

**FILLMORE
COUNTY**

**FEEDLOT
ORDINANCE**

Amended 2002

Fillmore County Feedlot Ordinance

FILLMORE COUNTY FEEDLOT ORDINANCE

AN ORDINANCE REGULATING THE PERMITTING, LOCATION, DEVELOPMENT AND EXPANSION OF FEEDLOTS, PROTECTING THE NATURAL ENVIRONMENT, AND SAFEGUARDING THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE CITIZENS OF FILLMORE COUNTY.

STATUTORY AUTHORITY

This Fillmore County Feedlot Ordinance, herein after referred to as “this Ordinance” is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapters 115 and 116, 122, and Minnesota Pollution Control Agency Rules, Parts 7020.0200 - 7020.2225, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394.

POLICY

An adequate supply of healthy livestock, poultry, and other animals is essential to the well being of Fillmore County Citizens and the State of Minnesota. These domesticated animals provide our daily source of meat, milk, eggs, and fiber. Their efficient, economic production must be the concern of all consumers if we are to have an abundance of high quality, wholesome food at reasonable prices. This Ordinance is intended to provide an agricultural district that will allow suitable areas of the county to be retained in agricultural use; regulate scattered non-farm development; regulate wetlands and woodlands, which, because of their unique physical features provide a valuable natural resource.

The County will view the agricultural district as a zone in which land is used for agricultural production. Owners, residents, and other users of property in this zone or neighboring properties may be subjected to inconvenience or discomfort arising from normal and accepted agricultural practices and operation, including but not limited to noise, odors, dust, operation of machinery of any kind including aircraft, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, residents, and users of this property or neighboring property should be prepared to accept such inconveniences or discomfort from normal operations, and are hereby put on official notice that this declaration may prevent them from obtaining a legal judgment against such normal operations. The reverse is also true, Agricultural producers within the agricultural district will also have to accept increased traffic patterns on weekends, the ideologies of non-agricultural land owners and other social differences derived by the users of other land uses within the Agricultural District.

These rules comply with the policy and purpose of the State of Minnesota in regard to the control of pollution as set forth in Minnesota State Statutes Chapters 115, 116 and 122. Experience has shown that the environment, residential and agricultural uses of land can be incompatible. The purpose of this Ordinance is to regulate the management of manure, and the uses and

development of land in Fillmore County, which may adversely affect the health, safety, and general welfare of the public.

PURPOSE

The purpose of this Ordinance may be summarized by the statement “All producers of domestic animals in Fillmore County shall take all prudent measures possible to keep animal manures from entering waters of the state as defined by Minn Rule. Chapter. 7020”. This Ordinance is established to provide guidance to producers of domestic animals as to what practices are acceptable and those that are not acceptable. This Ordinance also provides penalties for producers that practice manure handling procedures that encourage the runoff of manure into the waters of the state.

GENERAL PROVISIONS

1. **Jurisdiction.** The provisions of this Ordinance shall apply to all animal feedlots that exceed 50 animal units outside of shore land and 10 animal units within shore land or deemed as a pollution problem and as defined in this Ordinance, and to all areas of Fillmore County outside incorporated limits of municipalities except those municipalities that have adopted the Fillmore County Zoning Ordinance.
2. **Compliance.** The use of any land for the establishment, expansion, or management of an animal feedlot shall comply with the provisions of this Ordinance, the Fillmore County Zoning Ordinance, and the provisions of the MPCA rules.
3. **Administration.** The Fillmore County Feedlot Officer in cooperation with the MPCA shall enforce the provisions of this Ordinance and the rules found in Minnesota Rule Chapter 7020.
4. **Enforcement.** Any violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances or conditional use permits, shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this Ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to this Ordinance.
5. **Interpretation.** In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of Fillmore County by providing for the commonly approved animal husbandry practices used in the management of animal feedlots.
6. **Severability.** If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

7. **Amendment.** This Ordinance may be amended by the action of a public hearing held by the Planning Commission and approved by Fillmore County Board of Commissioners.
8. **Greater Restrictions.** Where the conditions imposed by any provisions of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

MINNESOTA CHAPTER 7020 RULES

Minnesota Rule Chapter 7020, relating to feedlots, is hereby adopted in its entirety by reference and made a part of this ordinance as if fully set forth herein. If there are any inconsistencies between the standards found in this Ordinance and the State standards, or if the State standards are amended, the State standards as amended shall govern.

PERMITS NEEDED

1. All feedlots of 1,000 animal units or more shall make application to the MPCA for a Feedlot Permit.
2. No person shall construct or expand an animal feedlot of 50 animal units or more without obtaining a Feedlot Permit.
3. Registration is required for a feedlot of 10 animal units or more if it is located within a shore land or has been deemed a potential pollution hazard.
4. No land use development permit to begin construction shall be issued until Fillmore County Feedlot Officer or the MPCA has issued a Feedlot Permit.

CONDITIONAL USE PERMIT REQUIRED

1. All new feedlots larger than 500 animal units or the expansion of an existing feedlot to a final size of 500 animal units or more shall obtain a Conditional Use Permit from the County before construction may begin. A Good Neighbor Plan is required for all feedlot applicants who require a Conditional Use Permit.
2. The construction of a lagoon or earthen storage pit for the storage of manure shall require a Conditional Use Permit from the County.
3. Aerial irrigation of manure may be permitted with conditions if a solid separator exists prior to another storage compartment for the liquid portion of the manure. Then aerial

irrigation of the liquid portion of the manure may take place only if in accordance with Minn. Rule 7020.2225 setbacks to protected waters, sensitive areas, and as deemed appropriate with a Conditional Use Permit under the authorization of the Planning Commission.

STANDARDS FOR CONDITIONAL USE PERMITS

1. The county may impose in addition to the standards and requirements set forth in the Fillmore County Zoning Ordinance, additional conditions which the Planning Commission and Board consider necessary to protect the public health, safety, and welfare.
2. The County Board shall deny a Conditional Use Permit for a feedlot if it determines that the proposed feedlot may have the potential for significant effect to:
 - a. the environment; or
 - b. the protection of the public health, safety, comfort, convenience, and general welfare of the public; or
 - c. the County's promotion of the orderly development and/or maintenance, of agricultural, residential, recreational, public, commercial and industrial areas; or
 - d. the compatibility of different land uses and the most appropriate use of land throughout the county; or
 - e. conserving the value of property.

NEW PERMITS REQUIRED

A new County Feedlot Permit shall be required when any of the following conditions exist:

1. A change in ownership, which includes the transfer of a feedlot operation from one member of a family to another member of the family.
2. An existing feedlot is to be restocked after being abandoned or unused for 5 years.
3. An inspection by MPCA staff or county feedlot officer reveals that the feedlot is creating a potential pollution hazard.
4. All feedlots over 50 animal units outside of shore land and 10 animal units within shore land must have a feedlot permit.

NEW ANIMAL FEEDLOT FACILITIES

The construction of all new animal feedlots over 500 animal units shall require an onsite evaluation by the County Feedlot Officer and the County Planning Commission. No new animal feedlot shall exceed a capacity of 2,000 animal units.

EXPANSION OF EXISTING FEEDLOT FACILITIES

The expansion of all animal feedlots over 500 animal units shall require an onsite evaluation by the County Feedlot Officer and the County Planning Commission. No existing animal feedlot shall be expanded to a capacity that exceeds 2000 animal units.

FEEDLOT SETBACKS

A feedlot shall adhere to all setbacks for building construction in the Ag District as determined in Section 604 of the Fillmore County Zoning Ordinance. The following shall be the minimum setback requirements for new feedlots or the expansion of existing feedlots:

<u>Category</u>	<u>Expansion</u>	<u>New</u>
*Homes within city limits	away from closest neighbor	1/2 mile
Sinkhole	300 feet away from	300 feet
Floodplain	prohibited	prohibited
Bluff Impact Zone	prohibited	prohibited
Scenic Trails District	100' of C/L of Trail	100' of C/L of trail
Abandoned Rock Quarries	prohibited	prohibited
Well	100 feet	100 feet

New feedlots or new construction on existing feedlots shall meet a 99% odor annoyance free rating at the closest city limits line and a 94% odor annoyance free rating for residential zoning districts, public parks, churches, public schools or dwellings that are not designated as accessory to the feedlot, as determined by the OFFSET odor evaluation modeling as developed and modified by the University of Minnesota Department of Bio-systems and Agricultural Engineering.

New dwellings that are not designated as necessary to the feedlot in agriculturally zoned districts shall not be located within 1000 feet, and or 94% Offset Odor Modeling distance from any existing feedlot, whichever is greater.

*** For the purpose of this ordinance the City of Rushford Village will be treated similar to a township.**

MANURE STORAGE REQUIREMENTS

1. All manure storage structures designs to be constructed in Fillmore County shall be reviewed as meeting all MPCA standards by the Fillmore County Soil and Water Conservation District.
2. Manure may be stockpiled for no more than 1 year.

3. Manure must be stored or stockpiled in a location where natural forces of nature do not cause it to enter waters of the state.

MANURE SPREADING REQUIREMENTS

The following shall be the minimum setback requirements for the land application of manure.

Setbacks for land Application of manure from the following:	Daily Haul or land applied and incorporated within 24 hours	Incorporate in one pass
RA District (Residential Ag)	1,000 feet	none
Dwellings	500 feet	none
Church	500 feet	250 feet
Well	100 feet	100 feet

Agreements between affected neighbors may be an exception to minimum setback requirements for the land application of manure.

MANURE TRANSPORTATION

All forms of animal manure must be transported in a manner that the manure being transported is not deposited on a public road.

COMMERCIAL MANURE APPLICATOR

All persons who own and/or operate a manure applicator for hire shall first obtain a permit from Fillmore County. Commercial manure applicators shall abide by all land application procedures established by this Ordinance and any other applicable Statute or Rule.

1. All Commercial Manure Applicators shall be required to obtain a Fillmore County Applicators license from the County Zoning Office.
2. All commercial applicators are required to renew their County License every year.
3. Any costs that accrue for road cleanup due to land application of manure, mud or manure deposited on public roads shall be the responsibility of the Commercial Applicator.

ABANDONMENT

Owners and operators of feedlots shall have joint and several liabilities for cleanup, closure, or remediation of abandoned feedlots.

DISPOSAL OF ANIMAL CARCASSES

1. The disposal of animal carcasses shall be consistent with the Minnesota Board of Animal Health Regulations, Minnesota Rules Chapter 1719.
2. Animal carcasses whole, partial, or ground-up shall not be disposed of in a manure storage structure.
3. Composting of Dead Animal Carcasses is allowed under the guidelines from the Minnesota Department of Agriculture and Minnesota Board of Animal Health rules.

VIOLATIONS

Any person, firm or corporation who shall violate any provisions hereof or who shall fail to comply with of the provisions hereof or shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor. Each day that a violation continues shall constitute a separate offense.

ENFORCEMENT

Stop Work Orders. Whenever any work is being done contrary to the provisions of this Ordinance, the Fillmore County Feedlot Officer may order the work stopped by written notice personally served upon the operator of the feedlot. All activities shall cease and desist until subsequent authorization to proceed is received from the Fillmore County Feedlot Officer.

Revocation. Any person who fails to comply with the conditions set forth on the Permit, Interim Permit may be subject to revocation upon written notice personally served upon the operator of the feedlot.

Interference Prohibited. No person shall hinder or otherwise interfere with the Fillmore County Feedlot Officer in the performance of duties and responsibilities required pursuant to this Ordinance.

Access to Premises. Upon the request of the Fillmore County Feedlot Officer, the applicant, permittee or any other person shall allow access to the affected premises for the purposes of regulating and enforcing this Ordinance. Refusal to allow access to the Fillmore County Feedlot Officer shall be deemed a separate and distinct offense, whether or not any other specific violations are cited.

Injunctive Relief and Other Remedies. In the event of a violation of this Ordinance, the Zoning Office may institute appropriate actions or proceedings, including requesting injunctive relief, to prevent, restrain, correct or abate such violations. All costs incurred for corrective action may be recovered by the County in a civil action in any court of competent jurisdiction or, at the discretion of the county; the costs may be certified to the County Auditor/Treasurer as a special tax against the real property. These and other remedies, as determined appropriate by the

county, may be imposed upon the applicant, permittee, installer, or other responsible person either in addition to or separate from other enforcement actions.

SEVERABILITY AND VALIDITY

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

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

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

ORDINANCES REPEALED

Section 728 of the Fillmore County Zoning Ordinance adopted October 15, 1996 is hereby repealed.

EFFECTIVE DATE

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

Passed and approved this _____ day of _____, 2003 by the County of Fillmore.

Chairman, Board of Commissioners

Attest: _____
County Coordinator