Lot – a tract of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area to provide such yards and other open space as are herein required.

Lot Coverage – the total area of buildings expressed as a percentage of the total lot, plot, or tract.

Lot, Depth of – the mean horizontal distance between the front and rear lot lines.

Lot, Frontage – the front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage.

Lot, Width – the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the rear of the required front yard.

Manufacture – any method of processing, developing, fabricating or assembling either raw materials, semi-finished materials or parts thereof into a semi-finished or finished product.

Mineral Exploration Operations – any operation involved in the search, exploration or prospecting of any substance or mineral which may involve the penetration of the land surface by digging, drilling, or excavating.

Mobile Home – Class A – a double-wide mobile home which is not less than eighteen (18) feet in width and which is acceptable similar in appearance and shape to a conventionally built single-family home. Such mobile home shall be placed on a permanent foundation with proper poured footings and shall be taxed as real property. The roof shall have a 4:1 pitch or greater and shall be covered with wood or asphalt shingles. Exterior walls shall be or have the appearance of having wood siding or masonry and shall not be sheet siding with a vertical orientation. When attached to any required utilities such mobile home shall serve as a permanent dwelling.

Mobile Home – a structure, transportable in one (1) or more sections, which is eight (8) feet or more in width and is thirty-two (32) body feet or more in length and which is built on a permanent metal chassis and designed to be a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

Mobile Home Park – any parcel of land whereupon a minimum of three (3) mobile homes are placed on rented lots of determined size which provide hookups for required utilities.

Mobile Home Subdivision – any parcel of land, subdivided and platted according to county ordinances exclusively for mobile homes. Said subdivision shall contain lots of a determined size with required utilities for acquisitions on a purchase basis.

Modular Home – a structure transportable in one or more units where the units are not constructed on a metal chassis. The structure is assembled on a permanent foundation and serves as a residential unit when attached to the proper utilities.

Motel – a building or group of buildings used for the temporary residence of motorists or travelers.

Multiple Dwelling – a residential building designed for occupancy of two (2) or more families, with the number of families in residence not exceeding the number of dwelling units.

Nonconforming Use – any building or tract of land lawfully occupied by a use, at the time of passage of this ordinance or amendments thereto, which does not conform with the provisions of this ordinance or amendments thereto.

Nonfarmer – any person:

- (a) Who does not normally devote a major portion of their time to the activities of producing products of the soil, poultry, livestock, or dairy farming in such products' unmanufactured state or
- (b) Who did not receive in their most recent tax year at least fifty-one percent (51%) of their annual net incomes from any of the foregoing activities.

Nonfarm Residence - a single family dwelling which is to be situated on a parcel and whose initial occupant may or is to be a nonfarmer or any other person who does not intend to farm such parcel or engage in upon such parcel the raising of livestock or other similar operations normally associated with farming and ranching or who does not expect to receive thereafter fifty or more percent of his annual net income solely from the foregoing farming and other activities engaged in upon such parcel.

Parking Space – an area for the purpose of storing one (1) parked automobile. For the purpose of the ordinance, one (1) parking space shall have a minimum width of nine (9) feet and a minimum length of twenty (20) feet. In computing off-street parking, additional space shall be required off-street for access drives to each parking space.

Permit – a written document issued by a designated representative of Golden Valley County government which grants permission to perform an act or service.

Permitted Use – any use which complies with the requirements of a zoning district.

Planned Unit Development (PUD) – an area of land, controlled by a landowner, to be developed as a single project for a number of dwelling units and/or commercial and industrial uses, if any, the plan for which is not required to correspond in lot size, bulk or

type of dwelling or commercial or industrial use, density, lot coverage and required open space to the regulations established in any one or more districts created, under the provisions of this ordinance.

Public Utility – any business which furnishes the general public either telephone, telegraph, electricity, natural gas, or water service, and any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state.

Recreational Vehicle – a vacation trailer or other vehicular or portable unit which is either self-propelled or towed or is carried by a motor vehicle and which is intended for human occupancy and is designed for vacation, recreational or residential use.

Recreational Vehicle Park – a tract of land designed, utilized and operated on a fee or other basis as a place for the temporary parking of occupied recreational vehicles.

Right-of-Way – the area, either public or private, over which the right of passage exists. The right-of-way shall not be considered as land area when computing lot size.

Rooming House – any dwelling in which more than three (3) persons, either individually or as families, are housed or lodged for hire, with or without meals.

Setback – the line within a property defining the required minimum distances between any structure or use and the adjacent right-of-way or property line of any lot.

Sewage Disposal System – a sanitary privy, flush toilet, absorption field or similar device used in the collection and/or disposal of sewage or human excretes. This includes all similar contrivances used in the collection and/or disposal of sewage whether enumerated herein or not.

Sign – any outdoor advertising having a permanent location on the ground or attached to or painted on a building, including bulletin boards, billboards, name plates and poster boards.

Street – except for the section lines, a way for vehicular traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land place or however otherwise designated.

Major Arterial Street or Road – a street or road which provides for through traffic movements of light and heavy vehicles between or around areas and across the county. Access to abutting property may be provided and street or road design speeds shall exceed 30 mph.

Collector Streets – those which carry traffic from minor streets to the major systems of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.

Minor Streets – those which are used primarily for access to the abutting property.

Structure – anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground.

Subdivision – the division of land into two (2) or more lots for the purpose, immediate or future, of sale or lease for building development; however, if a new street is involved, any division of a parcel of land constitutes a subdivision, but, the division of agricultural land into lots five (5) acres or more in size where no new street is created does not constitute a subdivision.

Transmission Facility – means any of the following:

- (a) An electrical transmission line and associated facilities with a design of forty-one and six tenths kilovolts or more.
- (b) A gas or liquid transmission line and associated facilities designed for or capable of transporting coal, gas or liquid hydrocarbon products for public commerce.
- (c) A liquid transmission line and associated facilities designed for or capable of transporting water from or to an energy conversion facility, said energy conversion facility being the same as that defined by subsection 5 of NDCC Section 49-22-03.

Variance – a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for the area and size of structure or size of yards and open space. Establishment or expansion of a use otherwise prohibited shall not be allowed by the variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoin zoning district.

Yard – a space on the same lot with the principle buildings or structures, open, unoccupied and unobstructed by buildings or structures from the ground upward.

Yard, Front – yard extending across the full width of the lot from side lot lines, the depth of which is the least distance between the front lot line and the front building line or building face.

Yard, Rear – a yard extending across the full width of the lot from side lot lines, the depth of which is the least distance between the rear lot line and the rear face of the principal building.

Yard, Side – a yard extending from the rear line of the required front yard to the rear lot line, the depth of which is the least distance from the sides of the principal building and the side lot line.

ARTICLE II: GENERAL PROVISIONS

2.1 Jurisdiction

The regulations shall apply to all unincorporated areas of Golden Valley County and to the incorporated cities of Golden Valley County which relinquish the zoning powers to the county as authorized by Section 11-33-20 and pursuant to Section 40-47-01.1 of the NDCC.

2.2 Compliance and Effective Date

2.2.1 The regulations set by the provisions of this ordinance shall apply uniformly within each district.

2.2.2 Both the planning/zoning commission and the board of county commissioners may require reasonable information deemed necessary for the administration and enforcement of this ordinance.

2.2.3 From this First day of September, 1981 each new use shall be in compliance with the provisions of this ordinance.

2.3 Severability

If any part or provision of this ordinance or the application thereof to any persons, property or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its effect to that part, provision, section or application expressly involved in the controversy and shall not affect or impair the integrity or validity of the remainder of the ordinance or its application to other persons, property or circumstances.

The county commissioners of Golden Valley County, North Dakota, hereby declare that it would have enacted the remainder of this ordinance even without the affected part, provision, section or application.

2.4 Repeal

All previous zoning regulations or parts of county regulations, existing ordinance and provisions which address zoning are hereby repealed.

2.5 Amendments

The Golden Valley County Planning and Zoning Commission, the Board of County Commissioners or any person may initiate an amendment to either the zoning ordinance or zoning map through the procedure described in Section 5.6 of this ordinance.

2.6 Nonconforming Use

Any parcel of land, structure, use of land or use of structure which are lawful before this ordinance was passed, but would be prohibited, regulated or restricted under the terms of this ordinance or future amendments, shall be known as nonconforming uses. It is the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or extended.

2.7 Conditional Uses

Use of lands or structures which are not considered a desired use of lands or structures within a described zoning district but deemed allowable by the Golden Valley County Board of County Commissioners and appropriate city council shall be known as conditional uses, and shall require a permit acquired through the procedure described in Section 5.5.2 and a public hearing with proper notice. Permits shall only be issued to landowners or operators within a lease or other written agreement with the landowner.

2.8 Temporary Uses

Uses of lands or structures which are deemed allowable by the Golden Valley County Board of County Commissioners for the prescribed length of time shall be known as temporary uses and shall require a permit acquired through the procedure described in Section 5.5.3 of this ordinance.

2.9 Prohibited Uses

All uses not identified in this ordinance and all uses identified as prohibited uses shall be known as prohibited uses and shall not be allowed.

ARTICLE III: DISTRICTS

3.1 District Designation

Golden Valley County is hereby divided into zoning districts for purposes of controlling the use of lands and structures as authorized by Section 11-33-02 of the NDCC. Said districts shall be known as:

RC	Conservation District
RA	Agricultural District
R	Single-Family Residential District
MH	Mobile Home District
C	Commercial District
I	Industrial District
PUD	Planned Unit Development

3.2 County Zoning Map

The zoning districts as described in this ordinance shall be mapped. Said map shall be known as the Official County Zoning Map, shall have attached or be filed with all materials necessary for the interpretation of the map, shall have the date of adoption and date of each amendment to the map printed on the map, and shall be on file in the office of the county auditor.

3.3 Zoning Map District Boundaries

3.3.1 Boundary Definition

Zoning district boundary lines shall follow lot lines; subdivision lines; section lines; center lines of streets, roads, highways, alleys, railroad right-of-ways or such lines extended.

3.3.2 Boundary Interpretation

Where, due to map scale or lack of clarity, there is any uncertainty as to the intended location of a boundary line shown thereon, the county zoning director shall interpret and delineate the boundary line in question.

3.4 RC – Conservation District

3.4.1 Intent:

It is the purpose of this district to make provisions to protect sensitive, unique or vulnerable lands, structures, historic sites and monuments, vegetation or wildlife. It is further the intent of this district to promote the wise use of lands for recreation.

3.4.2 Permitted Uses:

1. Hunting, fishing and trapping,
2. Raising of game animals, fowl, and fish,
3. Harvesting of any natural crops,
4. Cropping and grazing activities which do not require the construction of any permanent buildings,
5. Public parks, undeveloped recreational areas and natural preserves,
6. Floodwater management structures,
7. Tree farms,
8. Historical monuments and structures.

3.4.3 Conditionally Permitted Uses:

1. Commercial Recreational Parks, tourist and trailer camps.

The applicant shall meet the following requirements to obtain a permit:

- (a) The minimum area for campground shall be five (5) acres and maximum number of recreational trailers shall be fifteen (15) units per gross acre.
- (b) A site plan showing the boundary of property, topographic information with contour intervals of no more than five (5) feet; arrangement of streets, drives and access roads; location of service buildings; location and dimension of campsites; location of sanitary facilities; location of water supply.
- (c) Proof of compliance with the requirements of North Dakota State Health Department and North Dakota Laboratories Department.

- (d) Approval of the County Commission for ingress and egress to the property.
2. Single-family dwelling units on lots large enough to insure septic tank setbacks of one hundred (100) feet from any lot line or public right-of-way.
 3. Buildings associated with the farm operation and located on the premises.
 4. Water reservoirs, water wells, water storage tanks, water pumping stations, water pipelines and sewer lift stations.
 5. Sewage lagoons and sediment ponds in compliance with State Health standards.
 6. Public buildings, facilities or structures.
 7. Sanitary landfills in compliance with State Health standards.
 8. Golf courses and driving ranges.
 9. Electric transmission facilities and water, gas, oil or coal slurry transmission pipelines in accordance with the following restrictions:
 - (a) The applicant shall provide the summary portion or the application for a transmission facility permit submitted to the North Dakota Public Service Commission (PSC) for said transmission facility if the application is required under Chapter 49-22 of the NDCC.
 - (b) The applicant shall submit all materials which constitute a ruling by the PSC on said transmission facility including maps of the approved corridor.

3.4.4 Temporarily Permitted Uses

1. Mineral Exploration

The provisions of this section shall not apply to any digging, drilling or excavation for agricultural purposes, the operation of coal mines, oil and gas drilling and production, and digging, drilling or excavation by Golden Valley County and its incorporated cities. The operators must furnish the following to the zoning director:

- (a) Evidence of compliance with Section 38-08.1-04 NDCC, (Filing of notice of intention to engage in drilling). A copy of the approved North Dakota State Industrial Commission Permit Application Form for Coal Exploration pursuant to Section 38-12.1-05 NDCC; evidence of approval of the North Dakota Industrial Commission for subsurface mineral exploration pursuant to Section 38-12-03 NDCC;
- (b) Plan drawn to scale showing the location of lines or areas to be explored;
- (c) Schedule of commencement and completion of operations;
- (d) Evidence that the surface owner and tenant has/have been notified in writing of the operator's intended activities prior to the commencement of said activities;
- (e) Evidence that permission for the use of water has been obtained from surface owner and tenant before exploration activity begins;
- (f) Exploration shall only occur during periods of dry or frozen soil conditions;
- (g) A fee of one hundred dollars (\$100.00) for each exploration permit shall be paid to the county treasurer before a temporary use permit shall be issued. Said permit shall cover the activities of all crews of a registered exploration company on all lands within the county for a period of one year. Each reissuance of a permit will entail an additional fee of one hundred dollars (\$100.00);
- (h) The county commission shall, pursuant to Section 38-08.1-07 NDCC, notify the Industrial Commission of the issuance of all temporary permits relating to mineral exploration. The county commissioners may revoke or suspend any temporary permit relating to mineral exploration;
- (i) A copy of the temporary use permit shall be carried by the recording truck, permit agent and party chief;
- (j) Upon completion of operations, a final plan drawn to scale, showing the actual survey location of all seismic exploration lines and, if requested, the location of all shot holes or other drill holes pursuant to Section 38-08.1-05 NDCC;

- (k) Certification that all wire flags and/or other objects related to the exploration activities have been removed;
- (l) All exploratory drill holes shall be plugged according to state law within thirty (30) days of being drilled. The top twenty-four (24) inches of the hole shall be filled with topsoil and the hole cuttings shall be dealt with in a fashion approved by the landowner or tenant;
- (m) A copy of the certificate issued by the Industrial Commission of the State of North Dakota indicating that a bond has been filed with the state pursuant to Chapter 38-08.1-03.1 NDCC.

2. Seismic Regulations:

- (a) In the case of open section lines, or any other Golden Valley County road right-of-way where the County has not obtained a road easement, no exploration activity of any nature shall be conducted within thirty-three (33) feet of either side of the section line or roadway centerline.
- (b) In the case of Golden Valley County road right-of-way where the County has obtained a road easement, no exploration or activity of any nature shall be conducted within seventy-five (75) feet of either side of the section line or roadway centerline.
- (c) No water shall be taken from within any of the above described County right-of-ways.
- (d) No charge or shot shall be detonated within one-quarter (1/4) mile of any buildings, water wells, dams, developed springs and/or spring-fed dugouts, etc., nor within three hundred (300) feet of any power lines.

No vibrator or similar device shall be operated within six hundred (600) feet of any buildings, water wells, dams, developed springs and/or spring-fed dugouts, etc., unless written consent to the contrary is obtained from the landowner involved, and filed with the County zoning director. No vibrator or similar device shall be operated within three hundred (300) feet of any power lines.

- (e) All crews shall carry appropriate fire fighting equipment at all times.

- (f) The owner, and any operator, lessee, etc., of any land to be explored must be notified at least three (3) days prior to commencement of any exploration activity thereon, including times and locations, unless such notice is waived by a mutual written agreement.
- (g) This permit and the attached regulations, or a copy thereof, shall be carried at all times by a crew member during exploration activity, and must be exhibited upon request from the owner or operator of the land, or from any County or State official.
- (h) The provision of NDCC Chapter 38-08.1 are herein incorporated in full as if repeated herein, and permit applicants are charged with knowledge of said Chapter and any appropriate Golden Valley County ordinances.

3.5 RA – Agricultural District

3.5.1 Intent:

It is the purpose of this ordinance and this district to encourage first and foremost the use of this land for agricultural activities, (that is general farming and ranching) and to discourage any use which would be detrimental to carrying out agricultural practices. Further, the provisions of this district are set forth to regulate scattered non-farm development and to promote the orderly and economic development of public service utilities and schools.

3.5.2 Permitted Uses

1. All types of farming and ranching operations including dairying, livestock and poultry raising, apiaries and fur farming;
2. Truck gardening, nurseries, greenhouse and roadside stands offering for sale only those farm products which have been grown on the premises;
3. Accessory buildings and structures necessary to the operation of farms or ranches to include the farm residence, septic systems, feedlots and storage facilities;
4. All uses permitted on the RC District.

3.5.3 Conditionally Permitted Uses

1. Single-Family, nonfarm residential units and accessory buildings or structures on lots of not less than three (3) acres unless said lots are part of an existing recorded plat. The lot shall be large enough, given the soil conditions, to allow for a proper septic system.
2. Residential units in established shelter belts which once protected a farmstead;
3. Public and parochial schools;
4. Churches and related facilities;

5. Cemeteries;
6. Commercial grain elevators and accessory structures;
7. Feedlots only when more than one-half (1/2) mile from a residential district or two (2) feet per animal unit from a water course;
8. Livestock auction yards;
9. Sewage lagoons and sediment ponds that comply with the State Health standards;
10. Sanitary landfills and hazardous waste sites that comply with State Health standards;
11. Facilities for the manufacturing and/or processing of agricultural products indigenous to Golden Valley County;
12. Railroad tracks and spurs;
13. Airport with adequate flight path buffers pursuant to Clause 9 Section 4.5;
14. Radio, television and telephone transmission and receiving towers and/or facilities;
15. Governmental administrative, maintenance, and research facilities;
16. Electric transmission facilities and water, gas, oil, and coal slurry transmission pipelines under the condition stipulated in Clause 9, Section 3.4.3;
17. Oil and gas production sites which include well service, water and production hauling and site maintenance;
18. Oil and gas gathering systems;

The applicant shall provide the following information to obtain a permit:

- (a) A map of the pipeline route which clearly indicates that the pipeline right-of-way does not pass within two hundred (200) feet of a building or surface water body and is not within one hundred (100) feet of a highway right-of-way or section line unless perpendicular to said right-of-way or line pursuant to Section 11-18-16 NDCC; *(Note: NDCC repealed in 1995)*

- (b) An identification of pipeline origin, destination, size, burial depth range, road crossing methods and product;
- (c) An identification of areas where the pipeline right-of-way transverses a slope which exceeds 15 degrees and a plan for the construction of water bars to reduce erosion in such areas;
- (d) An indication of the steps that will be used to reclaim and revegetate the right-of-way;
- (e) The name, telephone number and address of the senior engineer and local permit agent with the project.

19. Other subsurface mineral mining and surface extraction except coal.

The provisions of this section shall not apply to any excavation for agricultural purposes or for uses which require less than 10,000 cubic yards of excavation or which disturb less than ½ acre per year. The operator applying for a permit shall submit the following:

- (a) Written evidence of a reclamation agreement with the surface owner;
- (b) Evidence of written agreement between the operator and all property owners indicating that excavation or processing shall not take place within fifty (50) feet of an existing residence unless allowed by property owner(s). All cuts shall be backsloped at a 4:1 ratio of length to height;
- (c) A map of the proposed operation;
- (d) Copies of all non-confidential information submitted to the state geologist as required under Section 38-16-03 NDCC which identifies production methods and likely outputs, reclamation procedures and state geologist recommendations;

3.5.4 Temporarily Permitted Uses

1. Mineral exploration under the conditions stipulated in Clause 1 Section 3.4.4;

2. Oil and gas drilling under the conditions stipulated in Clause 10 Section 3.4.3;
3. Coal Mining

These provisions shall not apply to the excavation of coal for private, non-commercial uses or excavations which disturb less than two (2) acres of land per year. The applicant shall meet the following requirements:

- (a) Copies of all non-confidential information that was submitted to the Public Service Commission concerning site operations, locations and ownership patterns;
- (b) A copy of all information submitted to the North Dakota PSC concerning site reclamation;
- (c) Evidence of approval by the PSC for operation of the mine or excavation, if required by State law;
- (d) Conformance to all state and federal laws relating to the preservation, removal, or relocation of historical or archaeological artifacts and to reclamation of strip-mined lands;
- (e) To post a performance bond for reclamation of the site with the county auditor in the amount of not less than ten thousand dollars (\$10,000), if not already posted with the State pursuant to 38-14.1-16 NDCC.

3.6 R – Residential District

3.6.1 Intent:

It is the purpose of this ordinance and this district to provide for orderly residential development; to protect the quiet and comfort of residential neighborhoods and to protect the value of property.

3.6.2 Permitted Uses:

1. Agriculture
2. Single-family dwelling units, Class A Mobile Homes and Modular Homes
3. Churches, schools and related facilities
4. Public parks, playgrounds and other public recreational facilities
5. Public libraries, museums and community centers
6. Fire and police stations
7. Home occupations
8. Accessory uses and structures customarily incidental to the uses permitted in this district
9. All uses permitted in RC and RA Districts except those listed as prohibited in Section 3.6.4.

3.6.3 Conditionally Permitted Uses:

1. Duplexes and multiple family residences
2. Nursing homes and basic health care facilities
3. Convenience grocery stores

4. Temporary mobile homes which are to be replaced by a permanent single-family residence within the approved time frame
5. Planned unit developments
6. Nonresidential structures less than one hundred (100) feet in combined length and width

3.6.4 Prohibited Uses:

1. Hunting, fishing and trapping
2. Raising of game animals, fowl or fish
3. Animal hospitals and/or clinics
4. Grain elevators and accessory structures
5. Hazardous dry, liquid or gas chemical bulk storage or distributing.

3.7 MH – Mobile Home District

3.7.1 Intent:

It is the purpose of this ordinance and this district to provide orderly and economic development of mobile home parks and temporary residential facilities; to reduce conflicts between these and other uses and to maximize the comfort and quiet of mobile home park developments.

3.7.2 Permitted Uses:

1. Mobile homes on purchased lot or lots
2. All uses permitted in RC, RA, and R Districts except those listed as prohibited in Section 3.7.4.

3.7.3 Conditionally Permitted Uses:

1. Mobile home parks. The applicant shall meet the following requirements for obtaining a permit for construction and operation of a mobile home park:
 - (a) A site plan showing location of streets, utilities, off-street parking, driveways, walkways, blocks, lots, playground and park area, accessory buildings to be used for all park residents;
 - (b) The park shall contain a minimum of five (5) acres of land in unincorporated areas and one (1) acre of land in incorporated areas of the county;
 - (c) The maximum number of mobile homes in a park shall be seven (7) units per gross acre;
 - (d) Approval of the county commission for access to county roads;
 - (e) Each mobile home shall be placed on a lot at least fifty (50) feet wide with a minimum area of six thousand (6,000) square feet with seven and one half (7.5) lot line setbacks;

- (f) A minimum of twelve (12) percent of the park area shall be allocated for open space and recreational facilities;
 - (g) Each unit shall be placed on a stand which provides a firm foundation for anchoring purposes to avoid accidental movement and overturning;
 - (h) Underground utility hookups shall be provided for each lot;
 - (i) Applicant must sign an agreement with the Golden Valley County Commissioners or their representative, accepting responsibility for road construction, maintenance and snow removal;
 - (j) An indication of plan approval by North Dakota State Laboratories,
- 2. Multiple-family residences including rooming houses and dormitories;
 - 3. Camper parks which are in compliance with regulations of the North Dakota State Laboratories Department;
 - 4. Planned unit developments.

3.7.4 Prohibited Uses:

- 1. Hunting, fishing and trapping
- 2. Raising of game animals, fowl or fish
- 3. Animal hospitals and/or clinics
- 4. Grain elevators and accessory structures
- 5. Hazardous dry, liquid or gas chemical bulk storage or distributing.

3.8 C – Commercial District

3.8.1 Intent:

It is the purpose of this ordinance and this district to provide for the grouping of retail merchandizing, light industry, wholesale and service activities into a defined area to maximize the costs of utility and other related services to commercial enterprises.

3.8.2 Permitted Uses:

1. Agriculture
2. Laundromats
3. Electrical and plumbing shops
4. Professional offices including banks, insurance, real estate, medical clinics, newspaper and lawyers
5. Retail and service uses including grocery, drugs, hardware, clothing, furniture stores, bakeries, restaurants, taverns, automobile service stations, used and new car lots, print shops, barber and beauty shops, and sale and service of appliances
6. Wholesale activities not requiring yard storage
7. Hotels and motels
8. Theaters
9. Bowling alleys and other recreational buildings
10. Governmental facilities
11. Clubs and lodges
12. Bus stations and taxi shelters
13. All uses permitted in RC and RA Districts except those listed as prohibited in Section 3.8.4.

3.8.3 Conditionally Permitted Uses:

1. Light manufacturing activities which do not require yard storage
2. Construction equipment sales
3. Garages
4. Parking lots and/or facilities
5. Lumber yard
6. Farm implement sales and service
7. Residential quarters for managerial, custodial, or security personnel who must be on site on a 24 hour basis
8. All uses permitted in R Districts

3.8.4 Prohibited Uses:

1. Hunting, fishing and trapping
2. Raising of game animals, fowl or fish
3. Mobile homes
4. Hazardous dry, liquid or gas chemical bulk storage or distributing

3.9 Industrial Districts:

3.9.1 Intent:

It is the purpose of this ordinance and this district to provide for the development of the mineral and agricultural resources of Golden Valley County; to provide for the refining and processing of unfinished and partially finished resources and products and to isolate industrial activities in locations where conflicts with other uses will be minimized.

3.9.2 Permitted Uses:

1. Agriculture
2. Dry bulk storage
3. Manufacturing requiring yard storage
4. Heavy equipment storage and repair
5. Truck and freight terminals
6. Wholesale/warehousing activities requiring yard storage
7. Railroad freight and/or bulk terminals, trackage and spurs
8. Concrete, concrete products and clay product plants
9. Rock, sand or gravel excavation, crushing or handling
10. All uses permitted in RC, RA and C Districts except those listed as prohibited in Section 3.9.4.

3.9.3 Conditionally Permitted Uses:

1. Liquid, gas bulk, explosives and other hazardous material storage;
2. Sewage lagoons and sediment ponds in compliance with State Health standards;

3. Sanitary landfills and hazardous waste sites in compliance with State Health standards;
4. Salvage yards;
5. Stockyards and commercial livestock feedlots and slaughterhouses;
6. Electric transmission facilities, water, gas, oil and coal slurry transmission pipelines under the conditions stipulated in Clause 9 Section 3.4.3;
7. Oil or gas gathering line systems under the stipulations in Clause 18 Section 3.5.3;
8. Electric power plants, coal gasification plants, coal liquification plants, oil refineries and petrochemical plants in accordance with the following regulations:
 - (a) The applicant shall provide the summary portion of the application for an Energy Conversion Facility permit submitted to the North Dakota Public Service Commission for said Energy Conversion Facility as required under Chapter 49-22 of the NDCC;
 - (b) The applicant shall submit all materials which constitute a ruling by the North Dakota Public Service Commission on said Energy Conversion Facility including appropriate scale maps of the site.
9. All uses permitted in R Districts and conditionally permitted in C Districts except those prohibited under Section 3.9.5;
10. Oil and gas production sites;
11. Coal mining under the stipulation in Clause 4 Article 3.5.4;
12. Other subsurface mineral mining and surface extraction under the stipulation in Clause 19 Article 3.5.3;
13. Radio, television and telephone transmitting and/or receiving towers and facilities.

3.9.4 Temporarily Permitted Uses:

1. Mineral exploration under the stipulation in Clause 1 Section 3.4.4;
2. Oil and gas drilling under the stipulation in Clause 10 Section 3.4.3;
3. Construction work camps;
4. The following information shall be provided to the Planning and Zoning Board:
 - (a) Work camp plans shall be submitted to the Golden Valley Planning Commission for initial approval. Plans shall then be submitted to the State Department of Health for approval. Evidence of state approval shall be submitted to the county planning commission;
 - (b) An affidavit of acceptance of the responsibility for removal of the buildings and for the restoration of the site unless directed to do otherwise upon completion of the project shall be submitted to the planning commission by the developer;
 - (c) An erosion control plan shall be approved by the Golden Valley County Soil Conservation District, and, if deemed necessary by the planning and zoning commission, a compliance bond shall be filed with the county auditor;
 - (d) The applicant shall provide any other information the planning commission deems necessary.

3.9.5 Prohibited Uses:

1. Hunting, fishing and trapping
2. Churches and related facilities
3. Public and parochial schools
4. Single family residences
5. Multiple family residences
6. Public libraries, museums and community centers

7. Dry cleaning, pressing, tailor shops and laundromats
8. Hotels and motels
9. Mobile homes

3.10 PUD – Planned Unit Developments

3.10.1 Intent:

The Planned Unit Development (PUD) is a design and development technique which allows a developer the flexibility to create a residential and/or light commercial unit or complex which may not be required to adhere to standards set elsewhere in this ordinance, provided the overall development unit fits the general nature of the district and reflects creative and efficient use of structures and open space.

3.10.2 Permitted Uses:

1. All conditionally permitted uses in R Districts and permitted uses in C Districts under the following provisions:
 - (a) Setbacks and buffer zones are designed to the planning and zoning commission satisfaction;
 - (b) Adequate and appropriate areas of the PUD are set aside for open space and parks;
 - (c) Interior streets, parking areas and utility service facilities are safe, adequate and efficient in design and are covered under a district maintenance program;
 - (d) The overall unit is compatible with the surrounding land uses in that district,
 - (e) Proposed phases of completion are defined.

ARTICLE IV: SPECIAL PROVISIONS

4.1 Sewage Disposal:

Certain soil types in Golden Valley County have severe limitations for soil absorption disposal systems (septic tanks), as is indicated in the maps and tables of Soil Conservation Service survey of Golden Valley County soils. Said soils shall be avoided when designing a septic tanks system. If said soils cannot be avoided, proof that adequate precautionary steps shall be taken shall be provided to the planning and zoning commission.

4.1.1 All soil absorption systems shall adhere to the following restrictions:

1. Soil absorption systems shall be located at a point lower than elevation grade of any nearby water well or spring;
2. Soil absorption systems shall not be located within fifteen (15) feet of a dwelling, within sixty (60) feet of a private water supply or within on hundred twenty (120) feet of a public water supply, stream, river, lake, reservoir or other water area.
3. No part of a seepage pit or drain field shall be located closer than fifteen (15) feet to any property line nor closer than one hundred twenty (120) feet to any lake or drainage ditch.

4.1.2 A soil absorption system on rural, unplatted lots shall not be constructed on any lots smaller than one (1) acre (43,560 square feet) in soils with slight limitations or on any lot smaller than two (2) acres (87,120 square feet) in soils with severe soil limitations.

In platted areas with centralized water systems, septic systems may be placed on smaller sized parcels when soils exhibit good percolation rates. Absorption field designs shall be determined in the following fashion:

1. Percolation tests at the site of the proposed absorption shall be made by the Golden Valley Soil Conservation Service (SCS) or methods and results shall be approved by the SCS.

2. The desired square footage of the absorption field trenches or bed shall be related to household size and soil permeability. The breakdown of square footage by percolation rate per person is:

<u>Percolation Rate</u> <u>(inches per hour)</u>	<u>Square Footage</u> <u>of trench or bed</u>
1	165 sq. ft.
2	125 sq. ft.
3	105 sq. ft.

Therefore, a family of four wishing to build on a lot with one inch per hour soil drainage shall need six hundred sixty (660) square feet of absorption trench or bed area for the drain field.

3. Standard absorption trench or bed systems shall not be allowed where percolation rates are less than one (1) inch per hour.
4. Absorption field trenches shall be two (2) feet wide and spaced six (6) to eight (8) feet apart when measuring from trench centerlines. Seepage bed drainage pipes or tiles shall be at least six (6) feet apart and three (3) feet from the bed wall.
5. Trenches shall be less than 100 feet in length and shall be looped to allow for flow monitoring.
6. Trenches and beds shall be less than thirty (30) inches in depth to insure minimal seepage into the water table.

From the above example, six hundred sixty (660) square feet of absorption area would require three hundred thirty (330) linear feet of trench. Four (4) trenches each eighty-two (82) feet long would require a drain field of at least eighty-six (86) feet by twenty-eight (28) feet or two thousand four hundred eight (2,408) square feet. Given drain field setback requirements, such a system would be eight (8) feet too wide and twenty (20) feet too long for a standard 140 x 50 foot residential lot. In many cases two lots will be required.

4.2 Highway Access

Access to county or state highways shall be limited to a spacing of one (1) access point per quarter mile outside of municipal boundaries or one access point per three hundred (300) feet within municipal boundaries. Landowners shall provide for a frontage road or deed to the nearest quarter mile access point. A landowner or developer establishing a frontage road or access road shall be responsible for construction, maintenance and snow removal on said road until it is assumed by another party. Any landowner or developer establishing a new road shall apply for a permit to the county and /or township.

4.3 Highway Setbacks

All buildings or structures except electric power distribution lines in all districts except PUD shall adhere to the following public road or highway setback minimum requirements:

1. One hundred fifty (150) feet from the edge of the right-of-way of state and county highways, secondary county and township roads and major arterial streets except Residential and Commercial Districts in the cities of Sentinel Butte and Golva.
2. Sixty (60) feet from the center line of collector streets.
3. Shelterbelts shall be located a distance of not less than one hundred fifty (150) feet from the centerline of state and county highways, secondary county and township roads and major arterial streets.

4.4 Off-Street Parking

Off-street parking requirements are established for R, MH, C, and I Districts. The following requirements shall be adhered to:

1. In R and MH Districts, at least one (1) off-street parking space will be provided for each single-family dwelling unit.
2. In C Districts one (1) off-street parking space will be provided for each commercial vehicle; one (1) off-street parking space for every two (2) employees; and one (1) off-street parking space for each management employee.
3. In I Districts one (1) off-street parking space will be provided for each commercial vehicle; one (1) off-street parking space for every three (3) employees. Parking will be allowed on setbacks and yards.
4. Off-street parking for special use will be determined by the planning and zoning board.

4.5 Area Requirements

Front, side, rear yard and total lot area minimum requirements shall be set for each District except PUDs. Building setbacks shall be measured from the face of the building to the lot line.

1. Recreation/Conservation District lots shall be a minimum of three (3) acres and shall have front, side, and rear lot setbacks of not less than one hundred (100) feet.
2. Agricultural District lots shall be a minimum of three (3) acres and shall have front, side and rear lot setbacks of not less than one hundred (100) feet. This does not apply to previously platted areas.
3. Residential Districts shall have a minimum lot size of six thousand five hundred (6,500) square feet and shall have residential building front lot setbacks of not less than twenty five (25) feet, side lot setbacks of not less than ten (10) feet, and rear lot setbacks of not less than thirty (30) feet from the lot line where soil absorption sewage systems (septic tanks) are not needed. Sheds, garages and non-residential structures shall be placed in compliance with front lot setbacks, by may be placed four (4) feet from side and/or rear lot lines.
4. Mobile Home Districts shall have minimum lot sizes of six thousand (6,000) square feet in mobile home parks, with lot setbacks of not less than seven and one half (7.5) feet and no more than seven (7) mobile homes per acre. For permitted mobile homes on purchased lots, lots shall be a minimum of six thousand five hundred (6,500) square feet, and the mobile home shall have front, side, and rear lot setbacks of thirty (30), ten (10), and thirty (30) feet respectively.
5. Industrial Districts shall have a minimum lot size of three (3) acres and front, side and rear lot setbacks of not less than one hundred (100) feet.
6. Hazardous bulk storage shall not be within six hundred (600) feet of any existing residential, mobile home or commercial district.
7. Feedlots shall not be developed within one-half (1/2) mile of any existing residential mobile home district.
8. Residential, mobile home and commercial structures or uses shall be prohibited within the area represented by four thousand (4,000) foot extensions of airport clear zones. Any structure may be limited in height to Federal Aviation Administration (FAA) controlled flight areas.

9. Residential, Mobile Home or Commercial structures or uses shall be prohibited in any of the above buffer zones.

4.6 Signs and Advertising

These regulations shall apply to all signs erected, altered or maintained and shall adhere to the regulations of Chapter 24-17 of the NDCC.

- 4.6.1 Signs shall be maintained in a good state of repair and shall be shown to be serving a current function; shall not constitute a traffic or pedestrian obstruction or hazard; and shall be of a reasonable size by a determination of the planning and zoning board.
- 4.6.2 Signs which do not adhere to the above regulations shall be removed or altered to specifications determined by the planning and zoning board.

ARTICLE V: ADMINISTRATION

5.1 Golden Valley County Board of County Commissioners

5.1.1 Authority

The Golden Valley County Board of County Commissioners is authorized to regulate the use of property through the use of zoning and has final responsibility for the preparation of this ordinance, the county zoning map and the administration thereof, under Section 11-33-01 of the NDCC.

5.1.2 Duties

1. Appoint the Planning and Zoning Commission;
2. Appoint the Zoning Director;
3. Review the zoning ordinance and zoning map prepared by the planning and zoning commission, incorporate public reaction to said ordinance and map, and adopt or revise said ordinance and map;
4. Hold a public hearing following proper public notice on all amendments, variances and appeals;
5. Make a ruling on zoning amendments and variances, and on all permit requests which have been appealed;
6. Direct the actions and duties of the planning and zoning commission and zoning director.

5.2 Golden Valley County Planning and Zoning Commission

5.2.1 Authority

The Golden Valley County Planning and Zoning Commission was created by the Golden Valley County Board of County Commissioners in accordance with the North Dakota Century Code, Chapter 11-33.

5.2.2 Duties

1. Establish and administer rules and procedures for conducting the zoning affairs of Golden Valley County;
2. Approve or deny applications and permits, as authorized by the Board of County Commissioners;
3. Conduct hearings on conditional and temporary uses and set conditions for certain uses, as authorized by the Board of County Commissioners;
4. Establish requirements and procedures necessary for submission of applications as authorized by the Board of County Commissioners;
5. Conduct hearings on zoning amendments;
6. See to the publication of notice of zoning hearings and posting of the notice of zoning amendments on the affected site;
7. Establish bonding and fee schedules and the accounting thereof. Said bonding, schedules and accounting shall be subject to the approval of the Board of County Commissioners.

5.3 Board of Adjustment

5.3.1 Authority

The Board of County Commissioners shall act as a board of adjustment.

5.3.2 Duties

1. The board shall hear appeals from any person, party, firm or organization aggrieved by the actions or decisions of the planning commission;
2. The board shall authorize a variance from the terms of this ordinance when the literal enforcement of the provisions of this ordinance would result in unnecessary hardship and said variance will not be contrary to the public interest;

Application for a variance shall include:

- (a) The special conditions and circumstances which are unique to the land or structure and not applicable to other land or structure in the same district;
- (b) The special conditions and circumstances which are a result of the actions of the applicant;
- (c) The literal interpretation of those portions of the ordinance which would deprive the applicant of rights commonly enjoyed by other properties in the district;
- (d) Information that the granting of the variance will not confer any special privilege on the applicant that is denied by the ordinance to others in the same district.

Under no circumstances shall the board of adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved or any use expressly or by implication prohibited by the terms of this ordinance in said district.

5.4 Zoning Director

5.4.1 Authority

The Board of County Commissioners shall appoint a zoning director to carry out the directives and duties as assigned by the planning and zoning commission. Said director shall be responsible directly to the planning and zoning commission.

5.4.2 Duties of the Zoning Director

1. Attend all hearings;
2. Maintain updated copies of the ordinance and district zoning map;
3. Keep copies of all records;
4. Post notice of amendment hearings of affected site;
5. Make inspection of land and/or structures to determine compliance with the provisions of this ordinance;
6. Carry out any other duties assigned by the planning and zoning commission;
7. Grant building permits;
8. Prepare materials and opinions on all applications submitted to the planning and zoning commission.

5.5 Permits, Procedures, and Fees

Permits are required for nonagricultural uses in agricultural districts and conditionally permitted uses in all districts in accordance with this ordinance and said permits shall be received by the applicant before physical action on the use may be taken and must be complied with. A fee is required for all permits. Said fee shall be paid to the county auditor. All fee payments shall be deposited in the county general fund.

5.5.1 Building Permits

A building permit is required prior to the construction or moving in of any nonagricultural building or structure and whenever the outside dimensions of an existing nonagricultural building are altered. The conditions of the permit must be adhered to. To receive a building permit, an application which shall include the following shall be submitted to the zoning director.

1. Description of the nature or function of the building, structure or addition;
2. Description of the size, principle construction materials used and cost of the building, structure or addition;
3. A legal description of the property and a plat map of a reasonable scale which shows the size of building or structure, its position on the lot and surrounding yard dimensions;
4. Must demonstrate compliance with district requirements and permitted uses;
5. The fee schedule for building permits is as follows:

(a) Single-Family Residential.....	\$25.00
(b) Doublewide Mobile Home.....	\$25.00
(c) Mobile Home	\$10.00
(d) Accessory garage, shed, barn.....	\$ 5.00
(e) Multiple-Family Residential	\$50.00
(f) Commercial Buildings	\$50.00
(g) Industrial Buildings.....	\$75.00
(h) Conditional Use Permit.....	\$15.00
(i) Temporary Use Permit.....	\$15.00

5.5.2 Conditional Use Permit

A conditional use permit may be granted by the zoning director following a ruling by the planning and zoning commission on the application submitted. The application shall include:

1. A description of the nature and function of the use, building, or structure;
2. A description of the size, design, materials, and costs in the building, structure, equipment or procedure;
3. A legal description of the lot, lots or tract and a plat of reasonable scale which shows the size of the structures, open space areas and yard dimensions or the area(s) to be disturbed by the new use, as well as areas of the lot or tract to be unaffected by the new use;
4. An explanation of why said use or structure should be allowed at the proposed location, its compatibility with the surrounding land uses, the nature of the conflicts or problems which may arise and possible solutions to the potential conflicts;
5. The signature of the mayor and city auditor of either Sentinel Butte or Golva, whichever is affected by and has jurisdiction over the area involved in said application, indicating city council approval of the proposed action. Application which relates to unincorporated areas of the county do not require city council approval from either Sentinel Butte or Golva;
6. Any other information that is required under the district ordinances of that the planning and zoning commission deems necessary.

Except for oil and gas drilling permits and pipeline permits (3.4.3.9) and (3.4.3.10), a public hearing on the Conditional Use Permit request shall be held by the planning and zoning commission following proper notice pursuant to Section 11-33-08 NDCC. The notice shall include a description of the action and location in sufficient detail for concerned parties to determine the action's impact. The zoning director may grant an oil and gas permit (3.4.3.10) or a pipeline permit (3.4.3.9) without a hearing upon proper application and payment of fee.

A fee shall be paid in the amount of fifteen dollars (\$15.00), plus the costs of advertising for the hearing, for the Conditional Use Permit.

5.5.3 Temporary Use Permit

A temporary use permit may be granted by the zoning director following a ruling by the planning and zoning commission on the application submitted. Temporary use permits shall apply to the structures and uses identified as appropriate under each district, and any other activities or uses considered by the planning and zoning commission to warrant limitations on the length of time the land can be occupied by said use or activity.

The application for a temporary use permit shall contain the information required for a conditional use permit and under the district's ordinances plus a justification for the permit period requested by the applicant.

A public hearing on the temporary use permit request shall be held following proper notice pursuant to Section 11-33-08 NDCC. The notice shall include a description of the action and location in sufficient detail so that concerned parties may determine the action's impacts.

A fee shall be paid in the amount of fifteen dollars (\$15.00), plus the cost of advertising for the hearing. If a fee is stipulated under a district ordinance, the \$15.00 fee shall not apply.

5.6 Amendments

Any person, the zoning director, planning and zoning commissioners or board of county commissioners may instigate action for the amendment of zoning ordinance or zoning map. Said action shall be directed to the Golden Valley County Planning and Zoning Commission, and shall be in the form of a petition if submitted by any person or a written request if submitted by a county commissioner, county planning and zoning commission member or the zoning director. A petition for amendment shall include:

1. Signatures of over thirty percent (30%) of the landowners to be affected by the ordinance or district change;
2. Description of the change including a legal description and a map of appropriate scale showing the area in question;
3. The nature of the change requested and reason for the change;
4. A detailed description of any uses, building or structures that are proposed for the area covered by the petition;
5. Any additional information requested by the board of county commissioners or planning and zoning commission.

5.6.1 Petitions Received

Upon receipt of a petition for a zoning change or written request from a zoning official, the board of county commissioners shall forward the request to the planning and zoning commission for their review.

5.6.2 Review of Petitions

The planning and zoning commission shall review the petition or written request and shall conduct a public hearing on the requested zoning change following proper notice of said hearing.

5.6.3 Recommendation

Following the public hearing on the petition for a zoning change the planning and zoning commission shall formulate and submit a recommendation to the board of county commissioners on the zoning change. Said recommendation shall include specific map or ordinance alterations.

5.6.4 Adoption/Rejection/Appeal

The board of county commissioners may hold a second hearing and shall adopt or reject the recommendations of the planning and zoning commission. Petitioners may appeal to the board of county commissioners pursuant to Section 11-33 NDCC or may appeal to district court for a change to the ruling or zoning. Any petition which is rejected may be re-submitted one (1) year hence.

5.7 Violations and Penalties

5.7.1 Complaints Regarding Violations

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the zoning director. The director shall record properly said complaint, notify the planning commission and make an inspection of the affected site.

5.7.2 Remedies Regarding Violations

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or if any building, structure or land is used in violation of any other of the conditions of a conditional use or in violation of any other of the regulations and restrictions of this ordinance, the board of county commissioners or any affected citizen or property owner may institute any appropriate action or proceedings in addition to other remedies to:

1. Prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use;
2. Restrain, correct or abate such violations;
3. Prevent the occupancy of the building, structure or land or;
4. Prevent any illegal act, conduct, business or use in or about such premises.

5.7.3 Penalties for Violations

Each violation of any regulation or restriction of this ordinance by any person shall constitute the maintenance of a public nuisance and shall be a class B misdemeanor punishable by a fine up to five hundred dollars (\$500.00) or thirty (30) days in jail or both. Each day that a violation occurs shall be considered a separate punishable offense.

THIS DOCUMENT RECOMMENDED FOR APPROVAL THIS 11TH DAY OF SEPTEMBER, 1984.

Chairman
Golden Valley County
Planning and Zoning Commission

Date

ADOPTED THIS 11TH DAY OF SEPTEMBER, 1984

Chairman
Golden Valley County
Board of Commissioners

Auditor
Golden Valley County

ARTICLE VI: ZONING APPLICATION ORDINANCE – SOLID WASTE DISPOSAL

FACILITIES

(Adopted May 3, 1994)

Solid Waste Disposal and Incineration Facility

Solid waste disposal facilities and incineration facilities as regulated by this section shall include all facilities for the incineration or disposal of solid waste or solid waste residue which are required to be permitted under statute or rule by the North Dakota Department of Health and Consolidated Laboratories. A solid waste disposal facility or incineration facility may be allowed in any Agricultural zone as a special use provided:

1. It is located at least one-half (1/2) mile from any residence or residentially zoned area unless written approval is obtained from the owner of any residence within this area;
2. It is continually licensed and approved by the State Health Department as to location and operation;
3. There is no substantive evidence that the facility will endanger the public health or the environment, which would consist of zoned recreation areas, parks, etc.;
4. The special use permit will be valid for a period of time set by the Board of County Commissioners. For the permit to be approved, sixty percent (60%) of the qualified or registered voters in the county must approve of the project at the next general or special election.

6.0 Purpose

The purpose of this ordinance is to protect human health and the environment of Golden Valley County from unreasonable risk posed by improper siting, construction, or operation of solid waste disposal facilities and to insure adequate long-term solid waste management capacity. This ordinance does not apply to agricultural wastes; the disposal of household waste generated by any individual who lives in unincorporated areas on that person's property; or the beneficial use or reuse of materials, substances, energy or other products, so long as no harm to human health or the environment is created.

6.1 Proper Approval Required

No person shall construct or operate a solid waste management facility in Golden Valley County without approval of a petition. No new or lateral expansion of a waste management facility shall be undertaken until facility and site approval has been obtained from the Golden Valley County Commission.

1. The owner/operator of a proposed new or expanded solid waste facility shall file a petition for site and facility approval with the Golden Valley County Commission at the office of the County Auditor.
2. The petition for site and facility approval shall include proposed facility information as follows:
 - (a) The name and address of the owner/operator and the street address or legal description of the proposed facility or expanded facility;
 - (b) A copy of the deed or other document establishing the right, title, and interest of the owner/operator in the proposed site of the facility;
 - (c) A current USGS map showing the location of the proposed site, at a scale of one (1) inch = two thousand (2,000) feet with said map showing the entire boundaries of the proposed site;
 - (d) A description of the total planned capacity, the type and characteristics of solid waste, the average daily and annual volume of solid waste to be managed, the source of generation of the solid waste involved, the solid waste activity to be conducted at the facility, together with a description of the technology and the procedures the owner/operator proposes to utilize in its solid waste management activities at the facility;
 - (e) A complete history of the owner/operator's prior experience and training in the ownership and/or operation of any and all solid waste facilities;
 - (f) A statement as to the present suitability of the site for the conduct of the proposed activity and of any additional measures that would be required to make the site suitable for such activity;
 - (g) A statement as to the present transportation corridors and the suitability of those for the conduct of the proposed activity at the facility site;

- (h) Evidence of notification by certified mail to adjoining property owners of the site and the intention to submit to the Golden Valley County Commission a petition for the approval of a solid waste management facility;

Property owners include:

1. Property owners within at least one-half (1/2) mile of the site; and
2. Persons owning property along transportation corridors providing direct access to the site which are within a one (1) mile radius of the site.

- (i) Financial data including:

1. An estimate of the total cost of the facility; and
2. A statement showing evidence of a minimum of one million dollars (\$1,000,000.00) liability insurance coverage in effect or proposed with respect to the facility.

- (j) Evidence of owner/operator's emergency implementation plan showing adequacy of emergency services (police, fire, medical) to protect human health, safety, and the environment in the event of fire, explosion or any natural disaster;

- (k) A life-of-facility plan, closure plan, and post-closure plan with estimates of closure and post-closure care costs;

- (l) Financial assurance programs for closure and post-closure care.

6.1.1 Time for Submission

The petition for site and facility approval shall be submitted to the Golden Valley County Auditor. Within sixty (60) days of the receipt of the petition for site and facility approval, the owner/operator shall be notified, in writing, if the petition is administratively complete. For the purposes of this ordinance, "administratively complete petition" means a petition for site and facility approval which the Golden Valley County Commission determines to contain information addressing each petition requirement of this ordinance, and to contain all information necessary to initiate processing and public review. Additional information may be required after determination that the application is administratively complete.

6.1.2 Petition Subject to Public Comment

Each petition for site and facility approval shall be subject to a public comment period, and upon request, a public hearing. After the owner/operator has been notified that the petition is administratively complete, the owner/operator shall cause to be published a public notice weekly for four (4) consecutive weeks in the six newspapers of greatest circulation in the State of North Dakota, and the newspaper of greatest circulation published in Golden Valley County. Small inert waste landfills, transfer stations and recycling facilities need only publish the notice in the county newspaper.

The notice shall be in a form approved by the Golden Valley County Commission and shall advise the public that a petition for site and facility approval has been filed. The beginning date and the ending date of the public comment period shall commence as of the date of the first public notice and shall end between seven (7) and fourteen (14) days after the date on which the public hearing is concluded. The public hearing shall be held within forty-five (45) days after the date of publication of the last of the four (4) weekly public notices required herein. The public hearing will be held in Golden Valley County.

6.1.3 Final Determination

Within ninety (90) days after the conclusion of a public hearing or after the last public notice, the County Commission of Golden Valley County shall make a final determination whether to grant or deny the petition for site and facility approval.

The Golden Valley County Commission shall grant the petition for site and facility approval if it finds on the basis of the information available that:

1. The nature of the solid waste management activity conducted at the site will not present an unreasonable risk to human health and safety or to the environment;
2. The nature and extent of the solid waste activity conducted at the proposed site would not significantly or adversely impact the provision of fire, health, or other emergency services to the public in the vicinity of the site and throughout the county;
3. The nature of the solid waste activity conducted at the facility would not result in a significant reduction in the public's use and enjoyment of parks, recreational areas, wildlife management areas, public facilities, or cultural or historic resources located in the vicinity of the site;
4. The facility and the solid waste activity occurring at the site will not have significant adverse impact on the establishment of businesses, residential developments, churches, schools, or other types of activities related to the social, economic and cultural developments of the county;

5. The facility is or will be continuously licensed and approved by the State Health Department as to location and operation;
6. The owner/operator's prior experience and history of solid waste activities indicates a reasonably satisfactory record of compliance with applicable federal, state, and local laws and regulations;
7. The owner/operator has sufficient financial resources to:
 - (a) Complete construction of the facility;
 - (b) Maintain and operate the facility in compliance with applicable laws and regulations;
 - (c) Respond immediately in the event of emergency by reason of accident or catastrophe at the site; and
 - (d) Complete the closure of the facility;
8. The owner/operator has complied or is complying with all solid waste management laws and regulations concerning solid waste facility permits required by the North Dakota State Department of Health and Consolidated Laboratories for the construction and operation of a solid waste management facility;
9. The application is consistent with the goals and objectives of the District Solid Waste Management Plan and insures adequate long-term capacity for solid waste management.

6.1.4 Denial of Petition

A petition for site and facility approval may be denied if it contains inaccurate or misleading information, or is not in accordance with this ordinance. No petition shall be approved if it poses significant impacts to human health, the environment, or the long-term capacity for managing solid waste.

6.1.5 Time Limitation and Conditions

A petition may be approved for a term of not more than ten (10) years. The County may impose reasonable conditions upon petition approval, as necessary, to assure compliance with these ordinances.

6.1.6 Written Notification

The Golden Valley County Commission shall send written notification of its determination with respect to the petition for site and facility approval to the owner/operator, including a written summary of the basis for the determination.

6.2 Changes/Alterations

1. Any significant change or alteration to the physical operation, the method of operation, compliance with this ordinance, the size of the facility or operation, or the amounts or types of waste managed at the facility shall be considered to be new use, and shall not be commenced unless the owner/operator files an application for, and receives approval of a petition for the site and facility, including said new use, following the procedures outlined in this ordinance, except that routine maintenance or repair shall not be considered to be a change or alteration.

2. Any significant change or alteration to the facility, already existing, which is undertaken pursuant to an approved compliance schedule shall be exempt from this section.

6.3 Penalties for Violation

Any person who violates this ordinance is subject to a penalty not to exceed one thousand dollars (\$1,000.00) per day for each violation.

ARTICLE VII: LITTERING ORDINANCE

(Adopted May 3, 1993)

7.0 Purpose

The purpose of this ordinance is to protect the environment and promote the public health, safety and general welfare of the citizens of Golden Valley County against the dangers created by scattering litter, garbage and other waste upon the public roadways, waterways, parks, and private property of others.

7.1 Definitions

“Litter” means rubbish, refuse, waste material, offal, paper, glass, cans, bottles, trash, debris, animal and vegetable matter, ashes or any foreign substance of whatever kind or description.

7.2 Littering Unlawful

It shall be unlawful for any person to drop litter or permit litter to be dropped on a highway, roadway, public waterway, park or any other publicly or privately owned property.

7.3 Penalties

Any person who violates any provision of this ordinance or regulation thereunder is guilty of an infraction.