

**BOARD OF COMMISSIONERS
WAYNE COUNTY, INDIANA**

ORDINANCE NO. 2005-009

An **ORDINANCE** to amend Chapter 54 of the Wayne County Code, more specifically known as the Zoning Ordinance of Wayne County, Indiana.

WHEREAS, the Wayne County Board of Commissioners (hereafter “Commissioners”) adopted the Comprehensive Plan of Wayne County, Indiana (hereafter “Plan”) in May, 1992; and

WHEREAS, the Zoning Ordinance of Wayne County, Indiana (hereafter “Ordinance”) was adopted pursuant to said Plan by the Commissioners on March 10, 1993, with subsequent amendments; and

WHEREAS, the Commissioners recognize the occasional necessity to update and revise the Ordinance; and

WHEREAS, the Commissioners have determined that it is now necessary to update and revise the Ordinance after considering a certified recommendation from the Wayne County Advisory Plan Commission concerning such updates and revisions; and

WHEREAS, the Commissioners have now reviewed the proposal of updates and revisions for said Ordinance; and have determined the amendments are consistent with the terms of the Plan; and the amendments will update and facilitate the efficient administration of the previously adopted Ordinance and thereby will promote the public health, safety, comfort, morals, convenience and general public welfare.

NOW THEREFORE BE IT ORDAINED BY THE WAYNE COUNTY BOARD OF COMISSIONERS, WAYNE COUNTY, INDIANA, TO AMEND CHAPTER 54 OF THE ZONING ORDIANCE OF WAYNE COUNTY AS FOLLOWS:

ARTICLE II DEFINITIONS, SECTION 54.25

4. **AGRICULTURE:** The use of five (5) or more acres of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal or poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce raised on the premises, provided however, that the operation of such accessory uses shall be secondary to the normal agriculture activities. Agriculture shall not include stockyards, slaughterhouses and confined feeding operations.

61. **CONFINED FEEDING:** The confined feeding of animals for food, fur, or pleasure purposes in lots, pens, ponds, sheds, or buildings where: (1) animals are confined, fed, and maintained for at least forty-five (45) days during any twelve (12) month period; and (2) ground cover or vegetation is not sustained over at least fifty (50%) of the animal confinement area. The term does not include (1) a livestock market where animals are assembled from at least two (2) sources to be publicly auctioned or privately sold on a commission basis and that is under state or federal supervision; or (2) A livestock sale barn or auction market where animals are kept for not more than ten (10) days. *Statutory reference 327 IAC 16-2-4 “confined feeding”*
62. **CONFINED FEEDING OPERATION:** Any confined feeding of at least three hundred (300) cattle; six hundred (600) swine or sheep or thirty thousand (30,000) fowl; or animal feeding operations electing to be subject to IC 13-18-10; or animal feeding operations that causes a violation of the Indiana water pollution control laws or any rules of the Water Pollution Control Board or of IC 13-18-10. The confined feeding operation includes (1) manure storage structures; (2) manure treatment systems; (3) feedlot; (4) confinement buildings; (5) or waste liquid handling, storage and treatment systems. *Statutory reference 327 IAC 16-2-5 “confined feeding operation” and 327 IAC 16-2-44 “waste management system”*
- 89a. **FILTER STRIP:** A filter strip is a relatively uniform and maintained vegetated area used for collecting sediment and cleansing run-off. *Statutory reference 327 IAC 16-2-12 “filter strip”*
- 128a **INCORPORATION:** Incorporation means the mixing of liquid or solid manure with the surface soil using standard agricultural practices, such as tillage. *Statutory reference 327 IAC 16-2-19 “incorporation”.*
- 128b **INJECTION:** Injection means the placement of liquid manure beneath the surface of the soil in the crop root zone using equipment specifically designed for this purpose. *Statutory reference 327 IAC 16-2-20 “injection”.*
- 163a **MANURE APPLICATION:** Manure application means the placement of liquid or solid manure by (1) spraying or spreading onto the land surface; (2) injection below the land surface; or (3) incorporation into the soil. *Statutory reference 327 IAC 16-2-23 “manure application”.*
- 199a **PUBLIC WATER SUPPLY SURFACE INTAKE STRUCTURE:** Any structure used for the purpose of providing water through a public water supply system. *Statutory reference 327 IAC 16-2-31 “public water supply surface intake structure”*
- 218a. **SENSITIVE AREA:** A sensitive area is a site where conditions poses a specific water quality threat to one (1) or more of the following (1) Public water supply wells; (2) Wellhead protection areas; (3) Drinking water supply reservoirs; (4) Identified wetlands, except for wetlands constructed for manure management;

(5) Karst terrain; (6) habitat of an endangered species; and (7) Natural areas including parks, natural preserves as regulated under IC 14-31, historic sites as defined by IC 14-8-2-125, and public lands as defined by IC 14-38-1-5. *Statutory reference 327 IAC 16-2-34 “sensitive area”, 327 IAC 16-2-21 “karst terrain”*

232a **SPRAY IRRIGATION:** A means by which the application of manure or waste liquid on the land is through a stationary or mobile sprinkler type system. *Statutory reference 327 IAC 16-2-36 “spray irrigation”*

232b. **STAGING:** Staging means the temporary placement of manure in a pile at the site where the manure will be land applied. *Statutory reference 327 IAC 16-2-37 “staging”*

247a **SURFACE APPLICATION:** Surface application means the placement of manure by spray irrigation or spreading onto the land surface. *Statutory reference 327 IAC 16-2-38 “surface application”.*

247b. **SURFACE WATER:** Surface water means water present on the surface of the earth including (1) streams, (2) lakes, (3) ponds, (4) rivers, (5) swamps, (6) marshes, or identified wetlands except for wetlands constructed for manure management. *Statutory reference 327 IAC 16-2-39 “surface water”*

260a. **VEGETATIVE MANAGEMENT SYSTEM:** A vegetative management system is an area with vegetation designed to accept contaminated runoff or waste liquid after settling for the purpose of treatment or infiltration into the soil. *Statutory reference 327 IAC 16-8-10 “vegetative management system”*

ARTICLE VI A-1 AGRICULTURAL DISTRICT, SECTION 54.76

54.76 **SPECIAL EXCEPTIONS:** C. Confined Feeding Operation is not permitted except by Special Exception in accordance with the provisions of Section 54.345 through 54.349.

ARTICLE XVI SPECIAL EXCEPTION, SECTION 54.347 & 54.349

54.347 **CONFORMANCE REQUIREMENTS:** A Confined Feeding Operation shall meet any applicable requirements of the Federal, state or local government. Also, in addition to those requirements for Special Exceptions found in 54.347(A) through (F) the following apply to a Confined Feeding Operation:

(G) The minimum lot size on which a Confined Feeding Operation shall be permitted is 40 acres.

(H) A minimum setback distance of 1320 feet from any other zone district for manure application or Confined Feeding Operation placement.

(I) A minimum setback distance shall be 660 feet from any existing residence, business, public recreation area or golf course for Confined Feeding Operation placement or manure application.

Exception #1: the minimum setback distance may be reduced upon having a written agreement with the owner(s) of the existing residence, business, public recreation area or golf course.

Exception #2: the minimum setback distance shall be 300 feet from any existing residence, business, public recreation area or golf course for manure application by liquid injection.

(J) Manure storage of at least 225 days is required.

(K) A minimum setback distance shall be 660 feet from any sensitive area or public water supply surface intake structure for manure application.

(L) Locations for staging solid manure or waste must be designated. A copy of the manure management plan as submitted to the Indiana Department of Environmental Management during the Indiana Confined Feeding Regulation Program permitting process is required to be submitted with the Special Exception application.

(M) A minimum setback distance shall be 660 feet from any surface water for manure application by surface application or incorporation. The minimum setback distance shall be 300 feet from any surface water for manure application by injection. These setback distances may be reduced with the installation of an approved and accepted vegetative management system or filter strip.

(N) In the event that the Indiana Department of Environmental Management has determined through their permitting process that additional or greater setbacks are required to protect human health or the environment, the additional or greater setbacks shall apply.

54.349 SPECIAL EXCEPTIONS (Table)

15. Confined Feeding Operation A-1, but only on tracts of land having at least 40 acres.

ADOPTED by the Wayne County Board of Commissioners, Wayne County, Indiana, this _____ day of _____, 2005, to become effective upon passage.

Thomas A. Dickman, President

John O. Catey, Member

Mary Heyob, Member

ATTEST: _____
Christopher H. Beeson, Auditor