

SENATE BILL NO. 2278

Introduced by

Senators Wanzek, Heitkamp, Klein

Representatives Belter, Boe, D. Johnson

1 A BILL for an Act to create and enact a new section to chapter 11-33, a new section to chapter
2 23-01, and a new section to chapter 58-03 of the North Dakota Century Code, relating to
3 county and township zoning regulation of concentrated animal feeding operations and a
4 repository for zoning regulations.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** A new section to chapter 11-33 of the North Dakota Century Code is
7 created and enacted as follows:

8 **Regulation of concentrated animal feeding operations - Central repository.**

- 9 1. Any zoning regulation that pertains to a concentrated animal feeding operation and
10 which is promulgated by a county after July 31, 2007, is not effective until filed with
11 the state department of health for inclusion in the central repository established
12 under section 2 of the Act. Any zoning regulation that pertains to concentrated
13 animal feeding operations and which was promulgated by a county before
14 August 1, 2007, may not be enforced until the regulation is filed with the state
15 department of health for inclusion in the central repository.
- 16 2. For purposes of this section:
- 17 a. "Concentrated animal feeding operation" means any livestock feeding,
18 handling, or holding operation, or feed yard, where animals are concentrated
19 in an area that is not normally used for pasture or for growing crops and in
20 which animal wastes may accumulate, or in an area where the space per
21 animal unit is less than six hundred square feet [55.74 square meters]. The
22 term does not include normal wintering operations for cattle.
- 23 b. "Livestock" includes beef cattle, dairy cattle, sheep, swine, poultry, horses,
24 and fur animals raised for their pelts.

1 **SECTION 2.** A new section to chapter 23-01 of the North Dakota Century Code is
2 created and enacted as follows:

3 **Zoning regulation of concentrated animal feeding operations - Central repository.**

4 The state department of health shall establish, operate, and maintain an electronically
5 accessible central repository for all county and township zoning regulations that pertain to
6 concentrated animal feeding operations. The county auditor of a county and the township clerk
7 of a township having a zoning regulation that pertains to concentrated animal feeding
8 operations shall file the regulation with the department of health for inclusion in the central
9 repository.

10 **SECTION 3.** A new section to chapter 58-03 of the North Dakota Century Code is
11 created and enacted as follows:

12 **Regulation of concentrated animal feeding operations - Central repository.**

13 1. Any zoning regulation that pertains to a concentrated animal feeding operation and
14 which is promulgated by a township after July 31, 2007, is not effective until filed
15 with the state department of health for inclusion in the central repository
16 established under section 2 of this Act. Any zoning regulation that pertains to a
17 concentrated animal feeding operation and which was promulgated by a county or
18 a township before August 1, 2007, may not be enforced until the regulation is filed
19 with the state department of health for inclusion in the central repository.

20 2. For purposes of this section:

21 a. "Concentrated animal feeding operation" means any livestock feeding,
22 handling, or holding operation, or feed yard, where animals are concentrated
23 in an area that is not normally used for pasture or for growing crops and in
24 which animal wastes may accumulate, or in an area where the space per
25 animal unit is less than six hundred square feet [55.74 square meters]. The
26 term does not include normal wintering operations for cattle.

27 b. "Livestock" includes beef cattle, dairy cattle, sheep, swine, poultry, horses,
28 and fur animals raised for their pelts.