

**BUTTE COUNTY BOARD OF COUNTY COMMISSIONERS**

**BELLE FOURCHE, SOUTH DAKOTA**

**ORDINANCE # 2020-01**

**AN ORDINANCE PERTAINING TO  
COMMERCIAL CONCENTRATED ANIMAL FEEDING OPERATIONS (FEED LOTS)**

**WHEREAS**, the County Commission has authority under SDCL 11-2 to regulate certain uses of real property within the County, and

**WHEREAS**, it is important to recognize the interests of agriculture and agricultural producers in the County by providing a mechanism where agricultural uses are preserved and expanded, and

**WHEREAS**, an adequate supply of healthy livestock, poultry, and other animals is essential to the well-being of citizens of the County, and

**WHEREAS**, livestock, poultry, and other animals produce manure, which, when improperly stored, transported, or disposed of, may have a negative impact on the County's environment, particularly air or water, and

**WHEREAS**, animal manure produced when animals are concentrated for commercial feeding operations may negatively impact the County's air, surface water, ground water, or land, and

**WHEREAS**, it is advisable to regulate these negative impacts related to commercial concentrated animal feeding operations.

**NOW THEREFORE, BE IT ORDAINED BY THE BUTTE COUNTY BOARD OF COMMISSIONERS**

**THAT** a commercial concentrated animal feeding operation (feed lot) is defined as:

- a lot, yard, corral, building, or other area where animals are, or will be, stabled or confined, and
- the animals will be confined for a total of 45-days or more during any 12-month period, and
- where crops, vegetation, forage growth, or post-harvest residues are not sustained over a portion of the lot or facility; and
- where the primary purpose of the facility is feeding of animals for the sole purpose of preparing animals for sale or slaughter.

**THAT** it is not the intent of the County to regulate a typical farm/ranch operation; which is defined as a cow/calf or yearling operation based on grazing of rangeland or tame grass pastures with supplemental feeding needed for five to seven months each year. A typical farm/ranch operation may require also confined feeding of livestock for calving and weaning operations. These typical farm/ranch operations are not considered commercial concentrated animal feeding operations and are not regulated by this ordinance.

**THAT** a commercial concentrated animal feeding operation (feed lot) must obtain approval from the Butte County Planning Commission, with final approval to remain with the Butte County Board of Commissioners, prior to operation.

**THAT** pursuant to SDCL 34A-3A-24, no commercial concentrated animal feeding operation (feed lot) that includes one thousand or more animal units will not be approved if the operation is located over a shallow aquifer as defined by SDCL 34A-3A-24(1) or (2), unless the State has approved a ground water discharge permit.

**THAT** a commercial concentrated animal feeding operation (feed lot) must obtain the appropriate permits from the South Dakota Department of Environment & Natural Resources before final approval by the Butte County Planning Commission or the Butte County Board of Commissioners.

**THAT** the Butte County Commission will hold a public hearing on any application for a commercial concentrated animal feeding operation (feed lot) prior to final approval of the application.

**THAT** this ordinance revokes and replaces all prior ordinances regulating feed lots, and will become effective October 28, 2020

Dated the 22<sup>nd</sup> day of September 2020 at Belle Fourche, South Dakota.

/s/: Stan Harms  
Stam Harms  
Chair, Butte County Commission

Attest: /s/ Elaine Jensen  
Butte County Auditor

First Reading: September 9, 2020

Second Reading: September 22, 2020

Adopted: September 22, 2020

Publication Date: October 8, 2020

Effective Date: October 28, 2020