

*update  
revised &  
on file @  
auditor  
office*

**RESOLUTION TO ADOPT OR AMEND  
ZONING ORDINANCE AND COMPREHENSIVE PLAN AMENDMENT**

WHEREAS, the Board of Supervisors for Rutland Township, North Dakota, met on or about March 15, 2005, for the purposes of establishing a zoning amendment for revising the Zoning Ordinance and Comprehensive Plan.

Whereas, the Board of Supervisors of the Township, pursuant to the provisions of the N.D.C.C. 58-03-12 has determined that for the purposes of zoning regulation and to continue to define the character of areas within the township, the peculiar suitability for those areas for particular uses and to not significantly change the existing character of the Township, and to further promote the health, safety and general welfare.

WHEREAS, the Board of Supervisors and the Township Zoning Commission has reviewed the existing ordinances and has determined that the interests of the amendment is to promote normal growth in the township and for the purpose of promoting the health, safety, morals, and general welfare and secure orderly development; therefore, a public hearing is to be held for consideration and final adoption of said Zoning Amendment Ordinance and Comprehensive Plan.

WHEREAS, all requirements of Chapter 58-03, North Dakota Century Code, have been satisfied and proposed Amendment to be adopted and enforced by the Township is as hereinafter set forth and whereas the Clerk of the Township has given notice of public hearing thereon as required by Chapter 58-03 of the North Dakota Century Code and holds the ordinance Amendment on file for inspection prior to said public hearing.

WHEREAS, upon conclusion of the public hearing, the Township Zoning Commission did consider whether or not to recommend adoption of the following Ordinance and Plan in its present form or as the same may be modified as a result of the public hearing and report thereon to the Township Board of Supervisors also considered adoption of the Ordinance as required by law.

NOW, THEREFORE, be it resolved that the people of the township, and the Township Board of Supervisors adopt and/or amend the Ordinance and Plan.

The provisions of the Ordinance Amendment of Rutland Township adopted March 15, 2005, shall in all things remain in full force and effect unless otherwise amended, qualified or explained in this Zoning Ordinance and Comprehensive Plan, effective for the Township only.

This matter came before the Board, and upon motion by Supervisor Jim Marquette duly seconded by Supervisor Daniel Pearson, and upon call of Roll, Supervisor Marquette, D. Pearson, R. Walstead voted in favor; Supervisor, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ voted in opposition.

The Ordinance is adopted by Rutland Township:

Marie Marquette 3/15/05  
Township Clerk Date

Daniel Pearson 3-15-05  
Township Chairman Date

Daniel Pearson 3-15-05  
Township Chairman Date

Zoning Commission -i-

## 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