

**RANSOM COUNTY
NORTH DAKOTA
ZONING ORDINANCE**

1994
Ransom County Auditor's Office
Box 668
Lisbon, ND 58054
701/683-5823
Fax 701/683-5827

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This ordinance was assisted by Lake Agassiz Regional Council, 417 Main Avenue, Fargo, ND 58103 through financial assistance from the North Dakota Department of Health Solid Waste Management Planning Assistance Funds, 1994.

R E S O L U T I O N

WHEREAS, the Ransom County Commission in conjunction with the Planning Commission, composed of members from the affected areas, being the whole of Ransom County, North Dakota, have investigated and determined the necessity of drafting the "Ransom County Comprehensive Plan" and the "Ransom County North Dakota Zoning Ordinance" and

WHEREAS, after filing the proposed Ransom County Comprehensive Plan and Ransom County North Dakota Zoning Ordinance, the County Planning Commission held a public hearing thereon on June 7, 1994 at 11:00 a.m. in the Commissioners room at the Ransom County Courthouse, at which time the proposed comprehensive plan and zoning ordinance was submitted for discussion, and parties in interest and citizens had an opportunity to be heard. Notice of the time, place, and purpose of the hearing was published 15 days prior to the hearing in the official newspaper of the county. Said notice described the nature, scope and purpose of the proposed comprehensive plan and zoning ordinance, and stated the times at which it would be available to the public for inspection and copying at the office of the Ransom County Auditor in the Courthouse, Lisbon, North Dakota, and

WHEREAS, the Ransom County Planning Commission has approved this draft of the Ransom County Comprehensive Plan and the Ransom County North Dakota Zoning Ordinance and recommends that they be adopted by the Ransom County Board of Commissioners.

NOW THEREFORE, BE IT RESOLVED that the Ransom County Board of Commissioners hereby adopts the Ransom County Comprehensive Plan

and Ransom County North Dakota Zoning Ordinance.

Approved and adopted this 7th day of June, 1994.

Ernest Fadness
Chairman

ATTEST:

Patricia Carlblom
Auditor

I, Gail J. Bergemann, a notary public in Ransom County, do hereby certify that Ernest Fadness appeared before me personally and signed the preceding document.

Dated this 7th day of June, 1994.

GAIL J. BERGEMANN

Notary Public, RANSOM COUNTY, N. DAK.

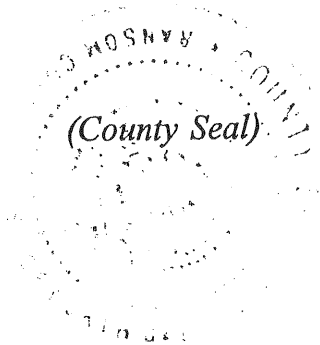
My Commission Expires JUNE 7, 1995

I, Patricia Carlblom, County Auditor for Ransom County, North Dakota, do hereby certify that the foregoing resolution was adopted by the Board of County Commissioners at their regular meeting held on June 7, 1994, on a unanimous vote.

Dated this 7th day of June, 1994.

Patricia Carlblom
Patricia Carlblom

Document No. 147318^o



STATE OF NORTH DAKOTA
COUNTY OF RANSOM

I hereby certify that the within instrument was filed in this office for record on the 10th day of June A.D. 1994 at 1:45 o'clock P.M., and was duly recorded in Book 2-D of _____

McIs. _____ of Pages 536-537.

Gail J. Bergemann
REGISTER OF DEEDS

By _____ Deputy

Patricia Carlblom
Auditor
#no chg.

ARTICLE I

Introduction

- I. Authority: This ordinance is adopted under the authority granted in Chapter 11-33-01 of the North Dakota Century Code.
- II. Purpose: The purpose of this ordinance is to promote the health, safety, morals, public convenience, general prosperity, public welfare, general welfare, and orderly development of Ransom County.
- III. Severability: If any provisions or section of this ordinance is adjudged invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected.
- IV. Repeal: All other ordinances or parts of ordinances of Ransom County in conflict with this ordinance are hereby repealed.
- V. Title: This ordinance shall be known as "Zoning Ordinance" of Ransom County.
- VI. Effective Date: This ordinance shall become effective after a public hearing and adoption by the Ransom County Board of Commissioners.

ARTICLE II

General Provisions

- I. Jurisdiction: The jurisdiction of the ordinance shall include all unincorporated areas of Ransom County.
- II. Compliance: Except as hereinafter provided, no building, structure, or land shall be erected, repaired or used except in conformance with these regulations.
- III. Agricultural:

Exempted: Nothing in this ordinance shall be applied for the purpose of preventing or restricting the use of land or building for agriculture or any of the normal incidents of agriculture.

IV. Interpretation: In the interpretation and application of this ordinance the provisions of this ordinance shall be held to the minimum requirements. Where this ordinance imposes a greater restriction than existing law, the provisions of this ordinance shall govern.

V. Non-conforming Uses:

1. Lawful, non-conforming uses of land or buildings existing at the date of adoption of these regulations may continue provided no structural alterations except for normal maintenance are made and such non-conforming use shall not be extended to occupy a greater area of land than occupied at the time of adoption.
2. No building or structure where a non-conforming use has been discontinued for a period of 2 years or has changed to a permitted use shall be devoted to a non-conforming use thereafter.
3. A non-conforming structure destroyed or damaged less than 50 percent of its fair market value may be reconstructed within 1 year of such casualty. If damaged more than 50 percent of its fair market value, such buildings shall be reconstructed in conformance to those regulations.
4. The provisions of this section shall not be applicable to conditional uses or any use made non-conforming by a change in district regulations.

DEFINITIONS

Unless otherwise provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this ordinance.

AGRICULTURE means The use of land for agriculture purposes, including the necessary buildings or structures for farm or farm labor use. Agriculture shall include farming, dairying, pasturage, horticulture, packing treating or storing produce, providing accessory uses are secondary to normal agricultural activities.

AGRICULTURAL WASTE means solid wastes derived from the production and processing of crops and livestock such as manure, spoiled grain, grain screenings, undigested rumen material, livestock carcasses, fertilizer, and fertilizer containers.

AIR POLLUTION means the presence of air contaminants in the outdoor atmosphere which would be injurious to human health or welfare, to animal or plant life or to property.

ANIMAL WASTE means contaminated animal carcasses, body parts, and bedding of animals that are known to have been exposed to infectious agents during research in veterinary hospitals, laboratories, animal clinics, production of biological, or testing or pharmaceuticals.

AQUIFER means a geologic formation, group of formations, or portion of formation capable of yielding significant quantities of ground water to wells or springs.

ASH means the incombustible material remaining after incineration of raw or processed material.

BOARD means the governing body of a city, county or township.

BUILDING means Any structure used for shelter or enclosure of persons, animals, or chattels.

BULKY ITEM means an oversized waste material including appliances, automobile, boat, furniture, trees or other waste which requires special handling methods to achieve compaction.

CANISTER means a commercial solid waste container such as green boxes and dumpsters located to function as an intermediate disposal facility for municipal solid waste, mixed municipal solid waste or recyclable materials.

CAPACITY means the ability of land, air, water bodies to receive waste without posing a threat to human health, animal and plant health and the general environment.

CLOSED UNIT means a landfill or surface impoundment or a portion thereof that has received solid waste for which closure is complete.

CLOSURE means the process of closing or declaiming a solid waste facility or unit. The process is intended to prevent or minimize the threat to public health and environment posed by a solid waste facility including removal of contaminated equipment, removal of liners, fill cover, grading and seeding of fill cover, and installation of monitoring devices and structures.

COLLECTION means the aggregation of waste from the place at which it is generated and includes all activities up to the time the waste is delivered to a waste facility.

COMMERCIAL HAULERS means any person who owns, operates, or leases vehicles for the purpose of contracting to collect or transport solid waste or source separated materials from residential, commercial, or industrial property.

COMMERCIAL WASTE means solid waste generated by stores, offices, restaurants, warehouses and other non-manufacturing activities excluding household waste, inert waste, infectious waste, industrial waste and hazardous waste.

COMMERCIAL WASTE FACILITY means a facility designed and permitted to sell waste processing or disposal services to generators or commercial haulers.

COMMUNITY CLEAN-UP means organized clean up of highway ditches, stream banks, and park and recreation areas by the community.

COMPLIANCE BOUNDARY means the vertical planar surface that circumscribes the waste management units at which the ground water protection standards shall apply. The compliance boundary may be the facility boundary.

COMPOSTING means the controlled biological decomposition of organic solid waste to yield a humus-like product.

CONDITIONAL USES means A use conditionally permitted in order to reduce any adverse effects on surrounding property.

CONSTRUCTION WASTE means solid waste building materials, packaging and debris resulting from construction, repair, and demolition of buildings and roads.

CONTAINMENT means isolating, controlling and monitoring solid waste in a facility in order to prevent a release of waste to avoid adverse impact on human health and environment.

CONTINGENCY ACTION means a course of action to be followed in case of fire, explosion, or release of solid waste, waste by-products, or leachate that could threaten human health or environment.

COVER MATERIAL means the material that is used to cover compacted solid waste or inert waste in a facility. The cover material shall have low permeability, uniform texture and cohesiveness.

DEPARTMENT means the ND State Department of Health and Consolidated Laboratories.

DETACHABLE CONTAINER means a reusable container for the collection, storage, or transportation of solid waste that is mechanically or manually handled.

DISPOSAL means the discharge, deposit or dumping or placing of any waste into or on any land or water area.

DISPOSAL FACILITY means a waste facility licensed by Ransom County and the Department that is designed and operated for the purpose of disposal of waste together with any needed appurtenant facilities for processing of waste materials.

DISTRICT SOLID WASTE PLAN means the Lake Agassiz Solid Waste Management Plan including the counties of Cass, Richland, Sargent, Ransom, Steele and Traill.

DROP BOX FACILITY means a facility used for placement of a detachable container including sufficient entrance and exit, unloading and turn-around areas.

DWELLING means A building or portion thereof occupied exclusively for residential purposes, but not including mobile recreational vehicles.

EXISTING UNIT means a landfill or surface impoundment that is receiving or has received solid waste for which closure has not been completed.

FACILITY means all buildings, equipment, structures, land and other stationary items that are located on a single site or on contiguous sites that are operated for processing of and disposal of any solid waste.

FAMILY means a group of one or more persons occupying a single premise and living as a single housekeeping unit.

FEEDLOT means the use of land or buildings for the exclusive purpose of concentrated feeding or fattening of livestock for marketing. The application of feedlot regulations shall be limited to non-farm related enterprise.

FINAL COVER means any combination of compacted or uncompacted earthen material, synthetic material and suitable plant growth material spread on the top and side slopes of a landfill or facility permanently.

FINANCIAL ASSURANCE means monetary guarantees for operation, proper closure and post-closure care.

FREE LIQUID means the liquid which separates from the solid portion of a solid waste under ambient pressure and normal, above freezing temperature.

GARBAGE means putrescible solid waste such as animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food, including plants.

GENERATION means the act or process of producing solid waste.

GENERATOR means any person who generates solid waste.

GOVERNING BODY means the city council/city commission, county board of supervisors or township board of supervisors.

GROUND WATER means water below the land surface in a geologic unit in which soil pores are filled with water and the pressure of that water is equal or greater than atmospheric pressure.

HAZARDOUS WASTE means any refuse, sludge, or other waste material in solid, semi-solid, liquid or contained gaseous form which because of its quantity, concentration, or chemical, physical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitatingly reversible illness or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Hazardous waste materials include but are not limited to, explosives, flammables, oxidizers, poisons, irritants and corrosives., and nuclear. Hazardous waste meanings are also given by NDCC 23-20.3-02 and further defined in chapter 33-24-02.

HOME OCCUPANTS means any occupation carried on solely by the occupants of a residence provided: that no more than one room of a dwelling is used for such purposes or such use is secondary to the principal use of a non-residential building; no use shall require internal or external alteration or construction.

HOUSEHOLD WASTE means solid waste, such as trash and garbage, normally derived from households, single and multiple residence, hotels, motels, group houses and quarters, campgrounds, picnic grounds and recreation areas.

HUMAN BLOOD AND BLOOD PRODUCTS mean liquid waste human blood including serum, plasma or other blood components and items saturated or containing human blood.

INCINERATION means the process by which solid wastes are burned for the purpose of volume and weight reduction in facilities designed for such use.

INDUSTRIAL WASTE means all waste resulting from an industrial, manufacturing, service or commercial activity that is managed as a separate waste stream and as defined by NDCC 23-29-03.

INERT WASTE means non-putrescible solid waste which will not generally contaminate water or form a contaminated leachate. Inert waste does not serve as food for vectors. Inert waste includes, but is not limited to, construction and demolition material such as metal, wood, brick, masonry and cement concrete, asphalt concrete, tires, and tree branches.

INFECTIOUS DISEASE means solid waste that may contain pathogens with sufficient virulence and in sufficient quantity that exposure of a susceptible human or animal to solid waste could cause the human or animal to contract an infectious disease.

INTERMEDIATE DISPOSAL means the preliminary or incomplete disposal of solid waste including, but not limited to, transfer stations, incineration, composting, shredding, compression, recycling, processing, resource recovery, and any other management or handling of waste short of final disposal.

ISOLATION WASTE means biological waste and discarded materials contaminated with blood, excretion, or secretion from humans who are isolated to protect others from communicable disease, or isolated animals known to be infected with communicable diseases.

JUNK YARD means any land or building used for the storage, sale or dismantling of obsolete vehicles, junk and other machinery.

LAND APPLICATION means the placement of waste or waste by-products on or into soil surface.

LAND POLLUTION means presence in or on the land of any waste in such quantity that would adversely impact air, ground and surface water and pose a threat to human health and environment.

LAND TREATMENT means the controlled application of solid waste, excluding application of animal manure and chemical on farm land for production of food and fiber.

LAND USE means the existing uses upon land including, but not limited to, residential uses, agricultural uses and activities, commercial uses, industrial uses, recreational uses and church related uses.

LANDFILL means especially selected, designed and operated sites for disposal of solid waste in accordance with NDCC section 23-29-03 and the provisions of this ordinance.

LEACHATE means a liquid that has passed through or emerged from solid waste and contains soluble or suspended materials.

LEACHATE COLLECTION SYSTEM means any combination of landfill base slope, liners, permeable zones, pipes, detection systems, sump pumps, holding areas or retention structures, treatment systems, or other features that are designed, constructed and maintained to contain, collect, detect, remove and treat leachate.

LICENSEE means the person who has been given a license or operation and maintenance of a collection or transport system.

LITTER means discarded and abandoned solid waste materials.

LOT means a parcel of land sufficient to provide the years requirements of the regulation.

MAJOR APPLIANCE means an air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, furnace, water heater, humidifier, dehumidifier, garbage disposal, trash compactor or other similar appliance.

MARKET means any person who accepts waste for disposal, recycling, resource recovery, composting, and incineration.

MEDICAL WASTE includes infectious waste and waste originating from the diagnosis, care or treatment of a person or animal, health care facilities or waste resulting from biological research.

MOBILE HOMES means a mobile home is a dwelling unit designed for transportation after construction. A recreational travel trailer is not to be considered a mobile home.

MONITORING POINT means any installation or location used to determine the quality or physical characteristics of ground water, surface water or the leachate.

MUNICIPAL WASTE means solid waste that includes garbage, refuse, and trash generated by households, motels, hotels, and recreation facilities, by public and private facilities, and by commercial, wholesale and retail businesses excluding special waste.

MUNICIPALITY means city, county or township.

NON CONFORMING USE means any structure, land or building existing at time of adoption or amendment of this ordinance which does not conform to the provisions of the regulations.

NUISANCE means a use of property or course of conduct that interferes with the legal rights of others by causing damage, annoyance, or inconvenience.

OPEN BURNING means any burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack.

OPERATOR means the person responsible for the overall operation of a facility.

OWNER means the person who owns a solid waste facility or equipment or part of a facility or equipment.

PATHOLOGICAL WASTE means human pathological waste, including issues, organs, and body parts and fluids that are removed during surgery or autopsy, or other medical or hygienic procedures and specimens of body fluids and their containers.

PERMITTED USE means any building, structure, or use which complies with the applicable regulations of this Ordinance governing Permitted Uses in the zoning district in which such building, structure or use is located.

PERMITTEE means the person who has been given a permit to carry out operation of a facility for which a permit is required.

PERSON means any individuals, any municipality or governmental body, any public or private corporation, any firm partnership, association, or other organization, agency or representative of any of the foregoing.

PLAN OF OPERATION means the written plan developed by an owner or operator of a solid waste facility detailing how a facility is to be operated during its active life.

POLITICAL SUBDIVISION means any city, county or township governments including their officers and representatives.

POST-CLOSURE PERIOD means the period of time following closure of a solid waste management unit during which the owner or operator must perform post-closure activities such as monitoring of changes in leachate level, emission of gases or maintaining the integrity of the closed unit as planned.

PROBLEM MATERIAL means a material that, when it is processed or disposed of with mixed municipal solid waste, results in pollution of water, or pollution of air, or release of hazardous substance, or a threat to the safe and efficient operation of a solid waste facility.

PROCESSING means the treatment of solid waste after collection, including all activities after the waste is delivered to a waste facility. Processing includes, but is not limited to, disposal, storage, containment, separation, exchange, resource recovery, physical or chemical modification, and transfer from one waste facility to another.

PUTRESCIBLE MATERIAL means solid waste which is capable of being rotten or which may reach a foul state of decay or decomposition.

RADIOACTIVE WASTE means solid waste containing radioactive material subject to the requirements of NDCC chapter 33-10.

RECOVER OR RECYCLE means any methods, techniques, or process utilized to separate, process, modify, convert, treat, shred, compress, or otherwise prepare solid waste so that component materials or substances may be beneficially used or separated.

RECOVERED MATERIALS means materials that have been separated from the solid waste stream for reuse and are, or will be, processed, modified, or converted to a raw material that may be beneficially used.

RECYCLABLE MATERIALS means materials that are separated from mixed municipal solid waste for the purpose of recycling, including paper, glass, plastic, metal, automobile oil and batteries.

RECYCLING means the process of using the waste material in its original form or converting it to other forms for use and reuse.

RECYCLING FACILITY means a center for collection, processing, or repair of recyclable materials for reuse in their original form or use in manufacturing process. Recycling facilities may include the following:

- a. **DESIGNATED RECYCLING CENTER** means a recycling facility which has complied with the permitting rules of the department and accepts such materials for recycling such as glass, paper, plastic or metal.
- b. **COLLECTION FACILITY** means a place where the public may donate, redeem or purchase recyclable materials. Collection facilities may include vending machines, mobile recycling units, unattended containers. Mobile recycling units include bins, boxes, or containers transported by trucks, vans or trailers used for collection of recyclable materials.
- c. **PROCESSING FACILITY** means a building or enclosed space used for collection and processing of recyclable materials. Processing does not include end-use manufacturing or industrial use but may include the preparation of material for efficient shipment such as baling, compacting, grinding, crushing, shredding, sorting and cleaning.

REFUSE means putrescible and non-putrescible solid waste, including garbage, rubbish, ashes, incinerator ash, incinerator residue, and industrial and commercial solid wastes.

RESOURCE RECOVERY means the reclamation for sale, use, or reuse of materials, substances, energy or other products contained within or derived from waste.

RESOURCE RECOVERY FACILITY means a waste facility established and used primarily for resource recovery, including related and appurtenant facilities such as transmission facilities and transfer stations primarily serving the resource recovery facility.

RUBBISH means non-putrescible solid waste including but not limited to ashes, paper, cardboard, tin cans, yard clipping, wood or glass.

SALVAGING means the controlled and authorized removal of waste materials from a licensed solid waste facility.

SCAVENGING means the uncontrolled removal of solid waste materials from any solid waste facility.

SEQUENTIAL PARTIAL CLOSURE means bringing, discrete, usually adjacent, portions of a disposal facility to elevation and grade in an orderly, continually progressing process as a part of the operations of the facility for facilitating closure.

SETBACK means the open space extending the full width of a lot between a building and a public right-of-way line or easement.

STRUCTURAL ALTERATIONS means any change in the supporting members or any substantial change in the roof or exterior walls of a building.

SHARPS means hypodermic needles, syringes, Pasteur pipette, scalpel blades, blood vials, needles with attached tubing, culture dishes, broken or unbroken glassware and other hardware that were in contact with infectious agents including used slides.

SHORELAND means land located within three hundred feet horizontally from the ordinary high water elevation of any lake, pond, slough, wetland or stream.

SITE means the spatial location of a proposed or actual solid waste activity or facility.

SLUDGE means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial waste water treatment plant, or water treatment plant.

SOLID WASTE means any garbage, refuse, sludge from a waste water treatment plant, water treatment plant, or air pollution control facility and other discarded waste material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities. The term does not include solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows or industrial discharges that are point sources subject to permit under Section 402 of the Federal Water Pollution Control Act, as amended or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

SOLID WASTE COLLECTION means the gathering of solid waste from public or private places.

SOLID WASTE DISTRICT means the Lake Agassiz Region consisting of the counties of Cass, Richland, Ransom, Sargent, Steele, and Traill.

SOLID WASTE HAULER means any person who collects or transports solid waste for a fee.

SOLID WASTE MANAGEMENT means activities which are intended to affect or control the generation of solid waste and activities which provide for or control the collection, processing, and disposal of waste.

SOLID WASTE OFFICER means an employee, agent, representative of Ransom County authorized to assist in the preparation of solid waste plans, policies, program and enforcement and administration of this ordinance.

SOLID WASTE PROCESSING means an operation for the purpose of modifying the characteristics or properties of solid waste to facilitate transportation, resource recovery, or disposal of solid waste including any process designed to recover or recycle waste.

SOLID WASTE STORAGE means the holding of solid waste in quantities equal to or greater than ten cubic yards for more than 48 hours.

SOLID WASTE TRANSPORTATION means the conveying of solid waste from one place to another, by means of vehicle, rail car, conveyor, or other means.

SOURCE SEPARATION means the separation of recyclable materials from waste by the generator prior to collection or recycling.

STATE means state of North Dakota

STORAGE means the containment and holding of solid waste after generation for a temporary period, at the end of which the solid waste is processed for resource recovery, treated, disposed of, or stored elsewhere.

SUITABLE PLANT GROWTH MATERIAL means that soil material that, based on a soil survey, is acceptable as a medium for plant growth.

SURFACE IMPOUNDMENT means a human-made excavation, dikes area, or natural geographic depression designed to hold an accumulation of solid waste which is liquid, liquid bearing, or sludge for containment, treatment, or disposal.

TIPPING FEE means the fee charged to haulers and individuals for waste delivered to the designated facility such as landfill, recycling facility, compost site, or resource recycling facility.

TRANSFER STATION means a site or building used to transfer solid waste from a vehicle or a container into another vehicle or container for transport to another facility.

TRANSPORT means the off-site movement of solid waste.

UNACCEPTABLE WASTE means waste which is not acceptable at the designated facility. It includes waste which is likely to pose a threat to human health, or which may cause damage to the operation of the solid waste storage, solid waste processing, solid waste recycling or solid waste recovery.

UNUSED SHARPS means unused, discarded sharps, hypodermic needles, suture needles, scalpel blades and other hardware used in connection with surgery, autopsy or research on humans and animals.

VARIANCE: The grant of relief from the requirements of the ordinance where it can be shown that due to unusual conditions of the property strict applicator of the regulations would result in undue hardship.

WASTE MONITORING SYSTEM means a system of wells, pipes, instruments and mechanisms used to obtain samples of the groundwater and surface water on or in the vicinity of solid waste facility.

WASTE TIRE PROCESSING FACILITY means a facility used for shredding, slicing, processing or manufacturing of usable material from waste tires. Processing does not include the retreading of tires.

WASTE FACILITY means all buildings and grounds including roads and easements designated for the processing or disposal of waste. Waste facility includes, but is not limited to transfer stations, collection sites, processing facilities, landfills and other disposal facilities.

WHITE GOODS means major appliances.

YARD WASTE means garden wastes, leaves, lawn cuttings, weeds, shrubs and tree waste, and pruning.

ZONING means the ordinance, rules, policies which control the use of land in cities, counties and townships pursuant to the North Dakota Century Code.

ARTICLE III

District Regulations

I. Establishment of District Regulations:

For the purpose of these regulations Ransom County is established as the following districts:

A - Agriculture R - Residential I - Industrial C - Commercial

- a) Zoning Map - The location and boundary lines on the Zoning district are hereby established as shown on the map entitled "Zoning District Map", which accompanies, and is hereby made a part of the regulations.

1. Location of District Boundaries:

- a) Where the district boundary lines on the Zoning District Map are indicated to follow highway, road, or railroad rights-of-way unless clearly shown to the contrary.
- b) Where any uncertainty exists as to the exact location on the Zoning District boundary line, the Zoning Board shall determine the location of such boundary.

II. A - Agricultural District:

A. Purpose: To establish and preserve areas of agriculture and low intensity development which does not significantly change the existing character of the area.

B. Permitted Uses: Agriculture and agricultural buildings, cemeteries, churches, existing railroad rights-of-ways, home occupations, construction businesses, accessory uses to the permitted uses.

C. Conditional Uses: The following conditional uses and their accessory uses are permitted subject to the stipulation of the general provisions of the document. Schools, sanitary disposal facilities, landfills, inert landfills, incineration facilities, mining or gravel removal, feedlots, junk yards, radio or TV towers, utility lines, substations, and water pipe lines in accordance with appropriate provisions of this ordinance, parks or other open land recreational uses. One and two family dwellings and mobile homes.

D. Dimensional Standards:

1. Set backs - 100'
2. Lot Size - one acre
3. Lot Width - 100'
4. Building Height - Buildings shall not exceed 35'

III. R - Residential District

1. Permitted Uses

- a) Single family dwelling units
- b) Accessory buildings and structures
- c) Churches
- d) Home Occupation
- e) Parks, playground, and open spaces
- f) Schools

2. Conditional Uses

- a) Two or more family dwelling units
- b) Nursing homes and group homes
- c) Public or private utility structures

3. Lot Area and Lot Width

- 1. The minimum lot area shall be at least one acre
- 2. The minimum lot width shall be 100 feet.
- 3. Set back 100'
- 4. Building height - Buildings shall not exceed 35'

IV. C - Commercial District

1. Permitted Uses

- a) Agricultural implement sales and service
- b) Retail services and uses
- c) Health care facilities and services
- d) General automotive services
- e) Professional offices and businesses
- f) Recreational facilities and services
- g) Other commercial services but not manufacturing and processing operations
- h) Warehousing and wholesaling

2. Conditional Uses

- a) Storage facilities for rent
- b) Contractors yard
- c) Lumber yards

3. Lot Area and Lot Width

- 1. The minimum lot area shall be 1 acre
- 2. The minimum lot width shall be 100 feet
- 3. Set back 100'
- 4. Building height - Building shall not exceed 35'

V. I - Industrial District

1. Permitted Uses

- a) Agricultural chemical production and storage
- b) Any production, processing or treatment of products but not salvage yards or warehousing operations
- c) Contractors yard and construction shop
- d) Lumber yards
- e) Storage and warehousing
- f) Wholesaling

2. Conditional Uses

- a) Regional sanitary landfills and incinerators
- b) Salvage yards and wrecking operation

3. Lot Area and Lot Width

1. The minimum lot area shall be 1 acre
2. The minimum lot area shall be 100 feet
3. Set back 100'
4. Building height - shall not exceed 100 feet

ARTICLE IV SOLID WASTE PROVISIONS

A. COLLECTION OF SOLID WASTE

1. Every non-farm household in Ransom County shall have access to a commercial hauler for collection and transport of municipal solid waste, source separated waste or other waste as deemed necessary.
2. Every business in Ransom County shall have access to a licensed commercial hauler for collection and transport of solid waste, source separated waste or other waste as deemed necessary.
3. Collected recyclable materials shall be transported to an approved recycling facility.
4. Regulated infectious waste may not be subject to compaction during loading, unloading and transit and must be handled carefully.
5. All vehicles or containers which are used to haul solid waste must be clean and free of residues of the waste material in order to minimize problems of odor, insects and rodents.
6. No person shall collect or transport solid waste that is smoking, smoldering, or burning, except in a container designed and approved by Ransom.
7. No solid waste collection or transportation vehicle which is not free of waste residue may be parked outdoors within 100 feet of a commercial or residential structure not owned by the owner or operator of the vehicle.

B. LITTERING AND OPEN BURNING

1. No person shall discard and abandon any litter, furniture, or major appliance upon public or private lands not owned by that person.
2. No person may engage in open burning of solid waste, unless the burning is conducted in accordance with the rules of the state of North Dakota and Ransom County.

C. WASTE STORAGE

1. All waste material shall be stored in a manner that complies with state and federal regulations and shall meet the requirements of Ransom County.
2. Waste materials shall not be stored on public or private property for more than two weeks without approval of Ransom County
3. Storage of solid waste shall be confined to buildings and structures designed specifically for such purpose and shall be secured by appropriate fences and gates. The openings to the buildings and structures including, but not limited to, conveyors, doors, ramps and other points of access for use by transport or moving vehicles when not in use shall be closed air tight to minimize the impact from odor and concentration of insects or rodents.

III. SPECIAL PROVISIONS

A. ASBESTOS WASTE

1. Asbestos waste may be disposed of in accordance with the applicable rules and regulations of the State Health Department or the hazardous waste requirements of this ordinance.

B. HAZARDOUS WASTE

1. No person engaged in the operation of solid waste landfills, resource recovery or solid waste processing facilities may knowingly store, treat, handle, or dispose of hazardous waste in amounts in excess of quantities normally found in household waste unless approved by the State Health Department.
2. Containers having hazardous waste in excess of normal household quantities, shall be marked to designate the content as toxic, explosive, or otherwise hazardous.
3. No person shall place hazardous waste in municipal solid waste or dispose of hazardous waste without approval of State Health Department.

C. INCINERATION AND ENERGY RECOVERY

1. All incinerators shall meet the requirements of the State Health Department.
2. No person shall install or operate an incinerator without obtaining a permit from State Health Department and Ransom County.
3. Applicant shall meet the requirements of this ordinance and all applicable rules of the state.

4. During operation, the operator shall comply with the following requirements:
 - a. Maintain permanent records for inspection on the quantity and type of material incinerated, the quantity of ash residue and schedule of plant operation.
 - b. Any discharges to the air, or to surface or ground water shall meet all applicable state and federal regulations

D. MAJOR APPLIANCES (WHITE GOODS)

1. No person shall dispose of major appliances, as defined in this ordinance, in a municipal waste landfill.

E. PESTICIDE WASTE

1. Surplus pesticides may not be discarded in any manner, including land filling, that endangers humans, animals, and the environment.
2. Any person who handles surplus agricultural pesticides and pesticide containers shall comply with applicable rules and regulations of the department.

F. PROBLEM MATERIALS

1. No person shall place lead-acid battery, or used oil in municipal solid waste or dispose of them in a municipal waste landfill.
2. Any person selling lead-acid batteries at retail or wholesale is required to accept lead-acid batteries from customers as trade-ins for new lead-acid batteries.
3. No person shall dispose of regulated infectious waste in a solid waste landfill.

G. WASTE TIRES

1. Waste tire collectors and processors shall meet all requirements of this ordinance and the State Health Department.
2. Waste tire collectors and processors excluding the following persons shall obtain a permit from Ransom County:
 - a. Retail tire sellers
 - b. Tire retreading operations
3. No person shall dispose waste tires in the Municipal solid waste landfills.
4. Waste tires shall be stored in a manner that will not create a nuisance, blight, health hazard or fire hazard.
5. Waste tires shall not be stored or disposed of in any stream wetland, gully, flood plain or shoreland.

H. PLANTING STRIPS, SHELTERBELTS: For the purpose of preventing hazardous accumulations of snow and to allow for future widening of public right-of-ways, the following minimum setbacks for planting strips and shelterbelts shall be required: 160 feet when located north and west of roads and 100 feet when located south or east of roads.

I. SANITARY REGULATIONS: All residential, commercial or industrial structures shall conform to the North Dakota Health Regulations as they refer to wells, irrigation, and septic and sanitary systems.

J. DAM CONSTRUCTION, EXCAVATION AND MINING OF SAND, GRAVEL, ROCK OR STONE BY ANY COMMERCIAL OPERATION.

1. Written evidence of a reclamation agreement with the surface owner.

2. Evidence of written agreement between the applicant and property owner that excavation or processing shall not take place within three hundred (300) feet of an adjacent property line or within five hundred (500) feet of an existing residence.
3. The applicant shall conform to all requirements regarding preservation, removal or relocation of historical or archaeological artifacts.
4. A road maintenance contract has been negotiated with the county and township stating responsibilities for maintaining the roads or bridges which are used as haul routes by the person removing and placing the gravel of fill material.
5. The applicant shall conform to all county and townships requirements regarding flooding of any road or bridge structure.

K. SUBSURFACE EXCAVATION: Upon termination of any subsurface excavation, the excavated land shall be reclaimed pursuant to reclamation laws of the state of North Dakota.

L. PUBLIC WILDLIFE MANAGEMENT AREAS: Before the county board may issue a conditional use permit to allow the transfer of land to public agencies or non profit organizations for use as open space, it shall negotiate with the owner/lessee:

1. A road maintenance contract specifying duties and responsibilities of the owner/lessee for access and through roads;
2. Duties and responsibilities of the owner/lessee for the control of noxious weeds in the wildlife management and conservation areas.

IV. PERFORMANCE STANDARDS

A. GENERAL STANDARDS

1. No solid waste facility shall be located in areas which result in impacts on human health or environmental resources or in areas unsuitable because of reasons of topography, geology, hydrology, or soils.
2. Sites for a new solid waste facility, or for lateral expansion of, or for municipal waste landfills, or for industrial waste landfills shall have favorable physical conditions. Sites shall have low permeability to prevent movement of contaminants.
3. No person shall dispose waste in the following areas:
 - a. Aquifers.
 - b. Public water supply designated well protection area.
 - c. Within one-hundred-year flood plain.
 - d. Where geological or man-made features may result in failure of the structural integrity of the facility.
 - e. Channels, ravines, whose slope is unstable due to erosion or mass movement.
 - f. Critical habitats for endangered or threatened species of plant, fish, or wildlife.
4. Unless there are no reasonable alternatives, the following areas shall be avoided for locating a solid waste facility:
 - a. Closer than 1/2 mile to a down gradient drinking water supply well and residence.
 - b. Closer than three hundred feet horizontally from the ordinary high water elevation of any surface water or wetland.
 - c. Closer than 1/2 mile to any local, state or national park.
5. No solid waste facility or lateral expansion shall be located within ten thousand feet of any commercial airport run-way or five thousand feet of any general aviation airport run-way.

6. A minimum horizontal separation of twenty five feet must be maintained between new or lateral expansion of solid waste management units and any above ground or underground pipeline or transmission.

B. DESIGN STANDARDS

1. Municipal Waste Landfills

- a. Any new or lateral expansion of a municipal solid waste landfill shall be underlain with a hydraulic barrier and leachate removal system capable of collecting and removing leachate and contaminated surface water within the landfill. The liner shall consist of:
 - (1) A natural soil liner constructed of at least four feet of natural soil ;
or
 - (2) A composite liner consisting of two components; the upper component must consist of a minimum thirty mill flexible membrane liner, and the lower component must consist of at least a two-foot layer of composted soil.
- b. The liner and leachate removal system in combination with the final cover shall achieve a site efficiency of ninety-five percent or better for rejection or collection of the precipitation that falls on the site.
- c. Methane and other gases from waste decomposition may not be allowed to migrate laterally from the landfill so as to endanger structures, environmental resources, or adjacent properties.

2. Industrial waste landfills

- a. Any new or lateral expansion of an industrial waste landfill shall be designed with an appropriate hydraulic barrier and leachate management system capable of collecting and removing leachate and contaminate surface water within the disposal unit.
 - (1) The system shall have a collection efficiency of ninety-five percent or better and must be capable of maintaining a hydraulic head of twelve inches or less above the liner.
 - (2) For landfills that receive waste containing soluble constituents, the liner shall consist of at least four feet of compacted natural soil.

(3) A composite liner is required for landfills receiving wastes which may contain leachate organic constituents. The liner shall consist of at least three feet of compacted clay overlain with at least a sixty mil flexible membrane liner.

(4) The liner and leachate removal system in combination with the final cover shall achieve a site efficiency of at least ninety eight and one-half percent or better for collection or rejection of the precipitation that falls on the site.

3. Inert Waste Landfills

- a. Access to the facility shall be controlled and the site shall be fenced or be adjacent to natural or artificial barriers.
- b. Disposal of agricultural waste, asbestos waste, hazardous waste, municipal waste, commercial waste, industrial waste, regulated infectious waste, liquid waste, radioactive waste and municipal incinerator ash is prohibited. Lime sludge from water treatment plants may be deposited in an inert waste landfill.

4. Recycling Facilities

Comment: Recycling facility by definition is the place where any material including yard waste, oil, glass, metal, plastic, paper, or cardboard is processed for an end use. Because of the nature of recycling facilities as permanent structures, A county and township zoning review and permit is required:

- a. The facility does not abut residential and public uses.
- b. The facility will be screened from the public right-of-way.
- c. The facility shall not be placed in the flood plain.
- d. The facility should meet setbacks and appropriate landscaping requirements of the zoning ordinance.
- e. The exterior storage of material shall be in covered, secured and sturdy containers or enclosures maintained in good condition.
- f. The site shall be free of litter and other undesirable materials. Containers shall be clearly marked to identify the type of material that may be deposited.
- g. Appropriate number of off-street parking for equipment and employees vehicles to be provided.

- h. There shall be a pest control plan for review and approval by the governing body.
- i. The facility should meet all other requirements of the zoning district and other local regulations. If the facility is permitted as a conditional use, the term of the conditions must be met literally.

5. Hazardous Waste Facilities

The design, construction and operation of hazardous waste facilities requires extensive analysis of the physical characteristics of the site and its relationship to other uses with long term potential impact in the future. Each facility shall be reviewed on a case by case basis.

C. CONSTRUCTION AND OPERATION STANDARDS

1. General Standards

- a. Every solid waste landfill or facility shall maintain equipment adequate for excavation, compaction, covering, surface water management and monitoring procedures.
- b. Roads shall be constructed and maintained to provide access to the facility. Access roads shall be cleaned and decontaminated as necessary.
- c. There shall be an adequate supply of suitable soil cover material, which may be stockpiled and protected from wind and water erosion.
- d. The final cover of all disposal facilities shall be designed and constructed in a manner that ensures the quality and integrity of the hydraulic barrier and the protective vegetative cover.
- e. The working face or open area of a landfill shall be limited in size to as small an area as practicable. Sequential partial closure must be implemented as necessary to keep the disposal area as small as practicable and to close the filled areas in a timely manner.
- f. The disposal of liquids, sludge's, and wastes containing free liquids in excess of household quantities is prohibited unless expressly authorized.
- g. In disposal facilities the owner or operator shall identify, quantify, remove, stockpile and maintain earthen materials suitable for plant growth for later use in closure.

- h. Vector control measures, in addition to the application of cover material, shall be used whenever necessary to prevent transmission of disease, hazards created by rats, flies, snakes, insects, birds, cats, dogs and other non-domestic animals.

2. Municipal Waste Landfills

- a. Facilities receiving on average over twenty tons of municipal waste per day shall have an attendant at or near the entrance to the facility to monitor, accept, or reject, measure and record wastes arriving at the facility.
- b. Solid waste shall be unloaded at the bottom of the working face of the fill. The waste shall then be spread in layers and compacted as densely as practicable. Each layer may not exceed a thickness of two-feet of material after compaction is completed.
- c. A uniform compacted layer of six inches or more of suitable earthen cover material shall be placed on all solid waste by the end of each working day. All cover shall be free of trash, garbage, or other similar waste.
- d. On all areas where final cover or additional solid waste will not be placed within one month, an additional six inches or more of compacted, clay-rich earthen cover material shall be placed.

3. Industrial Waste Landfills.

- a. All wastes deposited at the site shall be spread and compacted as densely as practicable to minimize waste volume and promote drainage of surface water.
- b. Waste disposal in industrial waste landfills shall be limited to those wastes identified in the permit application or permit. Regulated infectious waste, waste oil, hazardous waste, and radioactive waste may not be accepted for disposal at the landfill.
- c. On all areas of the industrial waste landfill where final cover or additional solid waste will not be placed within one month, eight inches or more of compacted clay-rich soil material or synthetic cover shall be placed to minimize the infiltration of surface water and to control windblown dust.

D. CLOSURE STANDARDS

1. The requirements of this section apply to all solid waste management facilities, unless otherwise specified.
 - a. Each owner or operator shall close a solid waste facility to:
 - (1) Minimize the need for further maintenance
 - (2) Control, minimize, or eliminate any scope of solid waste constituents, leachate, fugitive emission, contaminated run-off or waste decomposition product.
 - b. Closure shall be implemented within thirty days after receiving the final volume of waste and shall be completed within one hundred eighty days, unless approved by Ransom County and State Health Department
 - c. Each owner or operator shall prepare and submit a written closure plan as a part of the permitting process. The closure plan shall project time intervals at which closure is to be implemented, describe the resources and equipment necessary for closure, and identify closure cost estimates.
 - d. At closure, an owner or operator shall cover an existing unit with a layer of compacted soil material having a thickness of eighteen inches or more. The compacted layer must be free from cracks and extrusions of solid waste. A second layer of twelve inches or more of clay-rich soil material suitable for serving as a plant root zone must be placed over the compacted layer. At least six inches of suitable plant growth material must be placed over the covered landfill and planted with adapted grasses. The total depth of the final cover shall be three feet or more.

E. SURFACE IMPOUNDMENT STANDARDS

1. Applicability
 - a. The design, construction, and operating standards in this section apply to surface impoundment's that store or treat solid waste, sludge's containing free liquids, free liquids containing high concentration of dissolved solids, or liquids derived from processing or handling of solid waste.

- b. These standards are not applicable to:
 - (1) Surface impoundment's which treat waste water, the discharge of which is subject to other local, state and federal regulations;
 - (2) Surface impoundment's which handle agricultural waste;
 - (3) Lime sludge settling basins; and
 - (4) Basins used to collect and store storm water run-off

2. Design Standards

- a. New units shall have a compacted soil liner of a minimum of two feet or a flexible membrane liner which would control the migration of waste or waste constituents through the liner.
- b. The dikes shall be designed to maintain their structural integrity under conditions of leaking liner and capable of withstanding erosion.
- c. There shall be a free board equal to or greater than two feet to avoid overtopping from wave action or precipitation.

3. Operation Standards

- a. When a surface impoundment is in operation, it shall be inspected by the owner or operator monthly and after storms to detect:
 - (1) Deterioration, malfunction, or improper operation of control systems;
 - (2) Sudden drop in the level of impoundment's content; and
 - (3) Severe erosion, seepage, or other signs of deterioration in dikes or other containment devices.
- b. Prior to placing surface impoundment into operation or prior to renewed operation after six months or more during which the impoundment was not in service, a professional engineer must certify that the impoundment's dike and liner have structural integrity.

F. LAND TREATMENT STANDARDS

1. Applicability

- a. These standards shall apply to facilities that are used in treatment of solid waste. These standards do not apply to: facilities utilizing domestic sludge; agricultural wastes; inert waste, and infectious waste.

2. Requirements

- a. There shall be no standing water in active area.
- b. There shall be adequate waste storage facilities.
- c. All run-off shall be collected and treated.
- d. Slopes and other features that will lead to soil and waste erosion shall be avoided.
- e. There shall be access control to the site.
- f. There shall be no waste disposal area with standing water.
- g. There shall be no food chain crops during the active life of the facility and after closure until demonstrated to be safe.

G. INFECTIOUS DISEASE

1. Management Standards

- a. At the point of origin, regulated infectious waste shall be separated from other wastes and placed in distinctive containers that do not leak and are impervious, puncture resistant, and tear resistant. Bags and containers holding infectious waste shall be tied, closed or sealed securely to prevent leakage.
- b. The handling and storage of regulated infectious waste, shall be conducted in a manner which minimizes exposures to employees, transporters and the public.
- c. All regulated infectious waste shall be incinerated or disinfected and sharps that are not incinerated shall be rendered non-sharp before disposal
- d. Other non-regulated infectious disease material may be deposited at a municipal waste landfill.

B. FINANCIAL ASSURANCE

1. Requirements of this ordinance shall apply to all new, existing and expanded solid waste facilities.
2. Each owner or operator shall be required to submit to Ransom County a copy of the financial assurance plan and mechanism prepared for the State Health Department.

3. The governing body may require additional documentation and financial assurance as it deems necessary.
4. Publicly owned solid waste facility may generate the fund for closure and post-closure requirements from fees, charges and from other municipally available sources.

ARTICLE VI

Administration and Enforcement

*Ron Taylor
Ransom County
Administrator
See memo
of 3/3/98*

- I. Zoning Administrator: The Zoning Administrator shall be appointed by the Zoning Board. Duties of the Zoning Administration shall include:
- A. Issuance of all permits.
 - B. Conduct inspections of buildings.
 - C. Maintain records of the regulations and permit.
 - D. Transmit to the Zoning Board all applications for appeals, variances, or conditional use permits and all applications for amendments to the Ransom County Commission.
- II. County Zoning Board: The County Zoning Board shall be the Board of County Commissioners, and as such their duties will include:
1. Establishment of rules, regulations and procedures for the purpose of administering the zoning ordinance.
 2. Assist the Zoning Administrator in conducting inspection of buildings.
 3. Hear and decide appeals where it is adjudged by the applicant that an error in judgment has been made by the Zoning Administrator.
 4. Review and study from time to time, the provisions of the regulations.
 - A. Appeals: Any person aggrieved by the provisions of these regulations or by any order or determination of the Zoning Administrator may within 60 days of such action, petition for a hearing to the County Zoning Board. Such appeals shall be in writing, and shall specify in detail the grounds for the appeal.
 - a) All permits shall be approved by the city or township board and shall meet the requirements of the local ordinance.

Procedure:

- a) Appeals shall be filed with the Zoning Administrator.
- b) Within 30 days of filing the County Zoning Board shall fix a date for the hearing.
- c) Notice in writing shall be given to the petitioner at least 5 days prior to the hearing.
- d) Within 15 days after the hearing, the County Zoning Board Supervisors shall take action and shall mail by registered mail a copy of its order to the petitioner.
- e) The conditional use permit will be valid for a period of time set by the Board of County Commissioners. For the Solid waste permit to be approved sixty percent (60%) of all property owners within one-half (1/2) mile of the proposed location must approve of the proposed facility.

B. Variances: As used in this ordinance, a variance is authorized only for height, area, or size of structures or yards. Establishment or expansion of a use otherwise prohibited, shall not be allowed by a variance or shall a variance be granted because of the presence of nonconformity's in a zoning district. No variance shall be authorized unless the County Zoning Board finds beyond a reasonable doubt that all the following conditions exists:

1. That there are exceptional or extraordinary circumstances applying to the property in question or to the intended use of the property that do not apply generally to other properties or class or use in the same zoning district.

2. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by the other properties in the same zoning district and in the vicinity.
3. That the authorization of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of the regulation or the public interest.
4. The owner cannot otherwise obtain a reasonable return on this property.
5. The hardship is not self-created.
6. The variance request is the minimum necessary to permit a reasonable use of the land.

C. Authorized Conditional Use Permits:

1. **Public Hearing**

A public hearing shall be held for each conditional use application as provided by these regulations for other zoning changes and amendments.

2. **Data Submission Requirements**

Petitions for zoning district change and conditional uses shall be submitted with the following information:

- a) Legal description of the area proposed to be rezoned, the name and addresses of all owners of property lying within such area.

- b) A list of the names and addresses of the owners of all properties within one hundred and fifty (150) feet of the proposed property, excluding the width of the streets rights-of-way.
- c) A map showing the existing land uses and zoning district classification of the area.
- d) A site plan showing buildings and uses upon the lands proposed to be changed and the requested zoning district classification.

3. Standards

No application for conditional use shall be recommended for approval unless the County finds that all of the following conditions are present.

- a) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- b) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
- c) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- d) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

- e) That the conditional use shall substantially conform to all applicable regulations of the district in which it is located.

V. PERMITS AND PROCEDURES

A. APPLICATION PROCEDURE

All building permit requests will go to the townships if township is zoned.

1. For all new solid waste facilities a copy of pre-application materials submitted to the department shall be forwarded to Ransom County including:
 - a. Description of the site and the facility.
 - b. Projection of capacity, size, daily waste, receipts, type of waste accepted, description of operation, and cost.
 - c. A discussion of compliance with the local zoning ordinance and the District Solid Waste Management Plan.
 - d. General information related to the geology, hydrology, soils about the site from existing information.
2. An application may be filed after approval of the pre-application by the State Health Department and Ransom County.
3. An application for permit shall be submitted on forms provided by the State Health Department and Ransom County for any person desiring to establish, construct, or operate a solid waste facility. Application for solid waste facility permit shall include the following information:
 - a. A description of the categories of waste to be accepted.
 - b. Detailed geological hydrogeologic evaluation.
 - c. Soil data.
 - d. Engineering site plans and facilities specification.
 - e. Plan of operation
 - f. Surface and ground water protection provisions
 - g. Odors, dust and open burning control provisions
 - h. Fire protection provisions
 - i. Inspection, record keeping and reporting procedures
 - j. Access control
 - k. Operator training procedures
 - l. Construction quality assurance and quality control procedures
 - m. Closure and post-closure procedures

- n. Financial Assurance Provisions
 - o. Compliance with the local zoning ordinance
 - p. Conformance with the District Solid Waste Management Plan
5. Ransom County as a part of the public notice requirement by the department shall set a public hearing to afford the public an opportunity to hear the details of the proposed application and provide input. Notification for a public hearing shall be given no less than 10 days before the hearing and published in the official county newspaper. Written notice shall be sent to all property owners within 1/4 mile of the site by registered mail. Interested persons may submit written comments within 10 days after the public hearing.
6. If Ransom County finds the application consistent with the zoning requirements, the District Solid Waste Management Plan, may approve, deny or modify the permit within 30 days from the date of the public hearing.
7. In approving the site Ransom County shall determine if the proposed solid waste facility:
- a. Is consistent with District V Solid Waste Management Plan.
 - b. Is consistent with the Ransom County land use plan.
 - c. Is consistent with adjoining land uses.
 - d. Will provide for sufficient screening not to interfere with the adjoining uses.
 - e. Will not affect the health or safety of persons residing or working in the area.
 - f. Will not be detrimental to the public welfare or injurious to property or improvement.
 - g. Will not cause undue hardship for use, operation, sale of the properties.
 - h. Will not cause a discharge of pollutants into the air, the ground, or surface waters of the area.

C. CERTIFICATION OF OPERATORS

1. In order to be certified as a municipal landfill operator or as a municipal waste incinerator operator, an applicant must successfully pass an examination given by the State health department.
2. The department will hold annual training sessions and set guidelines for a minimum eligibility requirement.
3. Ransom County may impose additional requirements for certification of the operator if it deems it necessary.

D. PERMIT COMPLIANCE

1. All solid waste facilities shall be designed, constructed, operated and closed consistent with the provisions of the permit.

E. PERMIT MODIFICATION, SUSPENSION OR REVOCATION

1. Ransom County may modify a permit at the request of the applicant, adjoining property owners, or the governing body for a cause after a public hearing. The notification for public hearing shall be given at least ten days prior to the hearing in the official county newspaper.
2. If violations are not corrected within a reasonable time period the permit for a solid waste facility may be suspended, for a given period. During his period, the facility shall not receive waste until all violations are corrected.
3. If the violations are continued during the period of permit suspension, Ransom County may revoke the permit and require temporary closure. Once a permit is revoked, the owner or operator shall not resume the operation of a solid waste facility and shall apply for a new permit.

4. Violations of the permit shall be subject to a penalty under section VI of this ordinance.

G. PERMIT RENEWAL

1. Permits are issued for a period of one year.
2. Application for renewal of any permit shall be submitted at least sixty days prior to the expiration date of the permit.

H. PERMIT FEES

1. Fees for application permits shall be set by Ransom County to cover the cost of services rendered in administering and enforcing the solid waste ordinance.
 - A. Intermediate disposal facility
 - B. Solid waste landfill
 - C. Other solid waste management facility

I. AMENDMENT

1. Ransom County may amend the provisions of this ordinance from time to time to reflect needs, changing conditions, plans and programs, state of technology and the laws and rules of state.

J. SEVERABILITY

1. If any part, provision or section of this ordinance is declared invalid by a court of competent judgment, the remainder of the ordinance shall not be affected.

K. INDEMNIFICATION

1. This ordinance shall not be construed to hold Ransom County or its agents and representatives responsible for any damage to person or

property by reason of inspection or enforcement of its provisions, or by reason of approval, disapproval of equipment and facilities.

L. PENALTIES

A violation of this ordinance shall be punishable by a fine of not more than \$100 or by imprisonment for not more than 30 days or both. In addition, any person violating the ordinance shall pay all costs and expenses involved in the case. Each day such violation continues shall constitute a separate offense. The County may take such other lawful action necessary to prevent or remedy any violation as prescribed in Section 58-03-14 of the North Dakota Century Code.

M. FEES

For the purpose of administering this ordinance, fees may be established by the County Zoning Board.

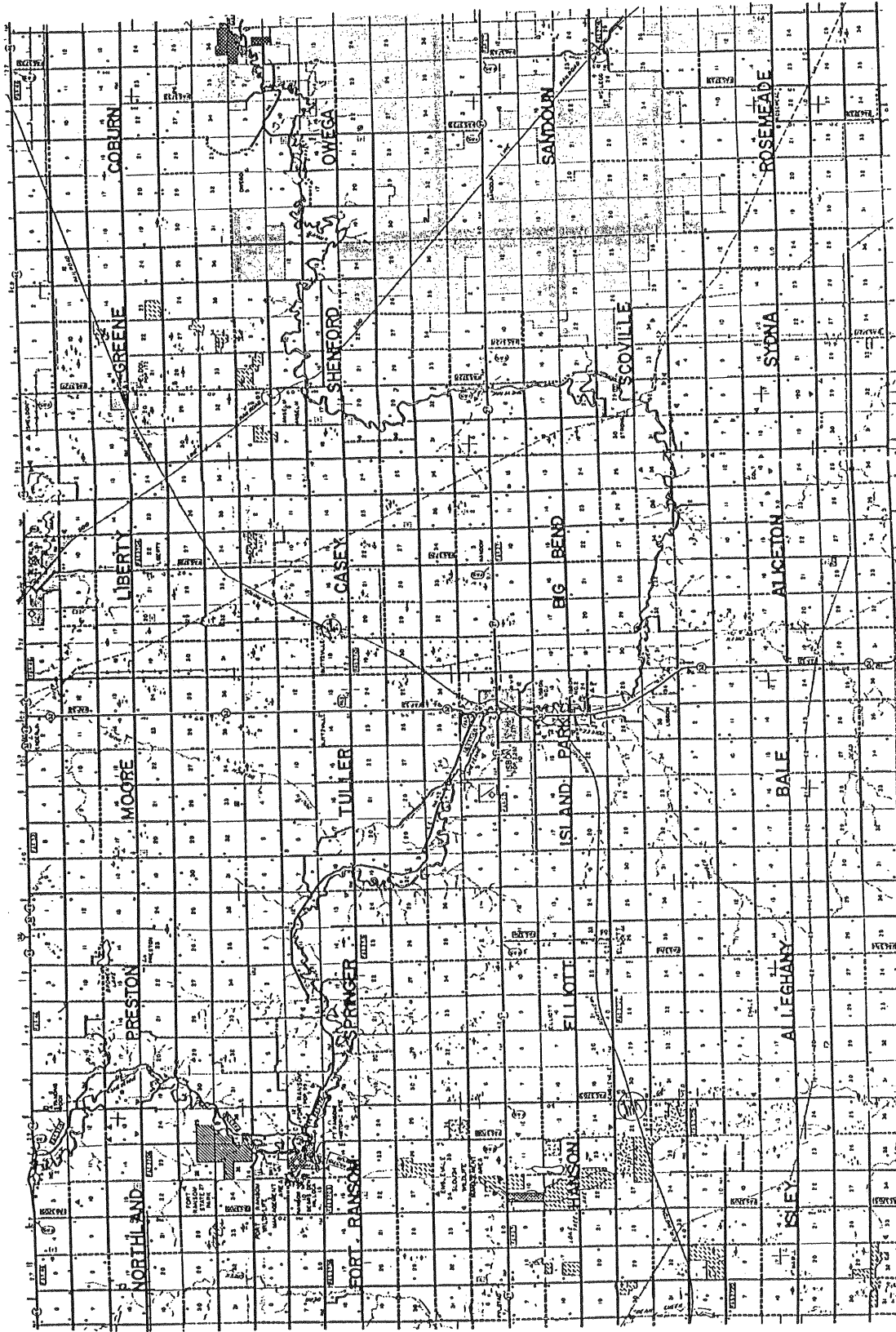
Adopted

6-7-94

Date

Ronald Turbenson

Vice Chairman



RANSOM COUNTY ZONING MAP

For the purpose of this Zoning
Map the entire County of Ransom
is zoned Agricultural.

Agricultural District

Date Adopted: _____
 BY: _____
 Chair, _____

Amended: _____

ORDINANCE 05-02

ORDINANCE ENACTING ARTICLE THREE OF THE SUBPARAGRAPH THREE OF RANSOM COUNTY, NORTH DAKOTA ZONING ORDINANCE RELATING TO ZONING: FEEDLOTS

NOW, THEREFORE,

III. Be It Ordained by the Board of County Commissioners of the Ransom County: This land-use ordinance for animal feeding operations includes the following sections.

1. General Provisions
 - 1.1 Definitions
 - 1.2 Equivalent Animal Numbers
 - 1.3 Environmental Provisions
 - 1.4 Enforcement
 - 1.5 Severability
2. Setback Requirements
 - 2.1 Water Resource Setbacks
 - 2.2 Odor Setbacks
3. Conditional Uses
 - 3.1 Permit Procedures
 - 3.2 Ownership Change
 - 3.3 Operational Change

1. GENERAL PROVISIONS

1.1 DEFINITIONS

Terms used in this ordinance have the same meaning as given by the laws and rules of the state of North Dakota, specifically chapter 33-16-03.1 of the North Dakota Administrative Code. The definitions for these terms are:

"Animal feeding operation: means a place where: livestock have been, are, or will be confined, concentrated and fed for 45 or more days in any 12 month period; pasture, crops, or other vegetation are not normally managed or sustained for grazing during the normal growing season; and, animal waste or *manure* accumulates. This term does not include an *animal wintering operation*. Adjoining animal feeding operations under common ownership are considered to be one

animal feeding operation, if they use common areas or systems for *manure* handling.

"Animal wintering operation" means the confinement of cattle or sheep used or kept for breeding purposes in a feedlot or sheltered area at any time between October 15 and May 15 of each production cycle under circumstances in which these animals do not obtain a majority of their feed and nutrients from grazing. The term includes the weaned offspring of cattle and sheep, but it does not include (1) breeding operations of more than 1,000 animal units or (2) weaned offspring which are kept longer than 120 days and that are not retained for breeding purposes.

"Due process" involves two essential elements; (1) notice and (2) an opportunity for a hearing. The notice must adequately describe the potential action that might affect the person(s) being notified and it must provide the person(s) a reasonable time to respond. If the person(s) request(s) a hearing, the hearing must be fair and allow the person(s) to present relevant evidence and arguments.

"Established Residence" - Any residence established by a personal presence, in a fixed and permanent dwelling with an intention to remain there.

"Existing" means in place and operating on the date this ordinance is effective.

"Livestock" means any animal raised for food, raw materials or pleasure, including, but not limited to, beef and dairy cattle, bison, sheep, swine, poultry and horses. Livestock also includes fur animals raised for pelts.

"Manure" means fecal material and urine from livestock, as well as animal-housing wash water, bedding material, rainwater or snow melt that comes in contact with fecal material or urine.

"Operator" means an individual or group of individuals, a partnership, a corporation, a joint venture, or any other entity owning or controlling one or more *animal feeding operations* or *animal wintering operations*.

"Setback boundaries" are from the feedlot building or fence to the property edge of residential zoned property and subject to Paragraph 3 of 2.2 Odor Setback.

"Shall" means that the requirement is mandatory, rather than optional.

"Surface water" means *waters of the state* located on the ground surface such as lakes, reservoirs, rivers and creeks.

"Waters of the state" means all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, and all other bodies or accumulations of water on or

under the surface of the earth, natural or artificial, public or private, situated wholly or partly within or bordering upon the state, except those private waters that do not combine or effect a junction with natural surface or underground waters just defined.

1.2 EQUIVALENT ANIMAL NUMBERS

An "animal unit equivalent" is a unitless number developed from the nutrient and volume characteristics of *manure* for a specific *livestock* type. The term "animal units" is used to normalize the number of animals (e.g., head) for specific *livestock* type which produce comparable bulk quantities of *manure*. The animal unit equivalents for types of *livestock* and the numbers of *livestock* for facility size thresholds of 300 animal units (a.u.), and so forth, are listed in the following table.

Livestock Type	Animal Unit Equivalent	Equivalent Numbers of the Livestock (hd) for Four Sizes (a.u.) of Animal Feeding Operations			
		300 a.u.	1,000 a.u.	2,000 a.u.	3,000 a.u.
1 horse	2.0	150 hd	500 hd	1,000 hd	2,500 hd
1 dairy cow	1.33	225	750	1,500	3,750
1 mature beef	1.0	300	1,000	2,000	5,000
1 beef feeder-finishing	1.0	300	1,000	2,000	5,000
1 beef feeder-backgrounding	1.0	300	1,000	2,000	5,000
1 mature bison	1.0	300	1,000	2,000	5,000
1 bison feeder	1.0	300	1,000	2,000	5,000
1 swine >55	0.4	750	2,500	5,000	12,500
1 goose or duck	0.2	1,500	5,000	10,000	25,000
1 sheep	0.1	3,000	10,000	20,000	50,000
1 swine, nursery	0.1	16,500	55,000	110,000	275,000
1 turkey	0.0182	16,500	55,000	110,000	275,000
1 chicken	0.01	30,000	100,000	200,000	500,000

1.3 ENVIRONMENTAL PROTECTION

The *operator* of a new facility for animal feeding is expected to locate, construct, operate and maintain the facility so as to minimize, reduce or abate effects of pollution on environmental resources and on public safety and health. The *operator* of an existing facility is expected to operate and maintain the facility so as to minimize, reduce or abate effects of pollution on environmental resources and on public safety and health. Each *operator* shall comply with applicable state laws and rules, including the laws and rules administered by the North Dakota Department of Health and with any permits granted by that department.

1.4 PENALTY

Any violation of this ordinance shall be guilty of a B misdemeanor and upon conviction thereof shall be fined and/or imprisoned as provided in Chapter 12.1-32 of the North Dakota Century Code. Each day that a violation of this ordinance continues shall be deemed a separate offense. Additionally to the foregoing penalty, any conviction of a violation of this ordinance shall include restitution of any expenses, including but not limited for testing, surveying, examination and testimony necessitated by the enforcement of this ordinance.

1.5 SEVERABILITY

If any paragraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this ordinance.

2. SETBACK REQUIREMENTS

2.1 WATER RESOURCE SETBACKS

The *operator* of a *new animal feeding operation* that has more than 1,000 animal units shall not locate or establish that operation:

- A. Within a delineated source water protection area for a public water system. The source water protection areas for water supply wells include the entire wellhead protection area. For the *surface-water* intakes of public water systems, source water protection areas include all or portions of the surface water that supplies the water for the public water system, including all or portions of the surface-water's shoreline.
- B. Within 1,200 feet (365.6 meters) of a private ground water well which is not owned by the *operator* or within 1,500 feet (457.1 meters) of a public ground water well which does not have a delineated source water protection area.

2.2 ODOR SETBACKS

The *operator* of a new facility for an *animal feeding operation* shall not locate that operation within the extra territorial zoning jurisdiction of an incorporated city or unincorporated village.⁷

An owner of property shall locate and establish a residence, business, church, school, public park or zone for residential use so as to provide a separation distance from any *existing animal feeding operation*. The separation distances, or

setbacks, are listed in the following table. An owner of property who is an *operator* may locate the owner's residence or business within the setbacks.

Setback Distances for *Animal Feeding Operations*

Number of Animal Units/Levels	Hog Operations	Other Animal Operations
fewer than 300	none	none
300-1000	0.50 mi (0.805 km)	0.50 mi (0.805 km)
1001 or more	0.75 mi (1.207 km)	0.50 mi (0.805 km)
2001 or more	1.00 mi (1.609 km)	0.75 mi (1.207 km)
5001 or more	1.50 mi (2.414 km)	1.00 mi (1.609 km)

The *operator* of a new or existing expanding *animal feeding operation* shall locate the site of that operation from existing residences, businesses, churches, schools, public parks and areas of property that are zoned residential so as to exceed the corresponding listed setback from these places.

Expanding shall mean a move to the next setback level.

The Ransom County Commission may, upon recommendation of the zoning commission increase or decrease a setback distance for a new and/or existing expanding *animal feeding operation* after consideration of the proposed operation's plans, if it determines that a greater or lesser setback distance is necessary or acceptable, respectively, based upon site conditions or demonstrable safety, health, environmental or public welfare concerns.

3. CONDITIONAL USES

3.1 PERMIT PROCEDURES

3.1.A. Applicability.

The *operator* of a new *livestock* facility or an *existing livestock* facility, which meets the definition of an *animal feeding operation* and which is a conditional (or special) use of land as listed below, shall apply for and obtain a conditional (or special) use permit.

1. A new *animal feeding operation* that would be capable of handling, or that expands to handle, more than 1,000 animal units is a conditional (or special) use of land.
2. An *existing animal feeding operation* that expands to handle more than 1,000 animal units is a conditional (or special) use of land.

Whenever the capacity of an *animal feeding operation* is expanded to handle more than 2,000 or 5,000 animal units, the *operator* shall apply for a new conditional (or special) use permit.

3.1.B. Procedure.

The Ransom County Commission may practice any or all of the provisions in the following subparagraphs in harmony with the permitting process of its general zoning regulations.

1. Application for a conditional use (or special use) permit shall be submitted to the Ransom County Commission for tentative approval. Applicant shall notify the Department of Health and provide proof of service to the Ransom County Commission.
2. The Applicant shall notify by certified mail all property owners having property within the corresponding odor setback distance of a proposed new *animal feeding operation*. This notification must occur within 21 days after filing the application with the County Auditor. The approval process utilized by the county shall include at least one advertised public hearing. The Ransom County Commission shall set the time and place for said hearings and the applicant shall be responsible for publication of the notice in the official county newspaper. Proof of advertisement shall be filed with the County Auditor by the Applicant.
3. Following tentative approval or denial of the application by the Ransom County Commission, the applicant shall be notified by letter of the decision, including conditions imposed, if any.
4. The applicant shall then forward its application for a conditional (or special) use permit, together with the tentative approval by the local government, to the North Dakota Department of Health.
5. Following a review by the Department of Health of the operator's application for a state permit, the Department of Health will notify the local unit of government of its decision.
6. The conditional (or special) use permit will become final following the granting of a permit by the Department of Health.
7. A conditional (or special) use permit granted to the operator of a new animal feeding operation shall be put into use within twenty-four (24) months, or the permit shall lapse and the operator may re-apply.

3.1.C. Application Requirements.

The application shall be in the same application as the North Dakota State Health Department permit application and should include:

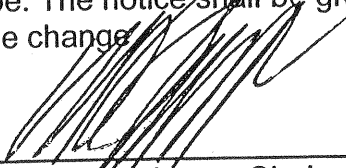
1. Proposed number of animal units.
2. Total acreage of the site of the facility.
3. Surrounding land uses and ownership, if the operation will have the capacity to handle more than 1,000 animal units.

3.2 OWNERSHIP CHANGE

An operator of a facility that includes an *animal feeding operation* having a permit granted by this ordinance shall notify the local unit of government of the sale, or the transfer of the ownership of that operation.

3.3 OPERATING CHANGE

An operator of a facility that includes an *animal feeding operation* having a permit granted by this ordinance shall notify the local unit of government of intent to include an alternate *livestock* type. The notice shall be given at least 120 days prior to the anticipated date of the change.



Wayne P. Jones, Chairman of the Board

6-20-05

Connie Gilbert
Connie Gilbert, County Auditor

First Reading: 6-7-05
Second Reading: 6-20-05
Publication: 7-04-05