

6.5.2.3 If the land is purchased by a public agency for such a purpose, the public agency shall arrange for compensating the township for the loss of the property tax.

6.5.2.4 When a township road provides access to the wildlife management area, a road maintenance agreement specifying the duties and responsibilities of the public agency shall be a part of the conditional use permit.

6.6 Feed Lots

6.6.1 Purpose

These regulations are designed to allow feed lots for feeding of livestock, furbearers and poultry at the same time protect the adjoining uses against odor, run off and other incompatible characteristics associated with feed lots.

6.6.2 General Requirement

- (1) All feedlots as defined by this code are only permitted as conditional uses subject to the provisions of this code and the requirements of the North Dakota State Health Department. Wherever the provisions of this ordinance conflict with the requirement of ND State Health Department, the more restrictive requirements shall apply.
- (2) All feedlots shall be designed and constructed with all reasonable preventative measures to avoid surface run-off including construction of sealed collection and retention ponds.
- (3) Where appropriate, there shall be sufficient drainage to avoid pollution of the ground and surface water from the standing effluents.
- (4) Feedlots shall not be placed in the floodplains.
- (5) The applicant, as a part of site approval application, shall submit a plan for removal and disposal of the liquid and solid waste generated by the feed lot.
- (6) 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 animal (e.g., head) for each 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.

- (7) An Animal feeding operation or AFO means a lot or facility (other than an aquatic animal production facility) where the following conditions are met: a) Animals (other than aquatic animals) have been, are, or will be stable or confined and fed or maintained for a total of 45 days or more in any 12-month period; and b) Crops, vegetation, forage growth, post-harvest residues are not sustained in the normal growing seasons over any portion of the lot or facility. All AFO shall apply to the setback distance as listed in the following table. In no event shall an AFO be located nearer than .50 miles from a residential platted development, Commercial Zoning district, or any city limits, park, cemetery, church, school or residence other than owner/operator's residence.
- (8) The requirements are not applicable to winter feedlots as defined in the definitions.

**Equivalent Numbers of the Livestock (hd)
for Four Sizes (a.u.) of Animal Feeding Operations**

Livestock Type	Animal Unit Equivalent	300 a.u.	1,000 a.u.
1 horse	1.0	300 hd	1,000 hd
1 dairy cow	1.33	225	750
1 mature beef	1.0	300	1,000
1 beef feeder - finishing	1.0	300	1,000
1 beef feeder - backgrounding	0.75	400	1,333
1 mature bison	1.0	300	1,000
1 bison feeder	1.0	300	1,000
1 swine, >55 lbs.	0.4	750	2,500
1 goose or duck	0.2	1,500	5,000
1 sheep	0.1	3,000	10,000
1 turkey	0.2	1,500	5,000
1 chicken	0.1	3,000	10,000

SETBACK DISTANCES FOR ANIMAL FEEDING OPERATIONS

NUMBER OF ANIMAL UNITS	HOG OPERATIONS	OTHER OPERATIONS
Small AFO * 100 - 299	1 mi.	0.50 mi.
Medium AFO* 300 - 999	2 mi.	1 mi.
Large AFO* 1000 or more	2 mi.	2 mi.

*Animal Feeding Operation

6.7 Animals Prohibited

Dangerous and/or exotic animals such as but not limited to lions, tigers, cheetahs, bears, venomous reptiles, alligators, etc. are prohibited except for traveling fairs, circuses, and brief veterinary care unless a conditional use permit is obtained.

6.8 Mining of Sand, Gravel, Clay and General Ground Excavation

6.8.1 Purpose

The purpose of these provisions is to provide for mining and extraction of materials for commercial uses, and to protect and preserve agricultural land by guiding such operations, and to minimize the traffic, noise, dust, fume and vibration impact on the adjoining uses and the city.

6.8.2 Site Approval Requirements

All excavation sites require approval by the Township. See definitions of "commercial gravel pit" and "private gravel pit". All new excavations are considered conditional uses and shall conform to provisions of the conditional use permit requirements of these regulations.

6.8.3 Data Submission Requirements

- (1) A site plan for operation and reclamation of the mined land including maps showing location of the land to be mined, location of roads and point of access to the site, adjacent residences within one mile of site, maps showing the existing and proposed contours after the land is mined and a time table for operation of the site. There will be a minimum 1 to 3 slope. All top soil shall be replaced and planted to natural protected vegetation.
- (2) Reclamation of the site shall be completed within one year of the resource being exhausted, abandoned or closure of the operation of the site.
- (3) Proof of compatibility with the existing landform including the vegetation, surface and ground water resources.
- (4) Bonding required as follows:

0 – 19 acres	no bond
20 – 39 acres	\$50,000
40 + acres	\$100,000

6.8.4 Proximity to Existing Uses

The operation of sand and gravel sites shall not be nearer than five hundred (500) feet from any residential uses.

6.8.5 Permit Requirements

Any person who operates a sand and gravel operation shall obtain a permit from the planning and zoning committee before starting any mining or excavation of the sand and gravel sites, and after review by the planning and zoning board and approval by the Township Board.

6.9 Garden Sheds

A garden shed shall be no larger than twelve (12) feet by twelve (12) feet and no greater than twelve (12) feet in height. Garden sheds shall be located no less than three (3) feet from the rear and side lot lines in rear corners of the property. There shall be no more than two (2) garden sheds on any zoning lot. Said structures shall have doors facing into the property.

6.10 Public Nuisances

The maintenance of public nuisances including, but not limited to noxious weeds, smoke, gases, radio interference, blighted structures or buildings, substantial noise in excess of 75 dB during the day and 65 dB at night, accumulation of junk, trash, rubbish, automobiles, dead or diseased trees shall be subject to the provisions of the Township.

6.11 Noise

Sustained noise of over 75 dB during the day and 65 dB at night is not allowed.

6.12 Recreational Vehicles and Travel Trailers

The use of recreational vehicles, travel trailers and other trailers used for temporary occupancy shall be limited to two hundred forty (240) days per year within the township. Storage of residents' recreational vehicles is unlimited.

6.13 Animal Units on Single Family Non-Farm Residential and Recreational Districts

1. Animal Units not exceeding one (1) unit per acre density provide that:
(a horse is considered one animal unit)
 - a. the parcel in question comprises an area of at least 3 acres, there shall be minimum of one (1) acres for one animal unit, and an additional acre for every additional animal unit kept on the property. More animal units on acreage will require a conditional use permit.

- b. the residential use area shall be separated from the area to be used as an animal enclosure by a fence, and that the entire animal enclosure area shall be fenced to prevent escape and subsequent damage to adjacent property.
- c. no structure intended for housing animals or any manure pile shall be closer than 500 feet from any residential structures other than that of the owner.
- d. all manure and other animal wastes be removed and disposed of properly on at least an annual basis.
- e. the number of animal units permitted shall be based on the size of the portion of the parcel to be used as an animal enclosure, and that animal enclosure area shall not be less than 2 acres.

6.14 Trees and Tree Plantings:

1. No person or persons, corporations or otherwise, whether owners or tenants of any property along the streets or roadways of the Township shall permit any trees to project less than eight (8) feet over the sidewalks, streets, and roadways, and twelve (12) feet above streets and roadways.
2. It is the duty of all persons, whether owners or tenants to keep the trees along public streets and roadways adjoining such property trimmed in such manner that trees shall not interfere with travel on said streets, roadways, and sidewalks.
3. No persons, firms or corporations shall plant any tree, shrub, or other vegetable growth except lawn grass on any road right-of-way, or within confines of the ditch back slope.
4. For the purpose of insuring reasonable visibility at street or roadway intersections, trees shall be trimmed to at least twelve (12) feet above street or roadway surface and eight (8) feet over sidewalks.
5. Hedges may be planted two hundred (200) feet from the center of road if they do not exceed a height of twenty-four (24) inches.
6. Shelterbelts shall not be planted closer than two hundred (200) feet from center of road.
7. Farmstead windbreaks set back shall be two hundred (200) feet away from center of road. Variances for trees and fences issued through appropriate highway officials: Township Supervisors.

from whom the appeal is taken, with directions to obtain such evidence and to reconsider the decision in light of such evidence. A concurring vote of three members of the Board of Township Supervisors shall be necessary to reverse any order, requirement, decision, or determination of an administrative official.

8.4.8 Review Criteria; Findings of Fact

An appeal shall be sustained only if the Board of Township Supervisors finds that the administrative official erred. Every decision of the Board of Township Supervisors shall be accompanied by written findings of fact specifying the reason for the decision. These findings shall be filed in the office of the Board of Township Supervisors within 15 days after the date of the final action.

RESOLUTION

Whereas, the Township Zoning Commission has approved this amended Township Zoning Ordinance, and recommends it adopted by the Township Board of Supervisors.

Now and therefore, be it resolved that the Township Board of Supervisors hereby adopts the Harlem Township Zoning Ordinance.

Ronda Throener

Township Clerk

7-20-04

Date

Gene Merson

Chairman

July 20, 2004

Date

