

CAFO Ordinance - Class IV Amendment

Health Ordinance # 2-12-13-05

AN ORDINANCE AMENDING PORTIONS OF THE ORDINANCE OF ESTABLISHING HEALTH REGULATIONS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS PASSED AND APPROVED ON DECEMBER 13, 2005, AND AMENDMENTS THERETO

WHEREAS, the County Commissioners of Knox County, Missouri, passed and approved an ordinance establishing health regulations for concentrated animal feeding operations on December 13, 2005; and

WHEREAS, the County Commissioners passed certain amendments to the ordinance on March 27, 2006; and

WHEREAS, the County Commissioners now wish to amend certain portions of that ordinance having to do with the definition of a manure pit and the Surety Bond which shall be required.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Knox County, Missouri, as follows:

The following sections are amended as follows, effective October 1, 2007:

1.22 POPULATED AREA: A town, village or incorporated area having at least 10 occupied dwellings not on CAFO property, as measured in a straight line from any of the occupied dwellings to the nearest CAFO confinement building, confinement lot, or other confinement area, or waste handling facility.

5.1 No Class I CAFO shall be located within two (2) miles of any Class I or Class II CAFO or within one (1) mile of any Class III CAFO. No Class II CAFO shall be located within two (2) miles of any Class I CAFO, within one and one fourth (1 ?) mile of any Class II CAFO or within one (1) mile of any Class III CAFO. Class III CAFO will be located within one (1) mile of any Class I or II CAFO or within one-half (1/2) mile of any Class III CAFO. This distance shall be measured from the nearest point of one (1) CAFO's confinement or waste containment system to the nearest point of another CAFO'S confinement or waste containment system.

Setback Distances Class I Class II Class III

Class I 2 mile 2 mile 1 mile

Class II 2 mile 1.25 mile 1 mile

Class III 1 mile 1 mile .5 mile

Class IV – 1 mile 1 mile ½ mile ½ mile

5.2 No Class III CAFO shall be located within one half mile of an occupied dwelling. No Class II CAFO shall be located within one half mile of an occupied dwelling. No Class I CAFO shall be located within one mile of an occupied dwelling, and this setback requirement shall increase by one fourth of a mile for each 500 AU (or fractional portion thereof) of capacity in excess of 2,000 AU. This rule shall not apply to occupied dwellings owned by the CAFO or to dwellings not in existence at the time of issuance of the County Health Permit.

Size of Concentrated Animal Feeding Operation - Minimum Distances from Occupied Dwellings

Class I 1 mile ;

Class II .5 mile;

Class III .5 mile

Class IV - .5 mile

NO CLASS CAFO shall be located within two miles of a populated area. This setback shall increase one fourth (1/4) mile for each 500 AU (or fractional portion thereof) of authorized capacity in excess of 2,000 AU.

6.3.3.1 Class IV - \$2,500.00

10.2 The original application fee amount shall not exceed the amount needed to recover the cost of inspection, investigation and review of the proposed application, which fee amounts are based upon the anticipated costs of review, inspection and investigation, and which fee amounts have taken into consideration the need for special investigative services including geologic inspections, hydrologic inspections, groundwater monitoring, soils evaluation,

and other unique costs of a scientific or technical nature associated with the processing of the application. For purposes of this Ordinance, the administrative fee amounts shall be as follows:

Classification of CAFO

Class I Fee \$10,000.00

Class II Fee \$2,000.00

Class III Fee \$1,500.00

Class IV Fee \$1,000.00

CLASS I – IV - ALL FEES MUST BE MAINTAINED

11. VIOLATION OF ORDINANCE

Any person violating this ordinance is guilty of a Class A misdemeanor and shall be subject to punishment by imprisonment or fined as provided by law. Each day a person operates a CAFO in violation of this ordinance, and each time a person applies animal waste or animal wastewater in a manner inconsistent with the requirements of this ordinance, shall be considered a separate offense.