

ZONING ORDINANCE

FOR

BUCHANAN TOWNSHIP

STUTSMAN COUNTY

NORTH DAKOTA

Adopted June 8, 1978

Amended 3/15/2005

Amended 3/17/2026

This Zoning Ordinance was prepared by the Buchanan Township Zoning Commission and the Buchanan Township Board of Supervisors with technical assistance from the South Central Dakota Regional Council through its local assistance program of planning services to local governments within the South Central Dakota Region of North Dakota.

CURRENT MEMBERS: 3/17/2026

Buchanan Zoning Commission

Larry Nannenga, Chairman
Brian Amundson
Randy Blaskowski
Cathy Nannenga

Buchanan Township Officials

Larry Nannenga, Chairman
Brian Amundson, Supervisor
Randy Blaskowski, Supervisor
Cathy Nannenga, Clerk/Treasurer

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**ZONING ORDINANCE OF BUCHANAN TOWNSHIP
STUTSMAN COUNTY, NORTH DAKOTA**

A. Authority

This ordinance is adopted under the authority granted by Chapter 58-03-11 to 58-03-15 of the North Dakota Century Code.

B. Title

This ordinance shall be known as the "Zoning Ordinance of Buchanan Township, Stutsman County, North Dakota".

C. Purpose & Intent

The Purpose of this ordinance is to promote the public welfare, health and safety; to secure the orderly development of the township; and to protect the natural resources of the township.

D. Severability

If any part of this ordinance is adjudged invalid by a court of competent jurisdiction the remainder of this ordinance shall not be affected thereby.

E. Effective Date

This ordinance shall be effective after a public hearing and adoption by the Board of Township Supervisors.

**SECTION II
GENERAL PROVISIONS**

A. Jurisdiction

The jurisdiction of this ordinance shall be all lands within Buchanan Township, Stutsman County, North Dakota. Exclusive of those areas within the of City of Buchanan.

B. Amendments

The Board of Township Supervisors may, from time to time, on their own motion, or on petition, or on recommendation of the township residents, amend, supplement, or repeal provisions of this ordinance after a public hearing.

C. Non-Conforming Uses

The lawful use of a building, structure or premises existing at the time of the adoption or amendment of this ordinance may be continued although such use does not conform with the provisions of this ordinance. The total structural repairs or alterations in such a non-conforming use shall not, during its life, exceed 50% of the assessed value of the building or structure unless permanently changed to a conforming use. If a non-conforming use is discontinued for a period of 12 months, any future use of the building, structure or premises shall conform with this ordinance.

D. Land Suitability

1. No land shall be used for seasonal or permanent uses because of inadequate drainage, soil limitations, or any other condition likely to be harmful to the health and safety of the users of the area or harmful to the township.
2. Where uncertainty exists as to the suitability of the land for on-site septic and drain field waste water systems, the applicant for a building permit shall be required to have a permeability test performed, on the lot or lots involved, by a recognized soil testing agency in order to determine the soil characteristics of the property. If the test results show the property is unable to accommodate septic and drain field system or the applicant is not able to provide a method of waste water disposal which is within the ability of the lot soils to absorb without negative effects to adjoining lots, no building permit shall be issued. Recognized testing agencies shall be registered engineers and/or firms certified to determine engineering characteristics of soils.

E. Conditionally Permitted Uses

1. No application for a conditional use permit shall be granted by the Board of Township Supervisors unless all of the following conditions are present:
 - a. that the uses, values and enjoyment of other property in the area shall in no foreseeable manner be impaired or diminished by the conditional use;
 - b. that the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare of the residents of the township;

- c. that the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
- d. that adequate utilities, access roads, drainage, and other necessary site improvements have been or will be provided;
- e. that the conditional use shall conform to all applicable regulations of the district in which it is located.

F. Construction Requirements

- 1. All structures or dwellings erected within or moved into the township shall be of new construction materials.
- 2. All mobile homes placed on private lots within the township shall rest on a permanent foundation unless within a designated mobile home court in the RESIDENTIAL DISTRICT.

G. Planting of Trees, Shrubbery & Fencing

Minimum setback of any non-farm vegetation exceeding 48" in height, which is left standing after November 1st of any year, shall be 100 feet from the right-of-way of any paved or graveled road.

There shall be no barbed wire fencing permitted in a residential district.

SECTION III ZONING DISTRICTS

For the purposes of this ordinance, Buchanan Township is divided into the following districts:

- (A) AGRICULTURAL DISTRICT
- (R) RESIDENTIAL DISTRICT
- (C) COMMERCIAL/INDUSTRIAL DISTRICT

A. Zoning District Map

The location and boundaries of the zoning districts are hereby established as shown on the "Zoning District Map of Buchanan Township", on file at the office of the Zoning Administrator. The Zoning Administrator shall regularly up-date the Zoning District Map to show any changes in the zoning district boundaries resulting from amendments to the zoning ordinance.

1. Location of District Boundaries.
 - a. where the zoning district boundary lines are indicated as following highway, road, or railroad right-of-way, such lines shall be construed to be the centerline of said rights-of-way unless clearly shown to be contrary on the Zoning District Map.
 - b. where uncertainty exists as to the exact location of the zoning district boundary lines, the Board of Supervisors shall determine the location of such boundary lines.

B. (A) AGRICULTURAL DISTRICT

1. Permitted Uses:
 - a. Farms and the activities normally associated with farming.
2. Conditionally Permitted Uses:

(below listed uses in the AGRICULTURAL DISTRICT require the approval of the Board of Supervisors- see Section II. E. 1. (a) (b) (c) (d) (e) of ordinance

 - a. Single family dwellings
 - b. Churches
 - c. Golf Courses
 - d. Public parks & playgrounds
 - e. Schools
 - f. Airports
 - g. Cemeteries
 - h. Radio & television towers
 - i. Sanitary Landfills
 - j. Grain elevators
 - k. Mineral extraction including sand & gravel
 - l. Utility & transmission lines & facilities
 - m. Home Occupations
3. Area & Density Regulations
 - a. The minimum buildable lot in the AGRICULTURAL DISTRICT shall be at least two (2) acres in area with a minimum width of at least 200 feet.

4. Setback Regulations

- a. Structures erected in the AGRICULTURAL DISTRICT shall have a minimum setback of 200 feet from all road & highway right-of-way.
- b. Structures erected in the AGRICULTURAL DISTRICT shall have a minimum setback of 50 feet from all side and rear lot lines.

C. (R) RESIDENTIAL DISTRICT

1. Permitted Uses:

- a. Farms and the activities normally associated with farming
- b. Single family dwellings
- c. Churches
- d. Schools
- e. Public parks & playgrounds

2. Conditionally Permitted Uses:

(below listed uses in the RESIDENTIAL DISTRICT require the approval of the Board of Supervisors- see Section II. E. 1. (a) (b) (c) (d) (e) of ordinance.

- a. two or more family dwelling units
- b. hospital and nursing homes
- c. public building and facilities
- d. home occupations
- e. mobile home courts

3. Area & Density Regulations

- a. The minimum buildable lot in the RESIDENTIAL DISTRICT shall be at least 87,120 sq. feet (2 acres) in area with at least 200 feet of frontage.
- b. No principle and/or accessory building shall occupy more than 30% of the lot area.

4. Setback Regulations

- a. Structures erected in the RESIDENTIAL DISTRICT shall have a minimum of 175 feet of setback from road and street right-of-way.
- b. Structures erected in the RESIDENTIAL DISTRICT shall have a minimum of 50 feet of setback from all side and rear lot lines.

5. Mobile Home Courts
 - a. All mobile home courts shall provide for a common sewer and water system and shall meet the requirements of the North Dakota State Health Department and the Stutsman County Health Department.
- D. (C) COMMERCIAL & Industrial District
 1. Permitted Uses:
 - a. Farms and the activities normally associated with farming.
 - b. Retail sales establishments requiring a North Dakota sales tax permit.
 2. Conditionally Permitted Uses:
(below listed uses in the COMMERCIAL & INDUSTRIAL DISTRICT require the approval of the Board of Supervisors- see SECTION II. E. 1. (a) (b) (c) (d) (e) of ordinance).
 - a. All manufacturing activities
 - b. auto and machinery repair shops
 - c. junk yards
 3. Area & Density Regulations
 - a. The minimum buildable lot in the COMMERCIAL & INDUSTRIAL DISTRICT shall be at least 87,120 sq. feet (2 acres) in area with at least 200 feet of frontage.
 4. Setback Regulations
 - a. Structures erected in the COMMERCIAL & INDUSTRIAL DISTRICT shall have a minimum setback of 175 feet from all road and street right-of-way.
 - b. Structures erected in the COMMERCIAL & INDUSTRIAL DISTRICT shall have a minimum of 50 feet of setback from all side and rear lot lines.

SECTION IV

ADMINISTRATION AND ENFORCEMENT

The Board of Supervisors of Buchanan Township shall assume the following responsibilities and duties in the administration of this zoning ordinance and in accordance with Chapter 58-03-11 to 58-03-15 of the North Dakota Century Code.

A. Duties of the Board of Supervisors:

1. Establish and administer the rules and procedures for conducting the zoning affairs of the township;
2. Approve or deny permits and applications;
3. Conduct hearings on conditional use permits and zone changes;
4. Establish requirements and procedures for submission of applications;
5. Publish notice of zoning hearings and posting of notice of zoning amendment on the affected site;
6. Establish fees, bonding and accounting thereof;
7. Issue Building Permits and Certificates of Compliance;
 - a. A building permit and a certificate of compliance shall be required for all new and/or structurally altered uses within any zoning district. Farms and the normally associated activities of farming are exempt.
8. Hear appeals from any person, party, firm or organization aggrieved by the actions or decisions of the zoning administrator;
9. Authorize variance from the terms of this ordinance when the literal enforcement of the provisions would result in undue and unnecessary hardship to a property owner. Variance shall be limited to the size of buildable lots, setbacks, density regulations, and side/rear yard regulations. Application for variance must show that hardship is not the result of the action of the owner or other persons having an interest in the property.

B. Zoning Administrator:

The Board of Supervisors may appoint an administrator to carry out the directives and duties as assigned by the Supervisors. Said administrator will be directly responsible to Board of Supervisors.

1. The administrator shall:
 - a. attend all hearings;
 - b. maintain up-dated copies of the zoning ordinance and Zoning District Map;
 - c. keep copies of all records and take applications for permits, conditional uses and zoning changes;
 - d. post notice of amendments on affected sites and post notice of hearings in the official paper of the township;
 - e. carry out other duties as assigned by the Board of Supervisors.

C. Building Permits:

1. It shall be unlawful for any person to commence excavation for or construction of any building or structure or structural changes in any existing building or structure without first obtaining a building permit. Buildings used in farming and the normal activities of farming are exempt.
2. Fees for building permits shall be set by the Board of Township Supervisors.
3. Any permit issued pursuant to these provisions shall expire 24 months from the date of issuance.
4. No building permit shall be issued unless an application for a building permit shall have been filed in writing at the office of the zoning administrator. Such application shall state the name of the applicant, contractor, location of the lot or lots involved, lot area, lot frontage, and building setbacks for all lot lines. The application shall be accompanied by a plat of the lot or lots involved and other such information as may be required by the Board of Supervisors in order to ensure compliance with the intent of this ordinance. If a building permit is denied, the applicant shall be informed in writing the reason or reasons for denial.

D. Certificate of Compliance

1. No new or altered building or structure shall be occupied until a Certificate of Compliance shall have been issued to verify conformity of the building or structure with the specifications set forth in the building permit application.

E. Violations and Penalties

A violation of this ordinance is an offense punishable by a fine not to exceed \$50.00. Each day the violation exists shall constitute a separate offense. Whenever a violation of this ordinance occurs, any person may file a complaint in regard thereto at the office of the zoning administrator or with the Board of Township Supervisors.

If any building or structure is erected, constructed, repaired, altered, enlarged, converted, maintained or moved, or if any building or structure or land is used in violation of this ordinance, the zoning administrator shall order, in writing, the correction of such violation. If within thirty (30) days or such longer time as the zoning administrator may in writing authorize, any such conditions have not been corrected, the administrator shall cause appropriate action to be instituted for correction or abatement.

The zoning administrator or township attorney or other official designated by the Board of Supervisors may institute appropriate action or proceedings for the purpose of:

1. Preventing any violation.
2. Restraining, correcting or abating such violation.
3. Preventing the occupancy of any building, structure or land in violation of this ordinance.
4. Preventing any legal act, conduct, business or use in or about any building, structure or land in violation of this ordinance.

F. Appeals:

The Board of Supervisors shall herein decide appeals for and shall review any order, requirements, decisions or determination of the zoning administrator and shall herein decide all matters referred to it or upon which it is required to pass under this ordinance. With the concurring vote of two members, the Board of Supervisors may reverse any order, requirement, decision or determination of the zoning administrator, may decide in favor of the applicant on any matter requiring its approval under this ordinance and may permit any variation from the ordinance regulations or make any interpretation.

Such appeal shall be taken within such time as shall be prescribed by rule of the Board of Supervisors, by the filing with the officer from whom the appeal is taken and with the Board of Supervisors, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken forthwith shall transmit to the Board of Supervisors all papers constituting the record upon which the action appealed from was taken.

G. Variance

Should the Board of Supervisors find that any of the regulations in this ordinance would cause unnecessary hardship or practical difficulty, it may permit such variations therefrom as are not contrary to the intent and purpose of these regulations or other applicable law, or the comprehensive plan, nor contrary to the essential character of the neighborhood, or to the public good, welfare and interest.

SECTION V

DEFINITIONS

For the purpose of this ordinance, certain words or phrases used herein are defined as follows:

1. Accessory building - a subordinate building, the use of which is customarily incidental to the main building or use of the premises such as a garage.
2. Board of Adjustment - the body authorized to hear appeals on the enforcement of this ordinance and its provisions and to grant variances. For the purposes of this ordinance, the Board of Adjustment shall be the Board of Township Supervisors.
3. Buildable Lot - any tract of land of at least sufficient size to meet the zoning requirements for use, coverage, area, and yards as required by this ordinance.
4. Building Permit - a certificate stating construction or alterations may take place in accordance with this ordinance.
5. Certificate of Compliance - a certificate stating compliance has been made with the regulations of this ordinance. Issued following the completion of construction or alteration of use.

6. Conditional Use - an exception from permitted uses within a district provided such exception is stated in this ordinance and will not be detrimental to the district and will serve the public welfare.
7. Dwelling, Single family- a detached residential unit designed for and occupied by one family.
8. Dwelling, Multi-family - a residential unit designed for occupancy by two or more families.
9. Farm - an agricultural production unit of at least forty (40) acres in size and must meet requirements from Stutsman County Tax Assessor for Farm Residential Exemption.
10. Home occupation - a gainful occupation conducted by members of the family within the residence or accessory buildings on the lot provided that no goods or service are sold other than those produced on the premises.
11. Setback - the distance within a property which is required between any structure or use and the adjacent right-of-way or property line of an adjoining lot.
12. Variance - a relaxation of the terms of the zoning ordinance to provide relief for a property owner when an undue hardship or some peculiar difficulty is imposed by this ordinance. Variance is limited to height, bulk, density and yard requirements which are peculiar to the property and not the result of the actions of the owner.
13. Junk Yard- any property containing ten (10) or more non-running or unlicensed vehicles is considered a junk yard. Junk yards are only allowed in Commercial/Industrial zoned areas.
14. Structures - anything constructed or erected on or under the ground or attached to something on or under the ground.

Section VI

BUCHANAN TOWNSHIP

LIVESTOCK ORDINANCE

AMENDED 3/15/2005

To adopt exact replica of Stutsman County Livestock Zoning Ordinances into the existing Buchanan Township Zoning ordinances without relinquishing Township control. (As per County Memorandum dated 1/26/2005).

AMENDED 3/17/2026

Replace references to Stutsman County Commission to Buchanan Township Board, and Auditor to Buchanan Township Clerk.

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SECTION 2.9 ANIMAL FEEDING OPERATIONS

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2.9.1 General Provisions

2.9.1A 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 of the North Dakota Administrative Code. The definitions for these terms and for additional terms (bold print) are:

"Agriculture (Farming, Ranching)" means the art or science of cultivating the soil and activities incidental thereto; cultivating land for production of agricultural crops or livestock; raising, feeding, or producing livestock, poultry, milk, or fruit. The term shall include incidental retail selling by the producer of products raised on the premises, provided that space necessary for parking of vehicles of customers shall be furnished off the public right-of-way. The term does not include producing timber or forest products, nor does the term include a contract whereby a processor or distributor of farm products or supplies, provides grain, harvesting grain, or other farm services. See also Section 11-33-02 of the North Dakota Century Code.

This definition shall replace the definition of agriculture as stated on page 2 of these Ordinances.

"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. Two or more feeding operations under common ownership shall be considered a single animal operation, if they use a common system for manure handling.

"Animal Feeding Operation Structure" means lagoon, formed manure storage, wash water storage structure, earthen manure storage basin, or any animal confinement building.

"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 150 days and that are not retained for breeding purposes.

"Applicant" means an individual, corporation, group of individuals, partnership, joint venture, owners, or any other business entity having charge or control of one or more animal feeding operations.

"Aquifer" means a geologic formation, group of formations, or part of a formation capable of storing and yielding ground water to wells and springs.

"Closure" means taking of those actions to close and reclaim a feedlot. Closure actions may include, but are not limited to, cleaning of buildings, disposal of manure, and demolition and/or removal of all manure storage structures.

"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.

"Earthen Manure Storage Basin" means an earthen cavity, either covered or uncovered, which, on a regular basis, receives waste discharges from an animal feeding operation and from which accumulated wastes from the basin are removed at least once a year.

"Established Residence" means any residence established by a personal presence, in a fixed and permanent dwelling with an intent to remain there.

"Existing" means an animal unit handling facility in place on the date this ordinance is effective.

Farming"- see Agriculture

"Feedlot" - delete definition as found on page 4 of these Ordinances.

"Flood plain" means lowland and relatively flat areas adjoining inland and coastal waters that are inundated by a one-hundred (100) year flood.

"Ground Water" means water below the land surface in a geological unit in which soil pores are filled with water and the pressure of that water is equal to or greater than atmospheric pressure.

"Lagoon" means an impoundment made by excavation or earth fill for biological treatment of animal or other agricultural wastes. Lagoons can be aerobic, anaerobic or facultative, depending on their loading and design.

"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.

This definition shall replace the definition of livestock as defined on page 5 of these Ordinances.

"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.

"Pollution, Air" means the presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as is or may be injurious to human health, welfare, or property, animal, or plant life or which unreasonably interferes with the enjoyment of life or property.

"Pollution, Water" means manmade or man-induced alteration of the physical, chemical, biological integrity of any Waters of the State.

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

"Source-Water Protection Area" means a boundary which defines the surface and subsurface area surrounding a water well or a well field, which supplies a public water system and through which contaminants are likely to move toward and reach such water well or field.

"Stream" means any running body of surface water that ordinarily flows within a channel. This includes both perennial and intermittent streams.

"Surface water" means water 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, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, 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.

2.9.1B 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 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 500 animal units (a.u.) and so forth, are listed in the following table.

Livestock Type	Animal Unit Equivalent	Equivalent Numbers of Livestock (hd) for Four Sizes (a.u.) of Animal Feeding Operations			
		500 a.u.	1,000 a.u.	2,000 a.u.	5,000 a.u.
1 horse	2.0	250 hd	500 hd	1,000 hd	2,500 hd
1 dairy cow	1.33	375	750	1,500	3,750
1 mature beef	1.0	500	1,000	2,000	5,000
1 beef feeder finishing	1.0	500	1,000	2,000	5,000
1 beef feeder backgrounding	0.75	666	1,333	2,667	6,667
1 mature bison	1.0	500	1,000	2,000	5,000
1 bison feeder	1.0	500	1,000	2,000	5,000
1 swine, > 55 lbs	0.4	1,250	2,500	5,000	12,500
1 goose or duck	0.2	2,500	5,000	10,000	25,000
1 sheep	0.1	5,000	10,000	20,000	50,000
1 swine, nursery	0.1	5,000	10,000	20,000	50,000
1 turkey	0.0182	27,500	55,000	110,000	275,000
1 chicken	0.01	50,000	100,000	200,000	500,000

2.9.1C 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.

2.9.1D HOLDING FACILITIES

Earthen Manure Storage Basin

- (a) Plans for an earthen structure for any operation shall be approved by Professional Engineer (P.E.) Registered in the State of North Dakota.
- (b) Soil testing to determine the engineering properties of the earthen structure and natural liner materials shall be conducted under the supervision of a qualified professional soil scientist.
- (c) The bottom side slopes shall be made of relatively impervious material that will permit a maximum seepage rate not to exceed 1/56 inch per day.
- (d) The bottom of the storage facility shall be at least four (4) feet above the highest water table elevation.
- (e) Any manure storage structure which is unused or abandoned for three (3) or more years shall have proper closure to the satisfaction of the State Health Department.

All manure holding facility valves shall have proper security measures to prevent accidental or malicious opening:

2.9.1E ENFORCEMENT

2.9.1E(1) Township Zoning Administrator

This Animal Feeding Operation Ordinance shall be administered by the Township Board with supervisory assistance from the Township Zoning Administrator and supplemental assistance from other Township departments. The Zoning Administrator shall have the following duties.

- (a) Conduct preliminary administrative reviews of permits, management plans and other information as required by this Ordinance and forward recommendations for disposition to the Township Board.
- (b) If there is probable cause to believe work is being done or a condition exists that is contrary to the provisions of this Ordinance, the Zoning Administrator may recommend to the Township Board that a stop work order be issued. Such notice shall be served upon the owner and/or operator in accord with the provisions of Rule 4 of the North Dakota Rules of Civil Procedure.
- (c) Mail notice of authorization to proceed to the owner and/or operator after the Township Board has determined that a violation of this Ordinance, for which a stop work order was issued, has been remedied.
- (d) Review applications to ensure compliance with this Ordinance.
- (e) Mail permits issued by the Township Board to the owner and/or operator.
- (f) Maintain records and permits as required by this Ordinance. Any records required to be maintained by the State Health Department shall be provided by the Zoning Administrator upon request.
- (g) Provide open records to feedlot owners and operators and the general public concerning this Ordinance in accord with the open records laws.
- (h) Inspect feedlot operations to insure compliance with the standards of this Ordinance.

2.9.1E(1) Township Board

The Township Board has responsibility for decisions on zoning. Although the Board may use the Planning and Zoning Commission or the Zoning Administrator to administer files, investigate complaints, devise draft policies, and/or recommend stop work orders or revocation of permits; final decisions on matters of zoning, including but not limited to: whether to issue or lift a stop work order, whether to grant or revoke a permit, are matters for the discretion of the Township Board; not delegation.

In the event of a violation of this ordinance or a judgement on a civil action by the North Dakota Department of Health, the Township, after due process, can order cessation of a facility for animal feeding within a reasonable period of time and until such time as the operator corrects or abates the cause(s) of the violation. The Township may institute appropriate actions or proceedings, including but not limited to, requesting injunctive relief, to prevent, restrain, correct or abate such violations. If the cause(s) of the violation are not remedied within a reasonable period of time as set by the Township, the permit may be revoked. All costs incurred for corrective action may be recovered by the Township in any manner recommended by the Office of the States Attorney. These and other remedies, as determined appropriate, may be

imposed upon the owner, operator or other responsible person either in addition to or separate from other enforcement actions.

2.9.1F PENALTY

If any Animal Feeding Operation is in violation of any portion of this Ordinance or regulation thereunder, the offending party may be criminally prosecuted under the provisions of North Dakota Century Code section 11-33-21, a class B misdemeanor.

If such violations are not remedied within a reasonable period of time as set by the Board of Buchanan Township Supervisors, the Special Use Permit for Animal Feeding Operations may be revoked. Such notice shall be served upon the owner or operator according to the North Dakota Rules of Civic Procedure.

2.9.1G 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.

If the application of this Ordinance to any particular property, building, or structure is for any reason held to be invalid or unconstitutional by a decision of competent jurisdiction, such decision shall not affect the validity of any other property, buildings, or structures.

2.9.1H CLOSURE AND ABANDONMENT

The landowner, owner and operator of any concentrated animal feeding operation shall be responsible for the ongoing management of manure and the final closure of the feedlot including the cleaning of buildings and proper disposal of manure from all manure storage structures and demolition and/or removal of all manure storage structures.

Owners and operators of any concentrated animal feeding operation shall have joint and several liability for clean-up, closure or remedy of abandoned sites.

2.9.1I COMPLAINTS

Any complaint against a Concentrated Feeding Operation must be in writing and signed.

All such complaints shall be investigated by the Zoning Administrator and, if necessary, referred to the State Department of Health or other appropriate agency. The Stutsman County Sheriff will assist the Zoning Administrator by conducting investigation of complaints of zoning ordinance violations.

2.9.2 SETBACK REQUIREMENTS

2.9.2A WATER RESOURCE SETBACKS

The operator of a new animal feeding operation that has more than 500 animal units shall not locate or establish that operation:

A. Within $\frac{1}{2}$ mile of a delineated source of water protection area for a public water system. 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 a designated 100 year flood plain.

2.9.2B ODOR SETBACKS

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	Hog Operations	Other Animal Operations	
fewer than 500	none	none	
501- 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)	
	Animal Units	Hog Operations	Other Animal Operations
Federal or State Highway ROW	Less than 500	None	None
	500 to 1,000	$\frac{1}{2}$ Mile	$\frac{1}{2}$ Mile
	1,001 to 10,000	$\frac{1}{2}$ Mile	$\frac{1}{2}$ Mile

	More than 10,000	1/2 Mile	1/2 Mile
County Road ROW and Adjacent Property Lines	Less than 500	None	None
	500 to 1,000	150 Feet	150 Feet
	1,001 to 10,000	150 Feet	150 Feet
	More than 10,000	150 Feet	150 Feet

The operator of a new animal feeding operation shall locate the site of that operation from the above stated existing areas so as to exceed the corresponding listed setback.

If notified in writing by an operator of a planned future expansion of an animal feeding operation, the local unit of government may implement the corresponding odor setback for a temporary time period not to exceed two years, after which time the setback will remain in effect only if the expansion was completed.

The Township may, upon recommendation of the Planning and Zoning Commission or Zoning Administrator, increase or decrease a setback distance for a new 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.

2.9.3 CONDITIONAL USES

2.9.3A PERMIT PROCEDURES

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 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 500 animal units is a conditional (or special) use of land.
2. An existing animal feeding operation that expands to handle more than 500 animal units is a conditional (or special) use of land.

Whenever the capacity of an animal feeding operation is expanded to handle more than 1,000 or 10,000 animal units, the operator shall apply for a new conditional (or special) use permit.

Whenever a signed complaint has been received by the Zoning Administrator or the North Dakota Health Department and inspection reveals that the animal feeding operator should have had a permit pursuant to this Ordinance, the operator shall apply for a Special Use Permit.

Whenever a change in ownership or operational control occurs, the new owner or operator shall apply for a new Special Use Permit.

The Zoning Administrator will review permit applications and forward them with recommendation for approval or denial to the Township Board. If the recommendation is denial, the Zoning Administrator will give the reasons for that recommendation in writing to the Board and the applicant. The Board's consideration of the application will be taken up at a meeting of the Board noticed in accord with the open meetings laws. The Discussion of the Board in relation to approval or denial of the application will be recorded on audio tape and preserved.

Ownership Change

An operator of a facility that includes an animal feeding operation having a permit granted by this Ordinance shall notify the Township of the sale or the transfer of the ownership of that operation.

Operating Change

An operator of a facility that includes an animal feeding operation having a permit granted by this Ordinance shall notify the Zoning Administrator of intent to include an alternate livestock type. The notice shall be given at least one hundred and twenty (120) days prior to the anticipated date of the change.

Procedure

1. Application for a conditional use (or special use) permit shall be submitted to the Zoning Administrator for tentative approval. The Zoning Administrator shall notify the Department of Health that it has received such application. The conditional use (or special use) permit application shall be available for public inspection at the Office of the Zoning Administrator for fourteen (14) days prior to the Public Hearing.
2. The Zoning Administrator shall notify by certified mail all property owners having property within the corresponding odor setback distance of a proposed new animal feeding operation or the expansion of an existing animal feeding operation. This notification must occur within 21 days of receiving the application. Along with the application, the applicant shall provide the names and addresses of all landowners to be notified.
3. Upon receipt of the Special Use Permit application, the Township Planning and Zoning Commission shall hold at least one (1) Public Hearing in a location to be prescribed by the Planning and Zoning Commission. At least fourteen (14) day in advance of each hearing, notice of the time and place of such hearing shall be published in the official newspaper of the Township and any other such paper as deemed necessary by the Zoning Administrator. All townships within the setback requirements shall be notified by U.S. mail as to the time and place of the Public Hearing.

4. The Township Planning and Zoning Commission shall report its findings to the Board of Township Supervisors.
5. Following tentative approval or denial of the application by the Board of Township Supervisors, the applicant shall be notified by letter of the decision, including conditions imposed, if any.
6. The applicant shall then forward its application for a conditional (or special) use permit, together with the tentative approval by the Board of Township Supervisors, to the North Dakota Department of Health.
7. Following a review by the Department of Health of the operator's application for a state permit, the Department of Health will notify the Township of its decision.
8. The conditional (or special) use permit will become final following the granting of a permit by the Department of Health.
9. 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 must re-apply.
10. No construction shall take place until the permit has been issued by the North Dakota Department of Health.

2.9.3B FEES

The fee for each Special Use Permit application shall be similar to the building permit fees of this Ordinance.

2.9.3C APPLICATION REQUIREMENTS

- (1) The application for a conditional use (or special use) permit to operate a facility for an animal feeding operation shall include a scaled site plan. If the facility will handle more than 1,000 animal units, the scaled site plan shall be prepared by a registered land surveyor, a civil engineer or other person having comparable experience or qualifications. The site plan shall include building and waste system locations, ground elevations, setback from roads and/or highways and adjoining property, current land use, location of any active or abandoned wells, the location of any surface water, the drainage patterns of the site, and all existing or proposed accesses.
- (2) Owners name, address and telephone number.
- (3) Legal description of the site
- (4) Number and type of animals

- (5) Surrounding land uses and ownership, if the operation will have the capacity to handle more than 1,000 animal units.
- (6) A copy of the application submitted to the Department of Health including photocopies of the manure management and operation plan, the management plan for fly and odor control, the management plan for disposal of dead animals, and the nutrient management plan.
- (7) Information on soils and aquifers.
- (8) Other information as required in the application and/or requested by the Zoning Administrator or the Planning and Zoning Commission.

Miscellaneous

- (1) The applicant shall develop, maintain, and follow a nutrient plan to ensure safe disposal of manure for the protection of surface and ground water as per guidelines listed in the latest draft of the "North Dakota Department of Health Guidelines for Approval of Livestock Waste Systems". A copy of such plan as submitted to the North Dakota Health Department shall be provided to the Zoning Administrator.
- (2) The applicant shall develop, maintain, and follow a manure management and operation plan to ensure safe storage and application of manure and to protect surface and ground water as per North Dakota Health Department requirements. A copy of such plan shall be submitted to the zoning Administrator.
- (3) The Planning and Zoning Commission may request information relating to an animal feeding operation not contained in these regulations.
- (4) The Planning and Zoning Commission may impose, in addition to the standards and requirements set forth in these regulations, additional conditions which the Planning and Zoning Commission considers necessary to protect the public health, safety, and welfare of Buchanan Township citizens. This shall include additional monitoring if the possibility exists that groundwater or surface water quality may be compromised.
- (5) Any and all cost to implement any additional conditions as set forth by the Planning and Zoning Commission shall be borne by the owner of the facility.
- (6) When considering an application, the Planning and Zoning Commission will take into consideration current and past violations relating to animal feeding operations that the applicant or operator has or has had an interest in.
- (7) All State and Federal regulations shall be adhered to.

1-33-17. Violation of zoning regulations and restrictions - remedies. If any building or structure is erected, constructed, reconstructed, altered, repaired,

converted or maintained, or if any building, structure or land is used in violation of this chapter, the proper county authorities or any affected citizen or property owner, in addition to other remedies may institute any appropriate action or proceedings.

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

11-33-21. General penalties for violation of zoning regulation and restriction. A violation of any provision of this chapter or the regulations and restrictions made thereunder shall constitute the maintenance of a public nuisance and shall be a Class B misdemeanor.

Each day that a violation of this ordinance exists may be considered as a separate offense.

In relation to feed lot zoning, the Township Board may impose, in accord with Appendix II (attached) the following sanctions set out in Appendix II, a temporary suspension of a permit and/or civil fees in the form of monetary sanctions.

SECTION 4.9 CERTIFICATE OF COMPLIANCE

Every application for a building permit shall be deemed to also be an application for certificate of compliance. No structure or addition thereto which is subject to the need for a building permit shall be occupied or used for any purpose until a Certificate of Compliance has been issued by the Zoning Administrator and the Tax Assessor shall be notified of the issuance of said Certificate.

APPENDIX 11

HEARING PROCESS

- A. Reference in this section to **days or dates** by which an act must be conducted refer to calendar days; not business days.
- B. The Chairman of the Township Board may **extend a deadline** if prior to the deadline sought to be extended a party or a board member files a written request for extension with the Clerk, and mails or faxes it to the opposing party, all Township Board members, the Clerk, and the State's Attorney. The request must contain the basis for the requested extension. The Chairman may only extend a deadline for good cause and must provide written notice of the decision to extend, or the denial thereof, to all Township Board members, the Clerk, the State's Attorney, and the owner and/or operator.
- C. The Chairman of the Township Board may **continue a hearing** for good cause if prior to the hearing sought to be continued a party or a board member files a written request for a continuance with the Clerk, and mails or faxes it to the opposing party, all Township Board members, the Clerk, and the State's Attorney. The request must contain the basis for the requested continuance. The Chairman may only continue a hearing for good cause and must provide written notice of the decision to extend, or the denial thereof, to all Township Board members, the Clerk, the State's Attorney, and the owner and/or operator.
- D. NO INDEPENDENT INVESTIGATION OR DATA COLLECTION. Once a notice of termination has been mailed to an owner and/or operator, the independent activities of each and every Township Board member are limited as follows. No Board member should base any decision pertaining to violation or disposition on information that has not been provided to every member of the Board, the owner and/or operator, and the State's Attorney in time to allow rebuttal. A Township Board member is expressly prohibited from conducting any independent inquiry or investigation. Township Board members are not to seek out information on their own. Every Township Board member is forbidden from receiving unsolicited information offered to the Township Board member. Township Board members are expressly forbidden from discussing any case pending before the Board with any person besides the Clerk, another Township Board member, or the State's Attorney. No Township Board member will discuss the case with any other owner or operator, law enforcement officer, or citizen who wishes to offer an opinion or information on the case. Such persons will be directed by the Township Board member to convey the information they have to the Sheriff or his designated Deputy. The Sheriff will ensure that any information the Sheriff collects will be presented to the Township Zoning Administrator who shall promptly distribute it to every member of the Board, the owner and/or operator, and the State's Attorney. Any and all information on the case considered by any Board Member should be published to both parties sufficiently prior to any hearing to allow reasonable time for rebuttal. The Township Board may, by motion passed by a majority of the Board at an open

meeting, instruct the Sheriff to investigate one or more specific issues. The results of that investigation will be submitted to the Board, the owner and/or operator, the Township Zoning Administrator, and the State's Attorney in a written report. Every party with standing must be given a reasonable time to submit written rebuttal to any material disclosed to him.

- E. Upon probable cause to believe there has been a violation of this zoning ordinance or a regulation promulgated pursuant to this ordinance, the Township Board may issue a notice to stop work and/or a notice of termination. Stop work orders are reserved for situations constituting a clear and present danger of substantial damage to the environment, property, or humans but do not allow time for a hearing. Any violation under this Ordinance or subordinate regulation may be addressed with a notice of termination.
- F. Decisions on whether to issue a stop work order and/or a notice of termination are preliminary decisions that would usually be made in a summary proceeding at a regularly scheduled or a special meeting of the Township Board during which only the Township Board's representative or associates would address the Board. At this summary proceeding, whether the operator or owner will be allowed to address the Board is up to the Chairman of the Township Board. According to North Dakota Century Code section 44-04-20(2), if time and circumstances allow for listing the item in the agenda for the Township Board meeting, the public notice will contain a reference to a preliminary determination regarding issuance of a stop work order or notice of termination of the conditional (or special) use permit.
- G. NOTICE OF TERMINATION. After the Township Board makes a preliminary determination to issue a stop work order and/or a notice of termination, the Township Zoning Administrator shall provide a written notice to the owner and if there is an operator, then to the operator in addition to the owner. Notice will specify whether the Board issued a stop work order, a notice of intent to terminate, or both, as the case may be. The notice will contain the following.
 - (1) Specific notice of the allegations including listing each and every condition or obligation of the Ordinance alleged to have been violated.
 - (2) Provision of specific notice that if the owner and/or operator wants a hearing on the allegation(s), the owner and/or operator must deliver a written request for a hearing to the Township Zoning Administrator's office within 40 days of service of the Township Board's notice.
 - (3) Provision of notice that failure to deliver a written request for a hearing to the Township Zoning Administrator's office within 40 days of service of the notice of intent to terminate or the stop work order to the owner or operator (whichever is accomplished first) constitutes waiver of the right to a hearing and admission of the allegations in the pre-termination notice.
 - (4) Provision of notice of opportunity to cure for those violations which are amenable to cure and/or specification of any alleged violation that is not subject to cure. If there is an allegation of a violation that is amendable to cure, then the owner

and/or operator will be informed that the owner and/or operator has 30 days from the date of the notice of the violation to cure the alleged violation(s). If there is an allegation of a violation that is amenable to cure, the owner and/or operator will be notified that the owner and/or operator has 40 days from the date on the notice of termination to file a request for a hearing.

- (5) Provision of notice that in cases of stop work orders, the owner and/or operator must immediately stop every portion of the operation that results in the alleged violation. The window for the opportunity to cure does not provide a window within which to continue operations that result in the alleged violation of the ordinance. The window of opportunity to cure creates a time frame within which the owner and/or operator can devise and implement a plan to ensure that when operations resume, the violation will not re-occur.
- (6) Provision of notice that all materials the owner and/or operator wishes the Board to consider must be presented to the Board with the owner and/or operator's initial response to the stop work order or notice of termination including but not limited to a list of witnesses by name, address and phone number and a summary of their testimony; and a list of exhibits and copies thereof.
- (7) Provision of notice that no material will be considered by the Board at the hearing on the stop work order or the termination if the material has not been disclosed in the owner and/or operator's initial reply to the notice of termination. Provision of notice that although the Chairman of the Board may allow leave to amend initial responses, there is not guarantee leave to amend will be granted.

H. OWNER AND/OR OPERATOR'S RESPONSE TO NOTICE OF TERMINATION

The owner and operator must provide a written response within 40 days of the date on the notice of termination or make a written request for extension in accord with subparagraph b or c above. The owner and operator's response must contain the following. Obviously, if there is only an owner and not an operator as well, the response will come only from the owner.

- (1) If represented by legal counsel, the response must identify the lawyer.
- (2) A rebuttal to each of the allegations the owner and/or operator denies and an admission to each allegation the owner and/or operator does not deny.
- (3) A list of witnesses, by name, address, phone number, and summary of testimony for each witness.
- (4) A list of exhibits the owner and/or operator plans to offer and a copy of each exhibit.

I. SETTING DATE FOR HEARING OR FINAL DISPOSITION

- (1) If the parties served fail to deliver a written request for a hearing to the Township Zoning Administrator within 40 days of the date of service of the stop work order and/or notice of termination, there will be no hearing on the issue of whether the violations were committed. The violations are deemed admitted by the failure to timely file a request for a hearing. Once the date for filing a request for hearing has passed, the Township Zoning Administrator shall schedule the case for disposition at the next regularly scheduled meeting of the Township Board. If the Chairman of the Township Board determines the

nature of the violation necessitates final disposition sooner than the next regularly scheduled Township Board, the Chairman may direct the Clerk to schedule a special meeting of the Township Board.

- (2) If the parties served deliver a request for a hearing to the Clerk within 40 days of the date on the notice of termination, the Township Zoning Administrator will promptly furnish a copy of the owner and/or operator's response to each Township Board member and the State's Attorney. The State's Attorney may, within 5 days of the owner and/or operator's filing of a response and in accord with the provisions of subparagraph C above, request leave of the Chairman of the Township Board to amend the list of witnesses or list of exhibits. The Chairman will provide written notice of the decision granting or denying leave to amend to all Township Board members, the Clerk, the State's Attorney, and the owner and/or operator. If leave to amend is granted the Chairman will specify a deadline for filing the amendments. If the State's Attorney does file amendments within the time allotted by the Chair, the owner and/or operator may in turn request leave to amend. If the owner and/or operator requests leave to amend, the Chair of the Township Board will rule on the request and publish the ruling to each member of the Township Board, the State's Attorney, and the owner and/or operator. If the owner and/or operator's request to amend is granted the Chairman's ruling must specify a date by which the amendments must be filed. Failure of either party to file amendments in time will result in exclusion of any material not timely filed. After each party has had one opportunity for leave to amend, no further requests for leave to amend will be entertained. No undisclosed witness, exhibit, or statement will be considered at the hearing. Within ten days of the Chair's last deadline for amendment, the Township Zoning Administrator will schedule the allegations for hearing before the Township Board.

J. HEARING ON ALLEGATIONS.

The hearing will be held at an open meeting of the Township Board and recorded on audio tape. The Chairman of the Township Board will preside over the hearing. The Township Board may move to retain a private attorney from Township funds to act as Referee at the hearing instead of the Chairman. If an attorney is hired to referee, the Referee's rulings on the admission of evidence will not be final. The State's Attorney or his designee will represent the Township Board. The Permittee may be represented by counsel or represent him or herself. The burden of proving the allegations is on the Township Board. The standard of proof is a preponderance of the evidence. The Chairman (or the Referee) will control the admission of testimony and exhibits. The Chairman may limit the State's Attorney and the owner and/or operator to a reasonable amount of time, witnesses, and exhibits on the basis of relevance and accumulation. The Chairman may allow opening and closing statements. The Chairman may request guidance from the State's Attorney regarding procedure and admission of evidence.

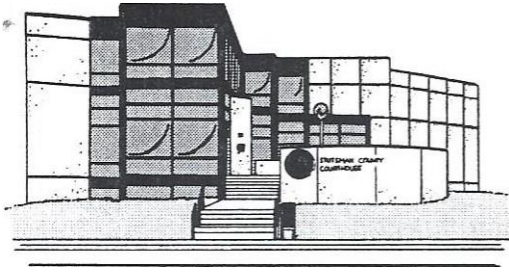
K. FINDINGS.

Once presentation of evidence and closing statements (if any) are complete, the Township Board will make a finding on each and every allegation regarding whether it was proven and why or why not. Findings must be based solely on evidence formally submitted to the board in the filings or at the hearing. The Board is free to judge weight and credibility of witnesses and evidence. For example, although hearsay may be admitted, the weight attributed to it is up to the Board. The findings will be noted in writing by the Township Zoning Administrator. Once the findings have been made, noted, and published, the Township Board will enter into the disposition phase.

L. DISPOSITIONAL ALTERNATIVES

If the Township Board finds that one or more of the allegations was supported by a preponderance of the evidence, the Board shall select from among the following alternatives for disposition. The Board and the owner and/or operator may agree upon a dispositional alternative not enumerated below provided it is not in contravention of the law.

- (1) Terminate the limited use (special use) permit.
- (2) If the owner/operator has come into compliance with the Ordinance, the Board may refrain from terminating the permit
- (3) If the owner/operator has come into compliance with the terms of the Ordinance, the Board may refrain from terminating the permit and impose an administrative monetary sanction. If the owner/operator has not come into compliance with the terms of the permit but it appears that the owner/operator has the will and capability to do so, the Board may suspend the permit and operations for a specified time sufficient to cure the deficiency. If the Board suspends with further opportunity to cure, the Board may impose an administrative monetary sanction. In any case where the Board chooses to impose an administrative monetary sanction, the sanction is limited to \$ 10,000 in addition to the expenses appurtenant to curing. The Board may require payment of the sanction in one lump sum or devise a reasonable payment plan. Any monetary sanction imposed shall be set out in writing and payment thereof shall become a condition for retaining the limited use (special use) permit. Failure to pay the sanction on time is grounds for termination. Any monetary sanction must be reasonably related to the violation committed. Factors that may be considered in determining the reasonable relation of the penalty to the infraction include but are not limited to the severity of the infraction, the intent of the owner/operator, prior proven violations, damages, ability to remedy, cost of investigation and prosecution of the violation, general deterrence, and specific deterrence.



Stutsman County

511 2nd Ave. S.E.
Jamestown, North Dakota 58401

MEMORANDUM

TO: Townships with Zoning Ordinances

FROM: Noel A. Johnson
County Auditor

DATE: January 26, 2005

The Stutsman County Planning and Zoning Commission has completed the animal feeding operation zoning ordinance amendments. We would like to have a meeting with your township and the other 12 townships in the count that have their own zoning. At this meeting, we will explain the ordinance and present options for the townships.

The County's ordinance only applies to the rural areas outside of those townships that have their own zoning ordinance. We need to make sure that we have all the rural areas in the County under some type of feedlot ordinance. There are two ways to get 100% coverage - one is to have the 13 zoned townships adopt an ordinance similar to the County's, or to have those townships concede the feedlot zoning authority to the County.

The animal feedlot zoning meeting will be held at **4:00 p.m.** on Thursday, **February 10, 2005** in the **lower level of the Stutsman County Law Enforcement Center (LEC)**. The LEC is located adjacent to the courthouse, at 205 6th St SE, Jamestown. At least one member from your township **MUST** attend. Enclosed is a copy of the County's feedlot zoning amendments that will be discussed at the meeting.

COUNTY COMMISSIONERS

STEVEN J. CICHOS, Jmst.
MARK T. KLOSE, Jamestown
CRAIG NEYS, Jamestown
Dennis Ova, Cleveland
Douglas Kaiser, Jamestown

COUNTY OFFICIALS

NOEL A. JOHNSON, Auditor
JAN THOMPSON, Treasurer
KAREN SAMEK, Recorder
Fritz Fremgen, States Attorney

DAVID F. ORR, Sheriff
NOEL A. JOHNSON, Tax Equalization
Director
JERRY BERGQUIST, 911 Coordinator/
Emergency Manager
WARREN TOBIN, Veteran Service
Officer

MIKE ZIMMERMAN, Highway
Superintendent
CLARENCE DANIEL, Director
of Social Services
DENNIS LORENZ, County Park
Superintendent
THOMAS OLSON, Extension Agent
EUNICE SAHR, Extension Agen

