

ORDINANCE NO. 05-01
An Ordinance to amend the Hand County Comprehensive
Plan and Zoning Ordinance of August, 1998

Pursuant to SDCL 11-2-28 and pursuant to SDCL Hand County Comprehensive Plan, Article 12, Section 1201, be it ordained:

That the Hand County Commission, upon the recommendation of the Hand County Planning and Zoning Commission, authorizes this measure to amend the **Hand County Comprehensive Plan and Zoning Ordinance (1998)** in the manner following:

Commercial Feedlots and/or Animal Feeding Operations. Section 515.1.e – Delete and substitute the following therefor:

“Animal waste facilities shall be located no closer than two (2) miles from any incorporated municipality.”

Commercial Feedlots and/or Animal Feeding Operations. Section 515.1.f and .g – delete and substitute the following therefor:

“Animal waste facilities shall be located no closer than two(2) miles from any occupied residence, excluding owner/operator’s residential dwellings if located within two (2) miles of the facilities, unless sixty-six and two-thirds percent (66-2/3%) of the full-time, adult residents of the area within the two (2) mile residential setoff shall have waived the same and in writing.”

Commercial Feedlots and/or Animal Feeding Operation. Section 515.1.h – delete and substitute the following therefor and refer to the same as section 515.1.g:

“Animal waste shall be transported no more than seven (7) miles from the point of origination for land application. However, the commission may, on a case-by-case basis, permit applications beyond said seven (7) mile limitation upon its acceptance of proofs evidencing adequate undertakings to ensure both public safety and due deference to environmental concerns.

Section: **DEFINITIONS.** Animal Feeding Operation(s). Delete and substitute the following therefor:

“Animal Feeding Operation(s). An animal feeding operation is a facility where more than one thousand (1,000) animal units are confined at an operation; or when more than two hundred twenty-five (225) animal units are confined at an operation and pollutants are discharged into navigable waters through a man-made ditch, flushing system or other similar man-made device or pollutants are discharged directly into waters of the United States which originate outside of and pass over, across or through the facility or otherwise come in contact with the animals confined in the operation.”

Delmar Fawcett, Chairman
Hand County Board of Commissioners
(attest)
Sandra Selting, Hand County Auditor