

Definitions and Regulations

Sections 216.2(2) & 216.3(2) amended 11/24/2014 Ordinance # 2014-07

216 CONFINED FEEDING / INTENSIVE LIVESTOCK DEFINITIONS

- A.** The confined feeding of animals for foods, fur, or pleasure purposes on lots, pens, ponds, sheds, or buildings where:
1. Animals are confined, fed, and maintained for at least 45 days during any 12 month period; and
 2. Ground cover or vegetation is not sustained over at least 50% of the animal confinement area.
Exception: The term does not include a livestock market:
 - a. Where animals are assembled from at least 2 sources to be publicly auctioned or privately sold on a commission basis; and
 - b. That is under state or federal supervision.
 - c. A livestock sale barn or auction market where animals are kept for not more than 10 days.
- B.** An intensive livestock operation is further defined for the purpose of this section and of this ordinance as:
1. Any existing or proposed livestock operation or an expansion of an existing livestock operation regardless of acreage on which there are livestock numbers exceeding:
 - a. 200 Cattle or Horses
 - b. 400 Swine or Sheep
 - c. 5,700 Fowl or Ducks Dry
 - d. 5,000 Ducks Wet
 2. Any operation using a waste lagoon or holding pit.
 3. Any animal feeding operation facility where the owner and/or operator elects to be under Indiana Department of Environmental Management (IDEM).
 4. Any animal feeding operation facility causing a violation of IC 13-18-10 or IC 13-18-4 as determined by the Water Pollution Control Board or its successors.
 5. Where a livestock operation involves less than 200 cattle or horses, 400 swine or sheep, 5,700 fowl or ducks dry, or 5,000 ducks wet, but there is more than one species of animal, the total number of animals in each category shall be divided by 200 in the case of cattle or horses, 400 in the case of swine or sheep, 5,700 in the case of fowl or ducks dry, 5,000 in the case of ducks wet. The resulting percentages shall be added together. If the total of such percentages equals or exceeds 100, then the operation is an intensive livestock operation as defined herein, and as such, shall be subject to the provisions of this ordinance.

216.1 CONFINED FEEDING / INTENSIVE LIVESTOCK REGULATIONS

Confined feeding as defined in the definition section of this Ordinance shall be regulated as follows:

1. The operator develops a written plan (full-size facility drawing (site plan) and business operation for submission to IDEM if required).
2. The operator files the site plan, as it will be presented to IDEM (if required), with the Jay/Portland Building & Planning Department, which shall consider the filing as an Intent to Build / Confined Feeding Application Permit. The filing shall include, but not limited to:
 - a. A site plan drawn to scale showing the ground area of the building(s) or structure(s), the building lines in relation to lot lines, the number of stories or the height of building(s) or structure(s), the use to be made of the building(s), or structure(s), or land, and all other information required by the Zoning Administrator for the proper enforcement of this Ordinance.
 - b. The site plan shall be attached to the application when it is submitted to the Zoning Administrator and shall be retained by the Plan Commission as a public record.
 - c. If the number of animals housed and fed does not require IDEM approval, a copy of a supplier's contract certifying the number of animals supplied to the confined feeding operator is required.
3. Upon receiving the application the Building & Planning Director will contact the Jay County Highway Department and the Jay County Surveyor. All will make a site inspection and report back to the Jay County Building & Planning Director within two (2) weeks of any concerns they would have with the Operator's plan. Concurrently, the Operator can make application to the State of Indiana (IDEM) with the written plan for their approval.
4. The Building & Planning Department shall contact neighbors within a one-half mile radius in writing for comments and shall publish a notice in the local newspaper of the proposed plan. Notices required will be paid by the applicant. Public comments, in writing only, will be accepted by the Zoning Administration for a period of 30 days. All public comments will be reviewed by the County Highway Department, County Surveyor, and the Zoning Administration. After reviewing the application, results of the site inspection, and public comments, if the applicant is in compliance with all the laws and regulations, the Zoning Administrator will notify the Operator Applicant.
5. When approved through the State of Indiana (IDEM) and the county, the Operator would return to the Jay/Portland Building & Planning Department for a building permit, which should be issued within 3 working days.
6. If the Operator has IDEM approval/permitting, the Intent Permit will be valid for a period of 4 years, which is the length of time the IDEM permit is valid. If the Operator is not applying for IDEM approval/permitting, the Intent Permit will be valid for a period of 1 year from date of issuance.
7. If the Operator with IDEM approval/permitting applies to construct more than 1 building but chooses to only construct 1 building at the time of applying for a building permit, the Operator will have until the expiration of the IDEM approval/permit, which is 4 years, to construct the remaining building(s). Prior to the construction of the remaining building(s), the Operator will be required to notify the Building and Planning Department and obtain a new zoning (building) permit for said building(s).

216.2 Additional Jay County Requirements: Setbacks (Location and Distance)

The purpose of the setback is to separate the homeowner and others from the normal noises and odors which accompany a confined feeding operation.

1. All structures and confined lots designed to house or contain livestock shall be set back 750 feet from any residence that is not owned by the confined feeding operator.
2. All structures and confined lots designed to house or contain livestock shall be set back 1,250 feet from any existing church, school, business, public building, any area zoned Commercial (COM); 1,550 feet from any area zoned Rural Residential (RR); 1 mile (5,280 feet) from the corporate limits of Pennville, 1 mile (5,280 feet) from the corporate limits of Redkey and ½ mile (2,640 feet) from the corporate limits of Salamonina.
3. All structures and confined lots designed to house or contain livestock shall be set back 1 mile to the west, 1 mile to the south, ½ mile to the north, and ½ mile to the east from the property line of any Commercial (COM) zoned recreational area.
4. All structures shall be set back 100 feet from any road or highway right-of-way.
5. All structures shall be set back 100 feet from any property line.

216.3 Additional Jay County Requirements: Setbacks for Lagoons, or Open Earthen Pits

If the waste handling facility of an operation is lagoon or an open earthen pit, the setback distance shall be as follows:

1. All structures and confined lots designed to house or contain livestock shall be set back 1,000 feet from any residence that is not owned by the confined feeding operator.
2. All structures and confined lots designed to house or contain livestock shall be set back 1,500 feet from any existing church, school, business, public building, any area zoned Commercial (COM); 2,000 feet from any area zoned Rural Residential (RR); 1 mile (5,280 feet) from the corporate limits of Pennville, 1 mile (5,280 feet) from the corporate limits of Redkey and ½ mile (2,640 feet) from the corporate limits of Salamonina.
3. All structures and confined lots designed to house or contain livestock shall be set back 1 mile to the west, 1 mile to the south, ½ mile to the north, and ½ mile to the east from the property line of any Commercial (COM) zoned recreational area.
4. All structures and confined lots designed to house or contain livestock shall be set back from any Flood Plain as listed below:

a.	1 million gallon lagoon	--	300 feet from the flood plain
b.	5 million gallon lagoon	--	750 feet from the flood plain
c.	10 million gallon lagoon	--	1,200 feet from the flood plain
d.	15 million gallon lagoon	--	1,800 feet from the flood plain

In a case where the gallon amount falls between two of the stated amounts listed above, the further setback distance will be used.

5. The setback shall be a minimum of 1,550 feet from any nature preserve, park or recreational use permitted in the Flood Plain District.

216.4 Setback Protection for the Confined Feeding Operator

1. No family residence except that of the confined feeding operator may be constructed within 750 feet of an existing or granted (permitted or otherwise) confined feeding operation.
2. No church, school, business, or public building, may be constructed or operated within 1,250 feet of an existing or granted (permitted or otherwise) confined feeding operation. No area zoned Commercial (COM), or any recreational area under public or private ownership zoned Commercial (COM) may be permitted within 1,550 feet of an existing or granted (permitted or otherwise) confined feeding operation.

216.5 Violations: Violations will also be subject to the provision in Section 404.