

## **FOR PUBLIC DISCUSSION ONLY – NO ACTION WILL BE TAKEN**

### **ARTICLE 7.2.2**

### **ANIMAL NUISANCES**

#### **AN ORDINANCE PROHIBITING ANIMAL NUISANCES**

**WHEREAS**, the Township recognizes the need to promote the health, safety, and general welfare of its residents and finds it necessary to regulate the keeping, confining to owner's property and maintenance of animals to prevent conditions that may constitute a public nuisance; and

**WHEREAS**, the existence of an animal nuisance within the township may pose a risk to public health, safety, and the quiet enjoyment of property by the residents of the township; and

**WHEREAS**, the purpose of this ordinance is to prohibit the establishment, excessive number or continuation of animal nuisances within the township and to set forth appropriate remedies and penalties for violations.

#### **Section 1. Definitions**

- (a) **Animal**: means any creature under the care of any Apple Creek Township resident;
- (b) **Animal Nuisance**: means any condition or situation that creates, or reasonably certain to cause, a harmful, offensive, or disruptive effect caused by an animal on the health, safety, comfort, or peaceful enjoyment of property by residents;

#### **Section 2. Prohibition of Animal Nuisance**

- (a) It shall be unlawful for any person, owner, or custodian of an animal within the Township to establish, permit, or maintain an animal nuisance, as defined herein.
- (b) Owners shall keep animals confined to their property and provide adequate care for their animals and take all reasonable steps to prevent their animals from becoming a nuisance.

#### **Section 3. Enforcement and Penalties**

- (a) **Enforcement**: If a violation is found, the Township may take appropriate action up to and including remedies available under N.D.C.C. 58-03-14.
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## ARTICLE 8

### SHIPPING CONTAINERS AND CONTAINER COVER KITS (aka Conex and cargo containers)

#### AN ORDINANCE REGULATING THE USE OF SHIPPING CONTAINERS AND CONTAINER COVER KITS FOR STORAGE AND HOUSING PURPOSES

**WHEREAS**, the Board has determined that it is in the best interest of the public health, safety, and welfare to regulate the placement and use of shipping containers along with container cover kits on property within the Township; and

**WHEREAS**, the Township seeks to balance the rights of property owners with the preservation of the rural character and aesthetic values of the community by ensuring that shipping containers and container cover kits are used in a manner consistent with Township goals for orderly development and the enjoyment of residents; and

**WHEREAS**, this Ordinance is to regulate and prohibit the installation, or use of DIY/purchased container cover kits within the Township in order to preserve the aesthetic character, protect the health and safety of the residents, and maintain the integrity of the natural environment within the Township; and

**WHEREAS**, the Township has determined that regulating the use of shipping containers and container cover kits as storage units and prohibiting their use as permanent or temporary housing or shelter will help achieve these goals.

#### Section 1. Definitions

- (a) **Shipping Container** shall mean any standardized metal or steel container or receptacle, used or designed for storage or shipment. This includes, but is not limited to, various types of sea containers, train or shipping containers, and portable storage unit containers.
- (b) **Container Cover Kit** is any temporary or permanent structure or assembly that is placed over, or in connection with, a container, including, but not limited to, a shipping container, or similar receptacle, intended to provide shelter, protection, or concealment.
- (c) **Residence** shall mean any building or portion thereof, which is designed or used for residential dwelling purposes.
- (d) **Housing or Shelter** means any use of a shipping container or container cover kit as a dwelling, sleeping space, or structure designed or used for habitation, including living quarters, mobile homes, or other structures used for shelter, whether permanent or temporary.

## Section 2. Permitted Use of Shipping Containers

- (a) **Storage Use:** A shipping container may be placed on a lot or parcel of land within the Township for use as a storage structure only.
- (b) **Minimum Acreage:** Shipping containers may be placed on a parcel or lot in accordance with the table below:

| Contiguous Acres | Number of Units |
|------------------|-----------------|
| Less than 5      | 1               |
| 5.0 – 19.99      | 2               |
| 20.0 – 34.99     | 3               |
| 35.0 – 39.99     | 4               |

Residents may exceed the number of shipping containers if they declare them along with lot size and location to the Apple Creek Township Board within 60 days of these ordinances being adopted.

## Section 3. Residence Requirement

- (a) **Residence Requirement:** No shipping container shall be placed, used, or maintained on a parcel or lot unless there exists on the same parcel or lot a legally established residence that is occupied by the property owner or a permanent resident.

## Section 4. Prohibited Uses

- (a) **Housing or Shelter:** Shipping containers or container cover kits are prohibited from being used as permanent or temporary housing, shelter, or any form of living quarters. The use of a shipping container or container cover kits as a dwelling, living space, or for any purpose that involves human habitation is expressly prohibited, regardless of lot size or acreage.
- (b) **Prohibition of Container Cover Kits:**
1. The installation, construction, or use of any DIY/purchased container cover kit within the boundaries of Apple Creek Township is hereby prohibited.
  2. This prohibition applies to all types of container cover kits, including, but not limited to tarps, tents, metal enclosures, DIY/purchased container cover kits, or any similar covers.

## Section 5. Placement and Aesthetic Standards

- (a) **Placement of Shipping Containers:** The shipping container must be placed on the property in a manner that minimizes its visual impact within the Township, or subdivision. The container must be maintained in a safe, structurally sound, and visually acceptable condition.

A 30-day grace period will be allowed for final placement. The container must be moved to the final location that meets this ordinance within 30 days.

- (b) **Condition of Shipping Containers:** All shipping containers must be maintained free from visible rust, graffiti, or other forms of damage that may constitute a public nuisance or detract from the rural aesthetics of the Township.
- (c) **Set Back Requirements:** Will be the same as building setback requirements found in Article 5.6.
- (d) **Container Color:** the color shall be solid and should match the house color or be of a neutral/earth tone color.

## **Section 6. Enforcement and Penalties**

- (a) **Enforcement:** If a violation is found, the Township may take appropriate action up to and including remedies available under N.D.C.C. 58-03-14.
- (b) **Removal of Non-compliant Containers and/or Container Cover Kits:** In cases of non-compliance with this ordinance, the Township may require the removal of any shipping container or container cover kit that does not conform to the provisions set forth herein.

## **ARTICLE 9**

### **PLANNED UNIT DEVELOPMENT (PUD)**

#### **AN ORDINANCE PROHIBITING THE ESTABLISHMENT OR USE OF PLANNED UNIT DEVELOPMENTS (PUD).**

**WHEREAS**, the Township has determined that the establishment or use of Planned Unit Developments (PUD) as a zoning designation is incompatible with the rural character, current land use, and planning objectives; and

**WHEREAS**, the Township has the authority to regulate land use and zoning within its jurisdiction in accordance with NDCC 58-03-11; and

**WHEREAS**, the Township finds it necessary and in the best interest of the public health, safety, and welfare to prohibit the establishment or use of Planned Unit Developments in order to preserve the rural nature of the community and to promote the orderly development of land in accordance with existing zoning and planning standards.

## Section 1. Definitions

- (a) **Planned Unit Development (PUD)** means a type of development where a large tract of land is developed as a single entity with a mix of uses and building types, with flexible land use and zoning regulations that allow for deviations from traditional zoning ordinances in exchange for the inclusion of public benefits, such as open space, common areas, or amenities.
- (b) **Development** means the construction, modification, or expansion of buildings, structures, or infrastructure on a parcel of land.

## Section 2. Prohibition of Planned Unit Developments

- (a) The establishment, use, or approval of a Planned Unit Development (PUD) is hereby prohibited within the Township.
- (b) No person, entity, or developer shall submit, request, or initiate any application or proposal for the creation, approval, or establishment of a Planned Unit Development (PUD) within Township.
- (c) The prohibition set forth in this section applies to all zoning districts and property uses within the Township.

## ARTICLE 10

### BURNING OF REFUSE

#### AN ORDINANCE PROHIBITING THE BURNING OF REFUSE.

**WHEREAS**, the Township finds it necessary and in the best interest of the public health, safety, and welfare to regulate the burning of refuse within the Township; and

**WHEREAS**, the Township has determined that the burning of refuse presents significant public health, environmental, and fire safety risks; and

**WHEREAS**, the Township has the authority to enact Ordinances for the health, safety, and welfare of its residents in accordance with N.D.C.C. Section 23.1-08.

## Section 1. Definitions

- (a) **Refuse** means any type of waste material such as plastic, household waste or other discarded materials. It does not include paper, wood, or cardboard.

## **Section 2. Prohibition of Burning Refuse**

- (a) The burning of refuse is hereby prohibited in all zoning districts, residential areas, and other properties within the Township of Apple Creek that are less than 40 contiguous acres.
- (b) Citizens are required to remove refuse themselves or through one of the many disposal services available within the township/area.

## **Section 3. Enforcement and Penalties**

- (a) **Enforcement:** If a violation is found, the Township may take appropriate action up to and including remedies available under N.D.C.C. 58-03-14.
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## **ARTICLE 11**

## **FIREWORKS**

### **AN ORDINANCE THAT PERMITS THE USE OF FIREWORKS**

#### **Section 1. Definition per N.D.C.C. 23-15-01**

- (a) The term fireworks mean any combustible or explosive composition, or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation. The term includes any blank cartridge, toy pistol, toy cannon, toy cane, or toy gun in which an explosive other than a toy paper cap is used; balloon that requires fire underneath to propel the balloon; firecracker, torpedo, skyrocket, Roman candle, daygo bomb, sparkler, or other item of like construction; item containing any explosive or flammable compound; or any tablet or other device containing any explosive substance. This section does not apply to any toy paper cap containing not more than twenty-five hundredths of a grain [16.20 milligrams] of explosive composition per cap.

#### **Section 2. Fireworks in the Township**

- (a) Use of fireworks within the township will be allowed June 27 through July 5<sup>th</sup> and December 26<sup>th</sup> through January 1<sup>st</sup> of each year.
- (b) Fireworks will be prohibited when either Burleigh County or the State of North Dakota declares a burn restriction, ban or a fire emergency.

### **Section 3. Enforcement and Penalties**

**Enforcement:** If a violation is found, the Township may take appropriate action up to and including remedies available under N.D.C.C. 58-03-14.

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## **ARTICLE 12**

### **GUN RANGES**

#### **AN ORDINANCE TO PROHIBIT GUN RANGES**

**WHEREAS**, the township has determined that the regulation of land use within the jurisdiction is necessary to promote public health, safety, and welfare; and

**WHEREAS**, the establishments and operation of gun ranges on parcels of land may pose significant risks to public safety, quiet enjoyment, and the environmental quality of neighboring properties.

#### **Section 1. Definitions**

(a) **Gun Range** means any facility or premises designed or used for the purpose of discharging firearms, whether for recreational, training, competitive, or other similar purposes.

(b) **Permissible Usage**

Trap or Skeet or Sporting Clays Shooting Range

Trap or Skeet or Sporting Clay Shooting Ranges may be permitted in an Agricultural, Industrial or Manufacturing District as a special use, provided:

- The applicant shall submit a petition waiving any objection to the range signed by seventy-five percent (75%) of the landowners within one-half (1/2) mile of the proposed range.
- The applicant shall submit a complete site plan at the time of initial consideration. This site plan shall include the size of the site, location of all proposed land uses, location of all buildings and fences, parking areas and access roads.
- The hours of operation for such uses shall be limited to between 8:00 a.m. and 10:00 p.m.
- Sufficient off-road parking areas shall be provided to handle normal participant and spectator parking needs.

- The proposed use shall be located at least one-quarter (1/4) mile from any residentially zoned area.
- The total area of the premises shall be at least twenty (20) acres.
- Use of firearms will be limited to normal trap or skeet or sporting clays shotguns and ammunition.

### **Section 3. Enforcement and Penalties**

- (a) **Enforcement:** If a violation is found, the Township may take appropriate action up to and including remedies available under N.D.C.C. 58-03-14.
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## **ARTICLE 13**

### **EQUINE**

#### **AN ORDINANCE REGULATING THE KEEPING OF HORSES WITHIN THE TOWNSHIP**

**WHEREAS**, the Township has determined that it is in the best interest of the public health, safety, and general welfare of its residents, including land use and zoning regulations; and

**WHEREAS**, the Township finds it necessary and appropriate to regulate the number of horses permitted on property within the Township to prevent overgrazing, ensure proper sanitation, protect water quality, and maintain compatibility with surrounding land uses; and

#### **Section 1. Definitions**

- (a) **Horse** means equine including horses, ponies, and similar species.

#### **Section 2. Permitted number of Horses**

- (a) Within Apple Creek Township the number of horses allowed is 2 horses on the first 2 acres and 1 horse per additional 3 acres. All acreage must be contiguous. For example, on a 5 contiguous acre lot the number of horses allowed is 3. Each additional 3 acres will allow 1 additional horse.
- (b) Residents may exceed the number of horses allowed if they declare them along with lot size and location to the Apple Creek Township Board within 60 days of these ordinances being adopted. Should the number of excess horses no longer exist, the current ordinance shall apply.



### Section 3. Enforcement and Penalties

- (a) **Enforcement:** If a violation is found, the Township may take appropriate action up to and including remedies available under N.D.C.C. 58-03-14.

### CHANGES TO THE PRESENT ORDINANCE

#### ACT Ordinance Article 3.5 Variance Procedure (second paragraph)

No adjustment in the strict application of any provisions of these regulations shall be granted by the Township Board unless the variance applicant notifies the Township Board in advance of their request and adequately describes the variance that they will be requesting. The request for a variance will be publicly heard by the Township Board after notice of the request has been published by the Township Board at least fifteen (15) days prior to the public hearing in the official Township newspaper and on the Apple Creek Township website <https://www.applecreektownship.org>.

### ARTICLE FIVE: BUILDING AND CONSTRUCTION REQUIREMENTS

#### 5.1 Adoption of Standards and Codes

The Township has adopted the Burleigh County Standards Codes. They can be found at [Building/Planning/Zoning | Burleigh County](#). You may call 701-221-3727 with questions.

#### 5.2 Building Permits

##### 5.2.1 Building Permits Required

No person shall commence the construction, moving or alteration of any building or structure without first obtaining a building permit from Burleigh County. Building permit application information will be conveyed to the Township Board. A building permit is valid for six months from the date of issuance.

##### 5.2.2 Building Permit Fees

The Township will follow the Burleigh County fee structure.

#### 5.4 Building Inspector and Minimum Standards for Dwelling Units

##### 5.4.2 Building Inspector

The designated Township Building Inspector shall be the Burleigh County Building Inspector. No structure of any kind used for residential, commercial, or industrial purposes, including accessory buildings, shall be built, altered or moved within the zoned area of the township until a building, alterations, or moving permit has been obtained from the building inspector. Such permit shall not be issued until permit fees have been paid. No permit is required for maintenance or repair of existing residences, commercial structures, or accessory structures which does not alter the strength or plan of said structure or its mechanical installations, but such maintenance or repair shall comply with all applicable requirements. No amendment to the permit shall be approved until any additional fees, if any, are paid.

The Building Inspector shall determine whether a dwelling is unfit for human habitation, or a structure is substandard, if the inspector finds that any of the following conditions exist:

- (a) The structure has been damaged by fire, wind, or other causes that endanger the lives, safety, or welfare of the occupants or other people of the township.
- (b) The structure is dilapidated, decayed, unsanitary or in disrepair which is likely to cause sickness or disease or injury to the health, safety or welfare of the occupants or other people in the Township.

## ARTICLE SIX: LAND USE RESTRICTIONS

### 6.1 Minimum Lot Size Requirements

The minimum lot sizes for which building permits will be issued by Burleigh County within Apple Creek Township are exclusive of and must be in addition to any area within a lot that is subject to road right of way.

#### 6.1.1 Single Family Residence not within a Residential Subdivision

The minimum size of a lot for which a building permit will be issued by Burleigh County within Apple Creek Township for a Single-Family Residence not within a Residential Subdivision is no less than five (5) acres.

#### 6.1.2 Mobile Homes

Burleigh County will not approve a building permit within Apple Creek Township for a mobile home which is not within an existing Mobile Home Subdivision.

#### 6.1.3 Multiple Family Residences

Burleigh County will not approve a building permit for Multiple Family Residences within the Apple Creek Township.