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# Fairfield Township Land Development Code, Zoning Ordinance and Subdivision Regulations

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An ordinance to promote the health, safety, morals,  
general welfare and orderly development of Fairfield  
Township, Grand Forks County North Dakota

4/15/2019

Fairfield Township Land Development Code, Zoning Ordinance, and Subdivision Regulations

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**4. L. FEEDLOT ORDINANCE - AN ORDINANCE REGULATING THE PERMITTING, LOCATION, DEVELOPMENT, AND EXPANSION OF FEEDLOTS, PROTECTING THE NATURAL ENVIRONMENT, AND, SAFEGUARDING THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE CITIZENS OF FAIRFIELD TOWNSHIP.**

The Feedlot Ordinance requirements hereinafter set forth in this section qualify or supplement, as the case may be, the District Regulations appearing elsewhere in these regulations.

**SECTION 1: INTENT AND PURPOSE**

This ordinance is adopted for the purpose of:

- Establishing a procedure for the permitting of feedlots.
- Regulating the location, development, and expansion of feedlots.
- Protecting the natural environment.
- Protecting human and animal health.
- Protecting human welfare.

**SECTION 2: GENERAL PROVISIONS**

1. Jurisdiction, The jurisdiction of this Ordinance shall apply to all the areas of Fairfield Township.
2. Scope, From and after the effective date of this Ordinance and subsequent amendments, all proposed feedlots shall be in conformity with the provisions of this ordinance.
3. Application.
  - A) In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements to satisfy the Intent and Purpose of this Ordinance.
  - B) Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

**SECTION 3: DEFINITIONS**

1. For the Purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

A) The word "shall" is mandatory, and not discretionary; the word "may" is permissive.

B) Words used in the present tense shall include the future; and words used in the singular shall include the plural, and the plural the singular.

C) Words shall be given their common usage if not defined.

or  
D) The word "Board" includes the "Fairfield Township Board" or any other word words meaning the "Fairfield Township Board".

Planning  
E) The word "Commission" includes the "Fairfield Township Zoning and Commission" or any other word or words meaning the "Fairfield Township Zoning and Planning Commission".

F) The word "person" includes a firm, association, organization, partnership, trust, company, cooperative, corporation, or individual.

2. Animal Manure- Poultry, livestock or other animal excreta or mixture with feed, bedding, water or other materials.

3. Animal Unit (AU) - A unit of measure used to compare differences in the production or animal manures that employs as a standard the average weight of the animal divided by 1,000 pounds. The total number of animal units subject to permit or registration shall be determined by including operations under common ownership or management and which utilize a common area or system for manure disposal. For purposes of this ordinance, the following equivalents shall apply:

<u>Animal</u>	<u>AU Equivalent</u>
1.5 Feeder cattle	1
1 mature dairy/beef	1
1 horse	1
4 swine	1
8 sheep	1
30 turkeys	1
80 chickens	1

4. Board - The Fairfield Township Board of Supervisors.

5. Building - All buildings, other than dwellings, which are incidental to a farming operation.

6. Confined Animal Feeding Operation (CAFO) - A Concentrated Animal Feeding Operation is defined as a lot, yard, corral, building or other area where animals have been, are, or will be stabled or confined for a total of 45 days or more during any 12 month period, and where crops, vegetation, forage growth, or post-harvest residues are not sustained over any portion of the lot or facility. Two or more animal feeding operations under common ownership are considered a single operation if they adjoin each other, or if they use a common area, or if they use a common area or system for disposal of manure.

For the purpose of these regulations, Concentrated Animal Feeding Operations are divided into the following classes:

	ANIMAL UNITS
Class A	2,000 or more
Class B	1,000 to 1,999
Class C	300 to 999
Class D	10 to 300 (Potential water pollution hazard)
Class E	10 to 300 (No pollution hazard)

7. Family - For the purpose of this Ordinance a family shall include the feedlot owner, the feedlot owner's grandparents, parents or stepparents, aunts or uncles, siblings, spouses, children or stepchildren.

8. Farm - A tract of land which is principally used for agricultural activities such as the production or cash crops, livestock or poultry farming.

9. Feedlot - A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designated as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Pastures shall not be considered feedlots under these rules. Fish farms shall be considered feedlots for the purposed of this Ordinance. Confined Animal Feeding Operations (CAFO) as defined by North Dakota, Federal, or Grand Forks County definitions shall be considered feedlots for the purposes of this ordinance.

10. Feedlot (New) - An unpermitted or unregistered feedlot, a feedlot constructed and operated at a site where no feedlot existed previously or where a pre-existing feedlot has been abandoned or unused for a period of two years.

11. Feedlot Operator - An individual, a corporation, a cooperative, a group of individuals, a partnership, joint venture, owner or any other business entity having charge or control of one or more livestock feedlots, poultry lots or other animal lots.

12. Feedlot Runoff - The movement of water from a feedlot, either in the form of rainfall, snow, or as water from a waterway, ditch, etc. passing through a feedlot, carrying particles of manure as well as soil into a body of water and thereby constituting a potential pollution hazard.

13. Floodplain - The channel or beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood. Floodplain areas within Fairfield Township shall encompass all areas designated as Zone A on the Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency.

14. Floodway - The channel of the water course and those portions of the adjoining floodplains which are reasonably required to carry or store the regional flood discharge.

15. Liquid Manure - Manure that contains less than 15 % solids content.

16. Manure Storage Structure - A structure where lot runoff , manure effluent or other diluted animal waste is stored or treated, including earthen manure storage basins, earthen lagoons, concrete or glass lined storage.

17. Modification - Any change in the feedlot operation that does not result in an increase in animal numbers.

18. NDDH - North Dakota Department of Health.

19. NRCS - Natural Resources Conservation Service.

20. Owner - Any person having possession, control, or title to a feedlot.

21. Parcel - A contiguous quantity of land legally described and recorded with the County Register or Deeds as the property of a person.

22. Pastures - Areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetative ground cover is maintained during the growing season except in the immediate vicinity of temporary supplemental feeding or watering devises.

23. Permit, State - A document issued by the NDDH which contains requirements, conditions, and compliance schedules Relating to the discharge of animal manure pollutants. A Fairfield Township Permit must also be issued before any operation may commence activity.

24. Permit, Township - A document issued by Fairfield Township which contains conditions and compliance schedules relating to the discharge of animal manure pollutants, and, issued to the contractor, owner or operator, cooperative, stating that the feedlot meets the minimum standards as required by this Ordinance and the NDDH. The Fairfield Township Special Use Permit shall be obtained BEFORE a State permit application is submitted.

25. Potential Pollution Hazard - A condition which indicated a potential for pollution of land and waters including:

A) Allowing a discharge of biological oxygen demand (BOD) pollutants in excess of 25 parts per million; or

B) A feedlot or manure storage area located within a shore land or floodplain.

C) A feedlot or manure storage area located above a groundwater supply considered Waters of the Stale.

26. Public Well - A well that accesses the Waters of the State for distribution to the public. This includes the Wellhead Protection Area.

27. Solid Manure - Manure which has at least 15% solids content and contains added fibrous material excluding mineral solids.



- streams,
28. Surface Waters - Waters of the State which include, but are not limited to rivers, creeks, coulees, ponds, intermittent streams, and wetlands.
29. USDA - United States Department of Agriculture.
- Waters of the
30. Waters of the State - All waters defined under North Dakota Century Code as State.
31. Wetlands - Wetlands as defined by the USDA.

#### SECTION 4: CONFINED ANIMAL FEEDING OPERATION PERMIT REQUIREMENTS

1. Owners of Class A, Class B, Class C, and Class D Concentrated Feeding Operations are required to complete a permit application whenever any of the following occur:
  - a. A new Concentrated Feeding Operation is proposed where one does not exist.
  - b. An expansion is proposed beyond what a current permit allows.
  - c. A cumulative expansion by 300 or more animal units feedlot that does not have a Permit
  - d. A change in ownership.
  - e. An existing feedlot is to be restocked after being idle for two (2) or more years.
  - f. A signed complaint has been received by the Fairfield Township Zoning and Planning Committee and after inspection reveals that the Concentrated Animal Feeding Operation is in violation of Township, or State regulations.

#### SECTION 5: CONFINED ANIMAL FEEDING OPERATION CONTROL REQUIREMENTS

1. No Significant Contribution of Pollution: In general, no Concentrated Animal Feeding Operation shall be constructed, located, or operated so as to create a significant contribution of pollution.
2. State General Permit: Classes A, B, C, and D Concentrated Animal Feeding Operations shall obtain a North Dakota Department of Health Permit pertaining to the animal species of the Concentrated Animal Feeding Operation.
3. Township Special Use Permit: A Fairfield Township Special Use Permit must be obtained. The Fairfield Township Special Use Permit shall be obtained BEFORE a State permit application is submitted.
4. Nutrient Management Plan: The applicant shall develop, maintain, and follow a nutrient management plan to ensure safe disposal of manure and protection of surface and ground water. The Fairfield Township Zoning and Planning Commission must approve the plan prior to land application of any wastes. Due to crop rotation, site changes, and other operational

changes, the producer shall update the plan annually to reflect the current operation and crops grown on the application sites. The applicant shall collect, store, and dispose of liquid and solid manure according to recognized practices of good agricultural management.

a. A generic nutrient management plan that the applicant may use in developing a nutrient management plan is available from the North Dakota Department of Health. The generic nutrient management plan is based on application of nitrogen. The applicant may use other plans, provided the alternate plan contains all the information necessary to determine compliance with conditions of this general permit. Nitrogen, in addition to that allowed in the nutrient management plan, may be applied up the amounts as indicated by soil or crop nitrogen test results that are necessary to obtain a realistic crop yield.

b. The Fairfield Township Zoning and Planning Commission also requires applicants to develop nutrient management plans for phosphorous and potassium. Over application of these nutrients may lead to water quality problems in lakes, streams, coulees, and rivers.

c. The applicant must maintain records to show compliance with the plan.

d. The plan must comply with Township Manure Application Setbacks.

e. Manure shall be applied only to land which is suitable for the production of crops and where crops shall be routinely grown to utilize the nutrient value of the applied manure on a yearly basis. Manure shall not be applied to land which will lie fallow in the upcoming crop year.

f. Applicants shall provide proof of sufficient cropland acreage for application of total manure volume. If applicant does not own sufficient cropland acreage, written manure application agreements for the expected life of the facility shall be provided.

g. Animal manure shall be applied within two (2) miles of the Concentrated Animal Feeding Operation. If sufficient cropland cannot be obtained within 2 miles of the Confined Animal Feeding Operation, a variance of no more than four (4) miles may be granted by the Fairfield Township Board of Supervisors.

h. Applicants shall provide written proof of permission for any hoses or other such vehicles to move manure across land, including ditches, that they do not own, from the Confined Animal Feeding Operation to the point where it will be spread.

**SECTION 6: REQUIRED SETBACKS AND SEPARATION DISTANCES FOR  
MANURE APPL/CATION AND NEW CONFINED ANIMAL FEEDING  
OPERATIONS AND THOSE EXPANDING BY 300 OR MORE ANIMAL  
UNITS AND FOR AFTER 1998.**

1. Required Setbacks and Separation Distances for New Confined Animal Feeding Operations:		Class A	Class B	Class C	Class D&E
Established Residences		4 miles	4 miles	2 miles	1/2 mile
Churches, Businesses, parks, & Commercially zoned areas		4 miles	4 miles	2 miles	1/2 mile
Municipalities		4 miles	4 miles	4 miles	1/2 mile
Lakes, Streams, & water impoundment areas		2 miles	2 miles	1/2 mile	1/2 mile
Shallow aquifers		2 miles	2 miles	1/2 mile	1/2 mile
Wildlife easement areas		1 mile	1 mile	1/2 mile	1/2 mile
Private wells		1 mile	1 mile	1/2 mile	1/2 mile
Cemeteries		1 mile	1 mile	1/2 mile	1/2 mile
Road ROW		1000 feet	1000 feet	500 feet	500 feet

2. Concentrated Animal Feeding Operation expansions of 300 or more animal units or more can apply to the Fairfield Township Zoning and Planning Commission for a variance to the required setback and separation distance regulations.

3. If a Concentrated Animal Feeding Operation is closer than the separation distances provided in these regulations, the applicant can request a written waiver from the separation distance. A public hearing shall be required for any variance from the setback distances. Written notice of such hearing shall be provided to each person in the Township, and to every person within 4 miles of the facility in any adjoining townships or municipalities, or any persons attending schools, places of business, and members of church congregations within 4 miles of the proposed facility.

4. Required Manure Application Setback Distances for New Confined Animal Feeding Operations:

The following manure application setbacks apply to all classes of Concentrated Animal Operations.

Feeding

immediate

	Irrigation Applied	Surface applied with incorporation or injection
Established Residences	Not Allowed	½ mile
Churches, Businesses, Parks, And commercially zoned areas	Not Allowed	½ mile
Municipalities	Not Allowed	½ mile
Lakes, Streams, and Water Impoundment areas	Not Allowed	1 mile
Shallow Aquifers	Not Allowed	1-1/2 miles
Wildlife Easement Areas	Not Allowed	1 mile
Wells, Private and Public	Not Allowed	1 mile
Cemeteries	Not Allowed	½ mile
Road ROW	Not Allowed	300 feet

5. No solid manure shall be applied on frozen ground or on snow cover. Spread solid manure must be incorporated before ground freezes to avoid pollution hazards.

SECTION 7: MANURE STORAGE AND TRANSPORTATION

1. Compliance with State, County, and Local Standards - All animal manure shall be stored and transported in conformance with the Fairfield Township Feedlot Ordinance.

2. Potential Pollution Hazard Prohibited - No manure storage area shall be constructed, located, or operated so as to create or maintain a potential pollution hazard.

3. Vehicles, Spreaders - All vehicles used to transport animal manure on County, State, and Township highways and roads shall be leak proof. Manure spreaders with end gates shall be in compliance with this provision provided the end gate works effectively to restrict leakage and the manure spreader is leak proof.

4. Utilization as Domestic Fertilizer - Animal manure, when utilized as domestic fertilizer, shall not be stored longer than one year.

5. Stacking of Manure on Site - For Class A, Class B, Class C, and Class D Confined Animal Feeding Operations, solid manure that is stacked for more than six (6) months shall be stored on a concrete containment pad designed with a water containment and diversion plan approved by the NDDH.

6. Run-Off Control Structure - All outside manure storage areas shall have run-off control structures to contain the liquid.

7. Manure Storage and Utilization - The Manure Management Plan shall provide for twelve (12) months of storage and utilization capacity for new or expanding feedlots. A nutrient management plan shall also be required. The Plan must be approved by the Township Zoning and Planning Commission.

8. Storage Design Approval -

a) All plans for manure storage structures shall be reviewed and approved by the Township.

b) Plans for all earthen manure storage structures and all manure storage structures of 500,000 gallons or larger shall be approved by the NDDH.

9. Minimum Location, Design, Construction and Maintenance Standards for earthen Manure Storage Structures –

a) Location Standards

i) All location criteria for earthen manure storage structures, as established by the NDDH, shall be Included in this standard.

ii) No earthen manure storage structure shall be located in an area where the seasonal-high groundwater table will be within two (2) feet of the bottom of the structure sealing liner. The installation of a groundwater drainage system to lower the seasonal-high groundwater table shall be prohibited.

iii) No earthen storage structure shall be located in an area identified as having a high susceptibility to groundwater contamination.

iv) No earthen manure storage structure shall be located in an area identified as primarily sand and/or gravel.

v) No earthen storage structure shall be located in an abandoned gravel pit, or other surface mined area.

vi) Before approval, a minimum of one (1) year of groundwater monitoring shall be implemented to determine hydraulic gradients at the site. This information shall be essential to lagoon design and proper placement of long-term monitoring wells.

b) Design Standards

i) Site Investigation.

a) A minimum of five soil borings for the first 1/2 acre or site area plus two soil borings per acre thereof shall be made at the proposed location or the structure by an ARCPACS certified soil scientist. The

borings shall be advanced to a depth of ten feet below the proposed bottom of the structure.

b) A record of the findings of the soil borings shall be made and will include the following:

aa) A listing of the soil types by USDA classification and the thickness of the soil layers encountered in the boring;

bb) The depth to the highest evidence of seasonal-high groundwater table;

cc) The depth to saturated soil conditions or groundwater table; and

dd) The date and location relative to the proposed basin to be shown on the plan set of the borings, the elevation of the ground at the borings and the name of the ARCPACS certified soil scientist conducting the boring operation and soils interpretation.

ii) Basic design.

a) The earthen storage structure shall be designed with sufficient volume to hold the waste from the proposed number of animals for the design period while providing at least two (2) feet of freeboard between the surface of the waste and the lowest point in the surrounding embankment.

b) The design period shall not exceed 365 days.

c) The design of the structure shall be prepared and signed by a registered Professional Engineer qualified in the design of earthen structures.

iii) Liner Design.

a) Liner thickness shall be based on liquid depth and storage capacity.

aa) The earthen structure shall have a clay liner that is at least 21 inches in thickness after compaction. The overall thickness shall be increased by 1.5 inches for each additional foot in design depth over 10 feet (not including freeboard depth). Liner thickness shall be increased as required to achieve a demonstrated permeability rate of  $10^{-7}$  cm/second (500 gallons/acre/day) or less; all earthen structures shall also require a synthetic membrane liner of adequate thickness in relation to the depth and volume of the lagoon, and installed according to manufacturers specifications.

bb) Minimum liner thickness shall be increased to thirty (30) inches for earthen structures of 1-1.5 million gallons of capacity.

cc) Earthen structures having more than a two million gallon capacity shall meet the technical standards for solid waste management facilities under NDDH standards.

dd) The liner design standards required above shall apply to a feedlot where any combination of earthen structures have a total capacity that meet the above thresholds.

b) The interior side slopes of the liner shall not be greater than 2:1 (horizontal : vertical) or 50%, or, 3: 1 (horizontal : vertical) if compaction efforts on sidewalls are parallel to the slope.

c) The specified soil used to make up the liner shall be composed of at least 50% material finer than the #200 sieve and at least 25% smaller than 0.002 millimeters as tested by hydrometer. The soil shall contain no rock larger than 3 inches in diameter and no organic matter such as roots or grass.

d) The soil used in the liner specifications shall have a minimum liquid limit of 25% and a minimum plasticity index of 15% and be capable of attaining a demonstrated permeability rate of 10- 7cm/second (500 gallons/acre/day) or less.

iv) Liner Borrow Area.

a) Soil borings shall be conducted at the proposed source for the soil liner material. A minimum of five soil borings shall be made at the proposed location by an ARCPACS certified soil scientist. The borings shall be advanced to a depth below the proposed bottom of the excavation.

b) A record of the findings of the soil borings shall be made and will include the following:

aa) A listing of soils types by USDA classification and the thickness of the soil layers encountered in the boring;

bb) The depth to the highest evidence of seasonal-high groundwater table;

cc) The depth to saturated soil conditions or groundwater table; and

dd) Size and location in boring hole of any rocks greater than 3 inches in diameter.

ee) The date and location to be shown on plan set of the borings and the name of the ARCPACS certified soil scientist conducting the boring operation and soils interpretation.

ff) An estimate of the volume of borrow material required and available.

v.) The borrow area for the liner soil shall be tested to verify the characteristics of the soil. The tests shall be conducted by a qualified testing facility and shall include:

- aa) Grain size analysis (ASTM D422):
- bb) Standard Proctor density analysis (ASTM D698);
- cc) Hydraulic conductivity (ASTM D5084): and
- dd) Liquid Limit and Plasticity Index (ASTM D4318).

c. Submittals

i) The following materials shall be submitted to the Fairfield Township Zoning Commission and the NDDH for review and approval:

a) Construction Plans and Specifications signed by a registered professional engineer.

b) Boring logs and summary sheets from the soil borings taken at the proposed structure site and the proposed borrow site.

c) Results of the testing conducted on the proposed soil liner, including the permeability, optimum density, moisture content of the compacted soil and estimated volume of borrow area material.

d) Construction Standards.

i) Liner Placement and Compaction.

a) The soil liner shall be placed in horizontal lifts of no more than six (6) inches in thickness after compaction. The liner on the side walls shall also be placed in horizontal lifts to facilitate compaction, unless the builder can demonstrate the ability to achieve the required compaction on the slopes using other methodologies. The surface of the lifts shall be scarified prior to placement of the succeeding lift to facilitate bonding of the lifts.

b) The moisture content of the liner soil shall be at or above the optimum moisture content identified in the preconstruction testing. In no case shall the moisture content exceed 4% above or fall below the identified optimum moisture content.

c) The soil shall be compacted to a minimum of 95% of the identified Proctor maximum density. The compaction shall be done with a "sheepsfoot" roller or other kneading compactors. The compaction shall be verified by field testing of the compacted material using nuclear density (ASTM D2922), and cone (ASTM D1556) or rubber balloon methods (ASTM D2167). One density test shall be conducted for each 1,000 square feet of surface area of the soil liner (including side walls) for each lift. These tests shall be conducted by qualified personnel.



d) No frozen soil materials shall be used in the construction of the liner nor shall placement or compaction of soil material take place during freezing weather conditions;

ii) Construction Certification.

a) All clay liner placement and compaction shall be observed by a registered Professional Engineer. Records of the construction activities and conditions shall be kept on site.

b) Upon completion of construction of the liner, a construction report shall be filed with the Fairfield Township Zoning Commission, the County, and the NDDH. This report shall contain the testing results, a summary of the construction activities, an as-built plan set and a certification that the work was conducted according to the plans and specifications approved by the Slate, County, and Township for construction.

10. Underground Tanks - Underground tanks for manure storage shall be prohibited.

11. Earthen pits - Unlined earthen pits for manure storage shall be prohibited.

12. Fly and Odor Control Plan - An Odor Control Plan shall be prepared by the feedlot operator for all new Class A, Class B, and Class C confined animal feeding operations. A management plan is required for submission of a permit. The Township Planning and Zoning Commission shall review the plan, taking into consideration the prevailing wind direction and topography.

13. Groundwater Monitoring - After hydraulic gradient is determined, groundwater monitoring wells shall be placed in such locations as to best monitor any potential flow of leaching wastewater from the liquid manure handling system.

A) For lagoons a minimum of eight (8) wells, two on each side, and any additional wells being appropriate as determined by NDDH and a groundwater expert designated by the Township.

B) A minimum of two (2) lateral wells shall also be installed beneath the lagoon to monitor for vertical leaching of wastewater.

14. Odor Monitoring - Odors shall be monitored according to the following conditions:

A) Upon an oral or written complaint of a citizen to the Township Board of Supervisors, the County Health officer, or the County Sheriff of an unacceptable odor emanating from the facility, the NDDH or a citizens group trained in odor detection under provisions of North Dakota law shall determine if the level of odor is unacceptable. If findings are unacceptable, remedial measures for odor abatement shall be undertaken by the operator until satisfactory odor levels are met on a sustained basis.

B) Odor levels will be checked within two working days after the receipt of a written or oral complaint

C) Odor levels will be checked downwind from the facility an equal distance from the facility as the residence, place of business, or public facility of the complainant.

## SECTION 8: FEEDLOT CLOSURE

1. Responsible Parties - The landowner, owner and operator of any feedlot shall be responsible for the ongoing management of manure and the final closure of the feedlot including the cleaning of buildings and the emptying and proper disposal of manure from all manure storage structures.

2. Environmental Financial Assurance - Financial assurance guaranteeing proper closure shall be required with all applications for new or expanding feedlots with a liquid manure storage structure as part of their basic design. Such assurance shall be a \$10,000 bond, letter of credit, or escrow account for each 100,000 gallons of storage capacity.

3. Closure Plan - If a feedlot ceases operation, the owner shall submit to the Township a Closure Plan.

a) The Closure Plan shall be submitted at least 60 days prior to the final day of operation. This plan shall be prepared by a registered Professional Engineer.

b) Closure may be postponed for a period of 12 months if the property is posted for sale.

However, pollution hazards must be remediated immediately.

c) Manure storage structure closure shall include the removal of the sludge in the facilities and its disposal by proper land application at agronomic rates or by other legally permissible method. Manure storage structure closure shall also include the grading, leveling and sloping of the walls of the manure storage structure and the seeding of the area.

d) All wastes from the feedlot operation and its waste control system must be removed and disposed of on land or in some other manner which is legally permissible as soon as practical and in accordance with the approved Plan in order to promote and protect public health.

e) Each time ownership of the feedlot changes the new owner must notify the Fairfield Township Zoning and Planning Commission in writing within 60 days of the transfer of ownership that the approved Plan has been read and is understood and that all provisions of the Plan will be implemented.

f) If the new ownership will continue to operate the feedlot, closure shall not be required.

## SECTION 9: ABANDONMENT

1. Owners and operators of feedlots shall have joint and several liability for clean-up, closure or remediation of abandoned feedlot sites, including cases of neglect.
2. Abandoned live animals shall be assessed for health by the State Veterinarian and costs of disposal shall be assessed against the bond.

## SECTION 10: DISPOSAL OF ANIMAL CARCASSES

1. Plan Required - The feedlot owner or operator shall provide a plan indicating the method to be used for the disposal of animal carcasses to the Fairfield Township Zoning and Planning Commission. Dead animals shall be retained in a freezer facility until a state Registered Animal Carcass Disposal Contractor removes the carcasses to a licensed animal carcass disposal facility.

2. Prohibited animal disposal practices include:

- a) Composting of dead animals.
- b) Burning of dead animals.
- c) Burying of dead animals.
- d) Disposal of dead animals in open pits.
- e) Disposal of animals or parts of animals in waste lagoons.
- f) Grinding of animals into feed.
- g) Dumping of dead animals.

## SECTION 11: ENFORCEMENT

1. Enforcement

a) Stop Work Orders. Whenever any work is being done contrary to the provisions of this Ordinance, the Fairfield Township Zoning and Planning Commission may order the work stopped by written notice personally served upon the owner or operator of the feedlot. All activities shall cease and desist until subsequent authorization to proceed is received from the Fairfield Township Planning and Zoning Commission.

b) Revocation. Any person who fails to comply with the conditions set forth on the Permit may be subject to revocation upon written notice personally served upon the owner or operator of the feedlot. Violations of the Fairfield Township Confined Animal Feeding Operation on 5 or more separate occasions over a period of 12 months shall be grounds for revocation of the Fairfield Township Confined Animal Feeding Operation permit.

## SECTION: 12 SEVERABILITY AND VALIDITY

It is hereby declared to be the intention that the several provisions of this Ordinance are severable in accordance with the following:

a) If any court of competent jurisdiction shall adjudge any provisions of the Ordinance to be invalid, such judgement shall not affect any other provisions of the Ordinance not specifically included in said judgement.

b) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or structure, such judgement shall not affect other property, buildings, or structures.

#### SECTION 13: EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and approval, as provided by Law.

Passed and approved this 15th day of March, 1999 by the Township of Fairfield.

Lloyd Leake

Chairman, Fairfield Township Board of Supervisors

# **1. SECTION V. ADMINISTRATION AND ENFORCEMENT**

The administration and enforcement of the zoning and subdivision ordinances is hereby vested in the Fairfield Township Zoning Board and the Fairfield Township Zoning Administrator.

## **1. *A. Fairfield Township Zoning Administrator***

1. The Zoning Administrator shall be appointed by the Zoning Board. Duties of the Zoning Administrator shall include:

- a. Issuance of all permits.
- b. Conduct inspection of buildings.
- c. Maintain records of the regulations and permits.
- d. Transmit to the Zoning Board all applications for appeals, variances, or conditional use permits and all applications for amendments to the Board of Township Supervisors.

## **2. *B. Fairfield Township Zoning Board***

1. Membership for the Board shall consist of three township supervisors and two members appointed from the municipalities concerned in relation to which such zoning is contemplated. Duties of the Zoning Board shall include:

- a. Establishment of rules, regulations, and procedures for the purpose of administering the zoning ordinance.
- b. Assist the Zoning Administrator in conducting inspection of buildings and administering the zoning ordinance.
- c. Hear and decide appeals where it is adjudged by the applicant that an error in judgement has been made by the Zoning Administrator.
- d. Review and study from time to time, the provisions of the regulations.

**3. C. Building or Development Permit Fee:**

1. It shall be unlawful for any person to begin any development or building without obtaining a building permit, except for buildings and activities directly used in connection with farming operations.

2. Fees for building/special use/ other use are as follows:

a. General Provisions. All applications and fees required by this Zoning Resolution shall be collected by the Zoning Administrator unless otherwise noted. No applicant shall be entitled to a refund as a result of denial of any request.

b. Fees

i. Administrative and/or permit fees for development request shall be as follows:

(a) Signs:

(1). Billboards-----

\$100.00/Billboard

(2). Portable Signs-----

\$20.00/Sign

(3). All other signs where permits are required-----

\$40.00/Sign

(b) Mobile Home Permit-----

\$40.00 Each

(c) Conditional Use Permits-----\$75.00 Each + 3% of

Building Cost\*

(d) Amendment/Rezoning-----

\$500.00 Each

(e) Confined Animal Feeding Operation:

(1). Initial Application-----

\$500.00 Each

(2). Annual Renewal-----

\$250.00 Each

(f) Building Permits -----\$50.00 + \$2.00/\$1000 of

Building Cost

(g) Subdivision Permit:

(1). One Lot-----\$100.00

Each

(2). Two or more lots ----- \$200.00 + \$50.00

per lot

\* Plus additional costs if needed

3. Any building permit issued pursuant to these regulations shall expire one year from the date of issuance.

#### **4. D. Violations and Penalties**

1. It is declared unlawful for any person to violate any of the terms and provisions of these regulations or their official control adopted by the Fairfield Township Board of Supervisors pursuant thereto. Violation thereof shall be a misdemeanor and may be punishable by a fine of not to exceed one hundred dollars (\$100.00) for each and every day that any violator fails to comply with the provisions of these regulations. Whenever a violation of these regulations occurs, any person may file a complaint in regard hereto. All fines for violation shall be paid to the Fairfield Township Treasurer and shall be credited to the general fund of Fairfield Township.

RESOLUTION AMENDING THE FAIRFIELD TOWNSHIP LAND  
DEVELOPMENT CODE, ZONING ORDINANCE  
AND SUBDIVISION REGULATIONS

WHEREAS, by Resolution dated April 15, 2019, the Fairfield Township Board of Supervisors created the Fairfield Township Zoning Commission pursuant to the authority granted it in Section 58-03-13 of the North Dakota Century Code, a copy of which Resolution is attached hereto and by reference thereto made a part hereof;

AND WHEREAS, the Fairfield Township Zoning Commission and Fairfield Township Board of Supervisors deem it in the best interests of the public health, safety, morals, comfort and general welfare of Fairfield Township and its residents to establish a general plan of zoning for the unincorporated areas of the Township;

AND WHEREAS, the Fairfield Township Zoning commission held a public hearing for comment on amendments to the Fairfield Township Land Development Code, Zoning Ordinance and Subdivision Regulations on April 15<sup>th</sup>, 2019, at 7:00 o'clock P.M. after proper publication of Notice of Hearing thereon, as evidenced by the attached Affidavit of Publication, which is by reference thereto made a part hereof;

AND WHEREAS, no objections or comments were made in opposition to the proposed amendments to the Fairfield Township Land Development Code, Zoning Ordinance and Subdivision Regulations, at said hearing, and therefore, said Fairfield Township Zoning Commission proposed the adoption thereof at the Fairfield Township Board of Supervisors meeting scheduled for April 15, 2019 at 8:0'clock PM. after proper publication of Notice of Hearing thereon, as evidenced by the attached Affidavit of Publication, which is by reference thereto made a part hereof;

AND WHEREAS, no appearances were made at said hearing in opposition of said amendments to the proposed Fairfield Township Land Development Code, Zoning Ordinance and Subdivision Regulations, or for changes therein;

NOW THEREFORE, Be it resolved by the Fairfield Township Zoning Commission and Board of Supervisors, as follows:



1. The proposed amendments to the Fairfield Township Land Development Code, Zoning Ordinance and Subdivision Regulations are hereby adopted, and are by reference thereto made a part hereof.
2. All unincorporated areas of Fairfield Township are hereby zoned as an Agricultural District.
3. The Fairfield Township Zoning Commission shall study and monitor local development conditions and/or problems and recommend periodic changes and additions to the Fairfield Township Land Development Code, Zoning Ordinance and Subdivision Regulations.

Dated this 15th day of April, A.D. 2019.

FAIRFIELD TOWNSHIP ZONING COMMISSION AND BOARD OF SUPERVISORS:

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John Fichtner, Zoning Commissioner and Supervisor

---

Phil Ring, Zoning Commissioner and Supervisor

---

Keith Drees, Zoning Commissioner and Supervisor

Attest:

---

Susan Leake, Fairfield Township Clerk

97211

**AFFIDAVIT OF PUBLICATION**

**STATE OF NORTH DAKOTA }  
COUNTY OF GRAND FORKS } SS.**

Wally Straub of said State and County being  
first duly sworn on oath says:

That she is { a representative of the GRAND FORKS HERALD, INC.,

publisher of the Grand Forks Herald, Morning Edition, a daily newspaper of general circulation, printed and published in the City of Grand Forks, in said County and State, and has been during the time hereinafter mentioned, and that the advertisement of

notice of hearing on amending

a printed copy of which is hereto annexed, was printed and published in every copy of the following issues of said newspaper, for a period of 21 days

3/20 Yr. 15  
4/16 Yr. 19  
Yr. Yr. Yr. Yr.

and that the full amount of the fee for the publication of the annexed notice inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any person whomsoever and the amount of said fee is

\$ 41.60;  
That said newspaper was, at the time of the aforesaid publication, the duly elected and qualified Official Newspaper within said County, and qualified in accordance with the law of the State of North Dakota to do legal printing in said County and State.

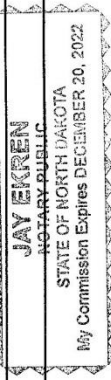
Subscribed and sworn to before me this 8 day of April A.D. 2019  
[Signature]  
Notary Public, Grand Forks, ND

**Notice of Hearing on amending the Fairfield Township Comprehensive Plan, Land Development Code, Zoning Ordinance and Subdivision Regulations**  
Notice is hereby given of the intention of the Fairfield Township Zoning Commission and Board of Supervisors to amend the Fairfield Township Comprehensive Plan, Land Development Code, Zoning Ordinance and Subdivision Regulations.  
A public hearing for comment on the above zoning regulations will be conducted by the Fairfield Township Zoning Commission at the Tom Mikelson residence, 751 22nd Street NE, Thompson, ND, April 15th, 2019, at 7:00 p.m. The proposed Fairfield Township Comprehensive Plan, Land Development Code, Zoning Ordinance and Subdivision Regulations are available for the meeting, by calling 218-289-3007 or emailing sueleake17@gmail.com, and are open to public inspection.  
Dated this 21st day of March, A.D. 2019  
Fairfield Township Zoning Commission  
by John Fichtner, President.  
(March 30, April 6, 2019)

# 2737307

Publication Fee \$ 41.60

27 lines 11540



47211

**AFFIDAVIT OF PUBLICATION**

STATE OF NORTH DAKOTA }  
COUNTY OF GRAND FORKS } SS.

Lucky Staub of said State and County being first duly sworn on oath says:

That she is { a representative of the GRAND FORKS HERALD, INC.,

publisher of the Grand Forks Herald, Morning Edition, a daily newspaper of general circulation, printed and published in the City of Grand Forks, in said County and State, and has been during the time hereinafter mentioned, and that the advertisement of

Notice of Hearing on Amending

a printed copy of which is hereto annexed, was printed and published in every copy of the following issues of said newspaper, for a period of 2130 days, to-wit:

416 Yr. 15 Yr. 15 Yr. 15 Yr.  
416 Yr. 15 Yr. 15 Yr. 15 Yr.

and that the full amount of the fee for the publication of the annexed notice inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any person whomsoever and the amount of said fee is \$ 41.60.

That said newspaper was, at the time of the publication of the aforesaid publication, the duly elected and qualified Official Newspaper within said County, and qualified in accordance with the law of the State of North Dakota to do legal printing in said County and State.

Subscribed and sworn to before me this 15 day of April A.D. 2019

[Signature]  
Notary Public, Grand Forks, ND

**Notice of Hearing on amending the Fairfield Township Comprehensive Plan, Land Development Code, Zoning Ordinance and Subdivision Regulations**

Notice is hereby given of the intention of the Fairfield Township Zoning Commission and Board of Supervisors to amend the "Fairfield Township Comprehensive Plan, Land Development Code, Zoning Ordinance and Subdivision Regulations."

A public hearing for comment on the above zoning regulations will be conducted by the Fairfield Township Zoning Commission at the Tom Mikelson residence, 751 2nd Street NE, Thompson, ND, on April 15th, 2019, at 7:00 p.m. The proposed Fairfield Township Comprehensive Plan, Land Development Code, Zoning Ordinance and Subdivision Regulations are available at the meeting by calling 218-288-3947 or emailing [suleake17@gmail.com](mailto:suleake17@gmail.com), and are open to public inspection. Filed this 21st day of March, A.D. 2019, Fairfield Township Zoning Commission by John Fichter, President. (March 30, April 6, 2019)

# 273207

Publication Fee \$ 41.60

27 11 15 111340

JAY EKREN  
NOTARY PUBLIC  
STATE OF NORTH DAKOTA  
My Commission Expires DECEMBER 20, 2022