

KOSCIUSKO COUNTY ORDINANCE NO. _____

AN ORDINANCE REGULATING ANIMAL FEEDING OPERATIONS (AFOs) IN KOSCIUSKO COUNTY, INDIANA

WHEREAS, the Kosciusko County Area Plan Commission (“APC”) has evaluated the potential impacts of Animal Feeding Operations (AFOs) on public health, safety, welfare, water resources, infrastructure, and the welfare of the residents of Kosciusko County; and

WHEREAS, the Board of Commissioners of Kosciusko County (“Board of Commissioners”) desires to establish regulations to ensure that AFOs are responsibly sited, developed, expanded, and operated; and

WHEREAS, the Board of Commissioners finds it necessary and appropriate to adopt standards governing AFOs to protect surrounding properties and ensure compliance with local, state, and federal laws;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Kosciusko County, Indiana, as follows:

SECTION 1. PURPOSE

The purpose of this Ordinance is to regulate the development, location, and operation of Animal Feeding Operations (AFOs) in Kosciusko County, Indiana, to protect the health, safety, and welfare of residents and other AFO; to preserve water quality; and to ensure compliance with applicable local, state, and federal regulations. All proposed AFOs shall meet or exceed all applicable local, state, and federal standards.

SECTION 2. DEFINITIONS

For purposes of this Ordinance, the following definitions shall apply:

2.1 Animal Feeding Operation (AFO).

A facility, lot, or premises where animals other than aquatic animals are confined, fed, or maintained for forty-five (45) days or more in any twelve (12)-month period, and where animal

numbers total at least 299 animals, including dairy cattle, beef cattle, calves, swine, horses, sheep, goats, turkeys, chickens, or ducks. Kennels are not included.

For purposes of this Ordinance, and consistent with Indiana Department of Environmental Management (IDEM) regulations and Indiana Code §13-11-2-40 and 327 IAC 19-2-7, a Confined Feeding Operation (CFO) shall be considered an AFO subject to Kosciusko County Area Planning regulations.

2.2 Agricultural Structure.

Any building or structure used for the housing, feeding, or confinement of livestock, or for the storage of manure.

2.3 Sensitive Uses.

Residential dwellings, commercial buildings, educational institutions, religious facilities, and recreational areas.

2.4 Water Well

Any water well located on the applicant's parcel or a neighboring parcel.

2.5 Premises Identification Number (PremID).

A number assigned by the Indiana State Board of Animal Health (BOAH) under 345 IAC 1-2.5 and required for any property associated with the buying, selling, housing, or exhibition of cattle, bison, swine, sheep, goats, cervids, equine, or poultry.

SECTION 3. PERMIT REQUIREMENT

No person shall construct, develop, expand, or operate an AFO in Kosciusko County without first obtaining an AFO Permit from the Area Plan Commission.

SECTION 4. SETBACKS AND LOT REQUIREMENTS

AFOs shall comply with the following minimum requirements:

- A. **Lot Area:** Twenty (20) acres.
- B. **Front Yard Setback:** One hundred (100) feet from the right-of-way.
- C. **Side Yard Setback:** One hundred (100) feet from the property line.
- D. **Rear Yard Setback:** One hundred (100) feet from the property line.

E. **Setback to Sensitive Uses:** Four hundred (400) feet.

F. **Lakes or Shorelines:** One hundred (100) feet from the structure.

G. **Drainageways or Wetlands:** One hundred (100) feet from the structure.

H. **Water Wells:** One hundred (100) feet from the structure.

I. **Distance from Any Existing AFO:** Two thousand six hundred forty (2,640) feet, equivalent to one-half (1/2) mile from structure to structure.

4.1 Setback Reduction

Setbacks to an existing AFO may be reduced only with approval of a variance by the Board of Zoning Appeals. If a variance is approved, the applicant shall submit written, notarized, and recorded consent from the affected property owner(s), on a document prepared and provided by the Kosciusko County Area Plan Commission. Setback measurements shall be taken from the nearest proposed AFO structure to the nearest existing AFO structure.

SECTION 5. PUBLIC NOTICE REQUIREMENTS

A. Notification Area

The applicant shall provide written notice, on the form provided by the Kosciusko County Area Plan Commission, to:

1. All property owners within two thousand six hundred forty (2,640) feet, equivalent to one-half (1/2) mile of the proposed AFO; and
2. The physical address of the property if it differs from the owner's mailing address (dual notification).

B. Mailing Requirements

1. All notices shall be sent by certified mail.
2. The applicant shall bear all mailing costs.
3. Signed receipts shall be submitted to the APC prior to permit issuance.

SECTION 6. SITE PLAN REQUIREMENTS

The applicant shall submit a site plan containing:

- A. A scaled drawing showing lot dimensions, property boundaries, existing structures, proposed structures, and topography.
- B. A map identifying all sensitive uses within four hundred (400) feet.
- C. A listing of the animal types and quantities to be housed on the property.,

- D. Identification of all water wells within one hundred (100) feet.
- E. Documentation of certified mail notices.
- F. The applicant's PremID number as provided under 345 IAC 1-2.5.
- G. A map identifying all AFOs within two thousand six hundred forty (2,640) feet, equivalent to one-half (1/2) mile from structure to structure.
- H. Any other information deemed necessary by the APC, including:
 - 1. Existing or proposed uses of the land and buildings;
 - 2. Compliance with county health department and drainage board regulations;
 - 3. Status of county highway department approval.

SECTION 7. MANURE AND MORTALITY MANAGEMENT

A. Manure Storage: All manure storage structures shall comply with the technical design and construction standards in 327 IAC 19.

B. Manure Application: All AFOs shall comply with Indiana Category 14 manure application standards, including all setbacks, rate limits, and land application restrictions.

C. Manure Handling: AFOs shall comply with the Office of Indiana State Chemist (OISC) fertilizer rules under 355 IAC 8.

D. Mortality Disposal: AFOs shall comply with dead animal disposal requirements under 345 IAC 7.

** Any violation of Section 7(A)–(D) shall be referred to the appropriate state authority. Any operation found to be in violation of the applicable state criteria shall be deemed in violation of this Ordinance.*

SECTION 8. PREMISES REGISTRATION REQUIREMENT

All AFOs housing cattle, bison, swine, sheep, goats, cervids, equine, or poultry shall obtain and maintain a valid PremID under 345 IAC 1-2.5.

The applicant's PremID number shall be submitted with the permit application.

SECTION 9. ENFORCEMENT

The APC and authorized county departments shall enforce this Ordinance. Failure to comply with permit requirements, setbacks, site plan conditions, or regulatory obligations may result in

permit revocation, fines, or other enforcement actions as specified under section 4.12 of the Kosciusko County Zoning Ordinance.

SECTION 10. SEVERABILITY

If any provision of this Ordinance is declared invalid, the remaining provisions shall remain in full force and effect.

SECTION 11. EFFECTIVE DATE

This Ordinance shall be in full force and effect upon adoption and publication in accordance with Indiana law.

PASSED AND ADOPTED this ____ day of _____, 20.

BOARD OF COMMISSIONERS OF KOSCIUSKO COUNTY, INDIANA

Chairperson

Member

Member