

TOWNSHIP

2000 93rd ST SE
Bismarck, ND 58504

APPLE CREEK
TOWNSHIP
ZONING ORDINANCES

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ARTICLE ONE

Introduction

1.1 Authority

These rules and regulations are adopted by the Board of Apple Creek Township Supervisors for Apple Creek Township, Burleigh County, North Dakota, under the authority of Chapter 58-03 of the North Dakota Century Code.

1.2 Title

These rules and regulations (hereafter referred to as “Zoning Ordinances” or “Ordinances”) shall be known and may be cited and referred to as the “Zoning Ordinances of Apple Creek Township, Burleigh County, North Dakota.”

1.3 Purpose and Intent

The purpose of enactment of these Ordinances is to promote health, safety, morals, and the general welfare, and to secure the orderly development of approaches to municipalities adjacent to Apple Creek Township.

In enacting these Ordinances, it is the intent of the Board of Apple Creek Township Supervisors to protect rural characteristics enjoyed by the property owners and residents of Apple Creek Township.

In accordance with N.D.C.C. 58-03-11.1, the Board of Township Supervisors for Apple Creek Township, Burleigh County, North Dakota these Ordinances are not intended to prohibit, nor do they prohibit or prevent the use of land or buildings for farming or ranching or any of the normal incidents of farming or ranching.

1.4 Jurisdiction

1.4.1 These Zoning Ordinances shall apply to the use and enjoyment of all lands within Apple Creek Township, Burleigh County, North Dakota.

1.4.2 When an incorporated municipality has declared its intent in exercising its extraterritorial authority as provided by Chapter 40-47 of the N.D.C.C., or by other written agreement with such municipality between the Apple Creek Township Supervisors, these Zoning Ordinances shall not apply to the area delineated for that purpose.

1.5 Severability

If any part of these Zoning Ordinances are adjudged to be invalid by a court of competent jurisdiction, the remainder of these Ordinances shall continue to be binding and shall not be affected by such invalidation.

1.6 Rules of Interpretation

1.6.1 These Ordinances are minimum requirements adopted for the purposes set forth above in Article 1.3. Whenever the requirements of these regulations are at variance with the requirements of other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive shall govern unless otherwise specifically stated.

1.6.2 In construction of these Ordinances, the rules and definitions contained herein shall be observed and applied except when the context clearly indicates otherwise.

1.6.3 If a topic is not specifically addressed by these Ordinances, the Township Board defers to, and hereby expressly adopts, the applicable Burleigh County rules or regulations for such topic. In doing so, the Township Board may, in the future, adopt by way of amendment to these ordinances, its own rules, regulations and ordinances on any such topic.

1.7 Effective Date

These Ordinances shall be effective after a public comment period and adoption by resolution of the Supervisors of Apple Creek Township, Burleigh County, North Dakota on the date of execution below.

1.8 Amendments

The Township Board may from time to time, on their own motion or on petition or on recommendation from the Apple Creek Zoning Board, amend, supplement, modify or repeal provisions of these Ordinances after given Notice of at least fifteen (15) days in advance of a public hearing on the proposed amendment.

1.8.1 Minimal lot size requirements for Apple Creek Township zoning ordinances/bylaws are herein established at five (5) acres. Amendments to Apple Creek Township zoning ordinances/bylaws changing minimal lot size requirements shall be submitted to a vote of Apple Creek Township electors for approval or disapproval only at the annual Apple Creek Township meeting.

ARTICLE TWO

Definitions

2.1 Definitions

Accessory Building – A subordinate building, the use of which is customarily incidental to the main building of the same lot such as garages, sheds, barns, stables, storage buildings, etc.

Accessory Use – A use subordinate to and exclusively for a purpose incidental to the principal use.

Agricultural District – Primary use is for general farming and ranching purposes. The default zoning classification for lands within Apple Creek Township, unless otherwise designated by resolution or amendment.

Apartment – A room or suite of rooms in a multiple family dwelling intended to be designed for use as a residence by a single family.

Arterial Roads – Public roadways that are maintained by Burleigh County.

Bill Board – See “sign,” outdoor advertising.

Board of Supervisors – Apple Creek Township Board of Supervisors.

Building – Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, or property.

Building Height – The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge of gable, hip, and gambrel roofs.

Building Inspector – The building inspector of the existing agency or his authorized representative.

Collector Roads – Public roadways that are maintained by Apple Creek Township.

Commercial District – Any zoning district whose primary purpose is for the sale of goods or services which were not manufactured on the premises or are otherwise included in an Industrial District.

Corner Lot – A lot abutting upon two or more streets at the intersection.

Double Frontage Lot – A lot having a frontage on two non-intersecting streets, as distinguished from a Corner Lot.

Division – The division of a lot, tract, or parcel of land into lots or parcels of land for the purpose, whether immediate or future, or sale or of building development, including any plat or plan which includes the creation of any part of one or more streets, public easements, or other rights of way whether public or private, for access to or from such lots or parcels of land, and/or including the creation of new or enlarged parks, playgrounds, place or open spaces. “Subdivision” includes the re-subdivision of one or more lots as parcels of land in a subdivision made and recorded prior to or after the date these Ordinances are adopted. However, the division of land for agricultural purposes into parcels of forty (40) or more acres, not involving any new street easement of access, shall be exempted from these Ordinances.

Family – A group of one or more persons occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house or hotel, as herein defined.

Farm – A zoned area of Apple Creek Township containing at least forty (40) acres, which is used for the growing of the usual farm products, such as vegetables, fruit trees, and grain, and their storage on the area, as well as for raising thereon the usual farm poultry and farm animals, such as horses, cattle, sheep and swine. The term farming includes the operating of such as area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming

activities, and provided further that farming does not include the commercial feeding of garbage or offal to swine or other animals.

Filling Station – Any building or premises used for the dispensing, sale or offering for sale at retail of any automobile fuel or oils. When the dispensing, sale or offering for sale is incidental to the conduct of a Public Garage, the premises are classified as a Public Garage.

Frontage – All the property on one side of the street or highway between two intersecting streets or highways (crossing or terminating) measured along the line of the street or highway or if the street or highway is dead ended, then all of the property abutting on one side between an intersecting street or highway and the dead end of the street or highway.

Home Based Business – Any occupation or profession carried on by a member of the immediate family, residing on the premises, in connection with which there is used no sign other than a name plate to more than one square foot in area or no display that will from the exterior that the building is being utilized in whole or in part for any purpose other than a dwelling; in which no person is employed other than in domestic service, and in which no mechanical equipment is used except such as is permissible for purely domestic or household purposes.

Industrial District – A district where the primary purpose is for the manufacture of goods.

Junk Yard – The use of more than two hundred (200) square feet of the area of any lot whether inside or outside a building, or area of any lot whether inside or outside a building, or the use of any portion of the half of any lot that adjoins the street, for the storage, keeping, or abandonment of junk, including scrap metals, rags, paper or other scrap materials and equipment, or for the dismantling, demolition or abandonment or automobiles or other vehicles or machinery or parts thereof.

Local Roads – Private roads, included but not limited to roads within residential or mobile home subdivisions, which are not maintained by Burleigh County or Apple Creek Township.

Lot – A parcel of land occupied or intended for occupancy by one main building together with its accessory buildings, including the open space required upon a street or upon an officially approved place.

Lot Depth – The mean horizontal distance between the front and rear lot lines.

Multiple Family Residence – A building or portion thereof designed for or occupied by more than one families.

Non-Conforming Use – Any building or land lawfully occupied by a use at the time of passage of these Ordinances or amendments thereto, which does not conform after the passage of these Ordinances or amendments of the district in which it is situated.

Notice – Notice, as designated in these Ordinances, shall consist of holding a public hearing after providing for at least fifteen (15) days advanced notice of such public hearing by publication in the official newspaper of the county. The Township Board shall also make every effort to post the contents of such public notice on the township's official website located at www.applecreektownship.org and provide the contents of such notice by email notification to township residents when such a system is established.

Nuisance – Unlawfully doing an act or omitting to perform a duty, which act or omission (1) Annoys, injures, or endangers the comfort, repose, health, or safety of others, (2) Offends decency, (3) Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage, any lake, navigable river, bay, stream, canal, basin, public park, square, street, or highway, or (4) in any way renders other persons insecure in life or in the use of property.

Outdoor Advertising Sign – A sign, including a Billboard, which directs attention to a business, commodity, service, entertainment, or other activity conducted, sold or offered elsewhere than on the premises upon which the sign is located.

Principal Dwelling – A residence to which an accessory building is attached or primarily dependent upon.

Private Garage – An accessory building housing motor vehicles on the property of and for the exclusive use of owner or occupants of the lot on which it is located.

Public Garage – Any building or premises used for equipment, repairing, hiring, selling or storing motor driven vehicles.

Residence – Any building or portion thereof, which is designed or used for residential dwelling purposes.

Residential District – Any District designed as such under authority of this resolution for primarily and exclusively residential purposes.

Residential Subdivision – A parcel of property greater than or equal to forty (40) acres made up of single lots for the construction of single-family residences which are governed by covenants between the property owners.

Salvage Yard – A place where used parts of automobiles or other equipment are collected, abandoned, or processed for resale.

Sign – Any device used for visual communication which is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag,

badge, or insignia of governmental agency, or of any civic, charitable, religious, patriotic, fraternal, or similar organization.

Single Family Residence – A building designed for or occupied by one family unit.

Structure – Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground.

Temporary Structure – A structure such as a tent or a building of sectional construction whose design and construction is such that it will be used for only a short period of time or that it can be readily moved to another location.

Township – All references to the Township are to Apple Creek Township, Burleigh County, North Dakota.

Township Board – The Apple Creek Township Board of Supervisors.

Variance – The relaxation or release of a building or parcel of property from the strict compliance with one or more terms of these Ordinances.

Zoning Board – The Zoning Board shall consist of three members of the Apple Creek Township Board plus two other residents of Apple Creek Township. These two members shall be elected at the Township Annual Meeting for a term of two years. Vacancies shall be filled by appointment by the remaining members of the Zoning Board and shall serve until the next scheduled Annual Meeting. The Zoning Board shall hear all requests for zoning changes and other matters pertaining to zoning and a majority decision will be final. All decisions shall be recorded in regular township meeting minutes.

ARTICLE THREE

General Provisions

3.1 Compliance with Zoning

No building or land shall hereafter be used or occupied, and no building shall be erected, moved, or altered unless in conformity with these Ordinances.

3.2 Non-Conforming Uses

3.2.1 Prior Use – The lawful use of a building, structure or premises which does not comply with these Ordinances may continue, subject to the restrictions set forth below in Section 3.2.2, if the non-conforming use:

(a) Was in compliance with, or provided a variance from, the Apple Creek Zoning Regulations and Amendments effective since June 6, 1988 and its subsequent amendments through the date of the adoption of these Ordinances; or

(b) If such use was not restricted at the time the use was commenced.

3.2.2 Termination, Alteration, or Destruction of Non-Conforming Use – Where a non-conforming use is discontinued for a period of more than twelve (12) consecutive months any subsequent use or occupancy of such premises shall conform to these regulations. Whenever a non-conforming building is destroyed or damaged by fire or other casualty to the extent of more than fifty-percent (50%) of its current market value, it shall not be restored unless it is brought into conformity with these Ordinances. Non-conforming uses shall not be expanded to occupy a larger area of land than existed at the date of adoption of these Ordinances unless approved by the Zoning Board after a public hearing.

3.3 Land Suitability

No land shall be used for a purpose which is held unsuitable for the reason of flooding, soil limitations, inadequate drainage, incompatibility with adjoining uses or any condition likely to be harmful to the health, safety or the welfare of the people in the area. The Township Zoning Board may require information and data to determine the land suitability on a case-by-case basis. The Township may consult with county and state agencies to assist in its determination.

3.4 Comprehensive Plan

These Ordinances are adopted to implement and are intended to be consistent with the Apple Creek Township Comprehensive Plan.

3.5 Variance Procedures

The Township Board may vary or adjust the strict application of any of the requirements of these Ordinances in the case of other exceptionally irregular, narrow, shallow or steep lot or other exceptional physical or topographical condition, by reason of which the strict application of an Ordinance would result in unnecessary hardship that would deprive the owner of a reasonable use of the land or building involved.

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 <http://www.applecreektownship.org>.

Before granting a variance, the Township Board must find:

- (a) That there are special circumstances or conditions, fully described in the findings of the Township Board, applying to the land or buildings for which the variance is

- sought, which are peculiar to such land or building, and do not apply generally to land or buildings in the neighborhood and have not resulted from any act of the applicant taken subject to the adoption of these Ordinances, whether or not in violation of the provisions of the Ordinances.
- (b) That, for reasons fully set forth in the findings of the Township Board, the circumstances or conditions so found are such that the strict application of the provisions of these regulations would deprive the applicant of the reasonable use of said land or building, and the granting of the variances is necessary for the reasonable use of the land or building and that the variance, as granted by the Township Board, is the minimum variance that will accomplish the relief sought by the applicant.
 - (c) That the grant of the variance will be in harmony with the general purposes and intent of the Ordinances and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In granting any variance, the Township Board shall prescribe any conditions applying thereto that it may deem necessary or desirable to carry out the general purpose of these Ordinances or preserve the neighborhood or general welfare from injury.

3.6 Special Use Permits

3.6.1 Special Use Permits Required – In order to carry out the purposes of these regulations, the Township Board finds it necessary to require that certain uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area or other reasons, be reviewed by such board prior to the granting of a permit; and that the township board has been given discretionary powers relating to the grant of such permit or certificate as special uses. Special uses shall include, but are not limited to the following:

- (a) The keeping, raising or harboring of more than two outdoor dogs at any one residence.
- (b) The operation of any Home-Based Business.
- (c) The construction or installation of any residential wind turbine or generator.
- (d) The display of any Sign, Billboard or Outdoor Advertising Sign which is visible to the public.
- (e) The use of land for a commercial livestock feed lot. Such a feed lot shall require at least 160 acres in total area and shall be located at least one mile from the nearest residential dwelling.
- (f) The construction of a Filling Station or the installation of an underground or above ground storage tank.
- (g) The operation of a Private Garage, Junk Yard or Salvage Yard.

3.6.2 Special Use Permit Procedures

Before approving the issuance of a special use permit, the Board shall find:

- (a) The proposed use is in harmony with the purpose of the regulations.
- (b) The proposed use will not adversely affect the health and safety of the public.
- (c) The proposed use will comply with all appropriate regulations for the district in which it will be located.
- (d) The proposed use will comply with all special regulations established by the Board and all special conditions necessary for the situation, safety, and general welfare of the public.
- (e) The construction of any accessory building.

The Board is authorized to impose any conditions on the grant of a special use permit it deems necessary for the protection of the neighborhood and the general welfare of the public.

The Board shall require the applicant for authorization of a special use permit to furnish engineering drawings or specification, site plans, operating plans, or any other data the Board finds necessary to appraise the need for or effect of the use.

The Board shall refuse to authorize the issuance of a special use permit if the Board finds that such special use would fail to comply with any requirements of these Ordinances.

3.7 General Prohibition Against Actions to Ordinance

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, moved, or structurally altered unless done in conformity with all of the provisions of these Ordinances. The violation of these Ordinances is punishable pursuant to N.D.C.C 58-03-14.

ARTICLE FOUR Designation of Zoning Areas

4.1 Statement of Purpose or Zoning Areas

In order to classify, regulate and restrict the location of business, trades, industries and residences, and other land uses and the location of buildings designed for specific uses, to regulate and limit the height and bulk of buildings hereafter erected, constructed or altered; to regulate and limit the intensity of the use of lot area, and to regulate and determine the area of yards, courts, and other open obe zoned in different land use classifications.

4.2 Zoning Classifications

The land in Apple Creek shall be one of the following zoning classifications:

- (a) Agricultural District
- (b) Residential District
- (c) Residential Subdivision
- (d) Mobil Home Subdivision
- (e) Commercial District
- (f) Industrial District

4.3 Default Zoning Classification – Agricultural

Land in Apple Creek Township is, by default, presumed to be zoned Agricultural unless it is specifically zoned otherwise.

4.4 Zoning Map

The map titled “Apple Creek Zoning Jurisdiction” indicates the area in Apple Creek Township which are subject to these Ordinances. This map appears on the last page of these Ordinances and is hereby incorporated into these Ordinances by reference.

4.5 Agricultural District

The purpose of this District is to provide for preservation and protection of agricultural lands and to discourage uses incompatible with agricultural operations or detrimental to agricultural lands utilization.

4.6 Residential District

The purpose of this District is to provide for the preservation and protection of areas to be solely and primarily used for residential living and to discourage uses incompatible with residential living, specifically but not limited to commercial and industrial uses.

4.7 Commercial District

The purpose of a Commercial District is to provide for the placement and concentration of commercial activities which derive profit from the sale of good or services, or the admission to property into a specific, exclusive District.

4.8 Industrial District

The purpose of an Industrial District is to provide for the placement and concentration of industrial activities, including the manufacture, fabrication, or assembly of goods or products into a specific, exclusive District.

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.

5.3 Building Requirements

5.3.1 Conformity with Zoning Classification

No building shall be erected, enlarged, structurally altered or moved unless it is designed to make the premises conform to the regulations for the district in which the premises is located.

5.4 Building Inspector and Minimum Standards for Dwelling Units

5.4.1 Responsibility of Dwelling Owners and Occupants

Every occupant of a dwelling or building shall keep it in a clean and sanitary condition. All rubbish and other organic waste shall be placed in containers for disposal in a clean and sanitary manner. No owner shall occupy or let any vacant dwelling unless it is clean, sanitary, fit for human habitation and not in violation of any other Ordinance. Every property owner shall be responsible for the prevention and extermination of infestations of insects, rodents or other pests.

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.

5.4.3 Substandard Building or Dwelling Unit

Any building or dwelling unit that violates the terms of these Ordinances will be treated as a public nuisance and dangerous to public health or welfare.

Whenever the Building Inspector determines there has been a violation of these Ordinances, he or she shall notify the owner and occupants of the building, structure, or dwelling, as well as any other owner of record, in writing by registered mail.

The Building Inspector shall provide a report to the Township Board regarding his or her findings on the condition of the property. Based on the Building Inspector's findings, the Township Board may order that the structure, building, or dwelling be vacated, repaired, destroyed, or otherwise remedied as determined by the specific conditions on the property.

If the Township Board issues an Order, the Building Inspector shall affix a sign to each structure, dwelling or building indicating that it has been deemed to be substandard and describing the defect, which shall remain on the building until it has been repaired, demolished, or otherwise remedied.

If the owner of the property fails to commence the repairs, demolition or remedies ordered by the Township Board within thirty (30) days of the Order, the Township Board may order that the necessary repairs, demolition or other remedies be commenced and charged against the land upon which the building, structure or dwelling is located.

5.5 Accessory Building Size Limitations

5.5.1 Accessory Building Uses

All accessory buildings to a single-family residence shall comply with the maximum area, side wall height and overall Building Height limitations set forth herein.

5.5.2 Maximum Side Wall and Overall Accessory Building

All allowable accessory buildings shall be limited to a maximum of four percent (4%) of the area of the parcel, a maximum wall height of sixteen and one-half (16 ½) feet and a maximum building height of twenty eight (28) feet.

5.5.2.1 Buildings

Barns, stables, storage buildings, and detached garages and similar structures are included in the above computations. Attached garages are not included in the above computation, provided the area occupied by an attached garage does not exceed one and one-half times the area of the footprint of the dwelling portion of the principal structure to which it is attached.

5.5.3 Construction of a garage, barn or storage building on property where no dwelling exists is allowed prior to the construction of the Principal Dwelling provided the following conditions are met:

- (a) Hold a scheduled public hearing during which the Zoning Board will provide its recommendation.
- (b) A garage, barn or shed constructed pursuant to this section shall be limited to not more than one structure, which shall be limited to a maximum side wall height of 16 ½ feet and a maximum Building Height of 28 feet.

5.6 Building Setback Requirements

The setback requirements for any building or structure are determined by the highest classification of any roads which abut the property. The setbacks are measured from the centerline of the roadway and are as follows:

Road Classifications	Setback
Arterial Roads	250 feet
Collector Roads	200 feet
Local Roads	125 feet

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.

6.2 Residential Subdivisions

6.2.1 Minimum Allowable Acreage for Subdivision

The minimum amount of land that will be considered by the Zoning Board or Township Board for a subdivision is forty (40) acres. This is to avoid spot zoning, which Apple Creek Township discourages.

6.2.2 Minimum Lot Size Within a Subdivision

The minimum size of a lot for which a building permit will be issued by the Township Board for a Single-Family Residence within a Residential Subdivision is no less than five (5) acres.

6.2.3 Private Maintenance of Roadways

Every residential subdivision is responsible for maintaining their own private drives and roadways.

6.2.4 Residential Subdivision Approval Procedures

Any person, group of persons or corporate entity wishing to establish a subdivision or make a request for a zoning change in Apple Creek Township shall follow these procedures.

- (a) Request a public hearing for a zoning change from the Township Board at its regular monthly meeting on the first Monday of each month. The public hearing will be properly advertised by the Township Board and held within sixty (60) days of the request, normally at the next regular monthly meeting.
- (b) A fee of \$50.00 will be charged and must be prepaid to hold a public hearing for zoning change requests. If a zoning change is granted, a fee of \$5.00 per lot will be charged to consider the plats and covenants.
- (c) If the zoning change is granted by the Township Board the proposed subdivision plat and restrictive covenants shall be presented to the Board at a public hearing at least thirty (30) days after the zoning change but within six months of the zoning change. More than one public hearing may be held to satisfy the Board or subdivision developer's requests. Each hearing shall be held within sixty (60) days of the previous hearing.
- (d) The proposed plat shall be properly surveyed by a certified professional surveyor. Roads within the subdivision must be dedicated to and approved by Burleigh County before lots may be sold. Any easements necessary to provide access to the subdivision must also be obtained and such easements presented to the Board before lots may be sold. Building permits will not be issued until dedication and approval of roads within the subdivision is received by the Township from Burleigh County. No roads within a subdivision will be allowed to be maintained privately with the exception of two or less single-family dwellings on forty (40) acres or more.
- (e) Land zoned to any other use than agricultural shall be taxed by its zoned classification from the date of zoning change. Taxes on homes under construction shall be prorated from the date of construction to completion. For example, if construction began in July and was half completed at the end of the year, then the property owner would only pay $\frac{1}{2}$ of the normal taxes on the structure. Taxes on the land will be charged at residential rates from the date of the zoning change to developer to date of purchase by home owner.
- (f) Plat and covenants shall be properly recorded with the Burleigh County Recorder's Office upon signed approval from the Township Board. One copy of the plats and restrictive covenants and verifications from Burleigh County, both which have been recorded with the Burleigh County Recorder's Office, shall remain on file with the Township clerk. All landowners governed by

such restrictive covenants shall comply with all contingencies listed therein. Failure of the landowners to comply will constitute a violation of these zoning ordinances and can be punishable by the Township Board in accordance with these ordinances.

6.3 Mobile Home Subdivision

The Board recognizes the importance of providing for and establishing areas for home homes. We believe the owners of mobile homes will be best represented by areas specifically developed for mobile homes. Mobile home subdivisions shall constitute areas zoned for ownership of land for each mobile homeowner. Any mobile home in a mobile home subdivision shall be put on a permanent foundation. These Ordinances shall apply to mobile home subdivisions as applied to any subdivision in Apple Creek Township, and subdivision procedures shall be followed. No subdivision in the Township shall allow both mobile homes and other types of Single-Family Residences in the same subdivision. A mobile home subdivision shall contain only mobile homes and a residential subdivision shall contain no mobile homes.

6.4 Tree and Shrub Setbacks from Road Right of Way

6.4.1 All trees, shrubs or bushes to the north or west of a roadway must be planted a minimum of eighty-five (85) feet from the centerline of the roadway.

6.4.2 All trees, shrubs or bushes to the south or east of a roadway must be planted a minimum of sixty-five (65) feet from the edge of the centerline of the roadway.

6.5 Private and Public Drives

6.5.1 Private Drive

A private drive is a road serving as a driveway or approach to two or fewer single-family residences. A private drive does not need to be built in accordance with Burleigh County specifications.

6.5.2 Public Drive

A public drive is a road serving as a driveway or approach to three or more single-family residences. A public drive must be built in accordance with Burleigh County specifications.

ARTICLE SEVEN Supplemental Provisions

7.1 Home-Based Business

A Home-Based Business shall require a permit from the Township Board. Home Occupations shall be limited to the inside areas of a dwelling. The area used for such occupation shall not exceed twenty-five percent (25%) of the main floor area of the dwelling, excluding basement or garage floor space.

7.2 Nuisances

7.2.1 Prohibition of Nuisances

No person shall allow a Nuisance to be present, remain or continue on their property within the Township.

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 7.2.2.1 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 7.2.2.2 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 7.2.2.3 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.

7.3 Abandoned, Unlicensed and Inoperable Motor Vehicles

All motor vehicles stored in the Township must be operable and licensed. Unlicensed or abandoned motor vehicles will not be permitted and must be removed.

7.4 Multiple Family Residences

No building permit shall be approved for a Multiple Family Residence in Apple Creek Township.

7.5 Wind Turbines/Generators

No permit will be issued for commercial wind turbines or wind generators within Apple Creek Township. A permit is required from the Township in order to construct and maintain one non-commercial use wind turbine. The maximum allowable height for personal-use wind turbines is sixty (60) feet, and it must be set back from the property line at least 85 feet.

7.6 Installation/Maintenance within Township Right of Way

All pressurized and/or hazardous material pipelines that cross roadway shall be placed within casings and placed a minimum of 6 feet below ditch bottom (or 8 feet below roadway – whichever is greater). Casing may be forgone if the pressurized pipeline is placed a minimum of 8 feet below ditch bottom or (10 feet below roadway – whichever is greater). Minimum depth requirements shall extend to 75 feet each side of the roadway centerline. Permit is to be issued by Apple Creek Township Board of Supervisors.

RESOLUTION OF ADOPTION
CHANGES MADE TO THE EXISTING ORDINANCES

Whereas, the Township Zoning Board has approved these Zoning Ordinances, as amended, and recommends they be adopted by the Township Board, and that the same supersede any prior versions of the Township Zoning Ordinances. Now and therefore, be it resolved that the Township Board hereby adopts these Apple Creek Township Zoning Ordinances.

Township Clerk	Date
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Board Chair	Date
-------------	------

Supervisor	Date
------------	------

Supervisor	Date
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ARTICLE EIGHT

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 8.1 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 8.2 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 8.3 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 8.4 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 8.5 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 8.6 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 NINE

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 9.1 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 9.2 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 TEN

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 10.1 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 10.2 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 10.3 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.

ARTICLE ELEVEN

FIREWORKS

AN ORDINANCE THAT PERMITS THE USE OF FIREWORKS

Section 11.1 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 11.2 Fireworks in the Township

- (a) Use of fireworks within the township will be allowed June 27 through July 5th and December 26th through January 1st 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 11.3 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.

ARTICLE TWELVE

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 12.1 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 12.2 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.

ARTICLE THIRTEEN

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 13.1 Definitions

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

Section 13.2 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 13.3. 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.

APPLE CREEK TOWNSHIP MORATORIUMS

MORATORIUM ONE

MORATORIUM ON THE ESTABLISHMENT, CONSTRUCTION, AND OPERATION OF DATA CENTERS

Section 1. Purpose and Intent

Pursuant to the Township's authority under the North Dakota Century Code, including but not limited to N.D.C.C. 58-03-11 and the Township's inherent responsibility to protect the public health, safety, and welfare, the Township's Board hereby enacts a moratorium on the establishment, construction, expansion, or operation of data centers within the jurisdictional boundaries of the Township.

The Township anticipates inquiries into the development of data centers within its boundaries. Due to the significant potential impacts of such facilities on land use, energy and water consumption, noise levels, traffic, public infrastructure, and environmental conditions, the Township finds it necessary and appropriate to conduct a comprehensive study and consider the adoption of permanent regulations as they pertain to the Apple Creek Township.

This moratorium is intended to preserve the status quo while the Township conducts necessary planning, obtains public input, and formulates appropriate zoning and land use policies specific to data centers.

Section 2. Definitions

For the purposes of this Moratorium:

- (a) **Data Center** shall mean any facility used to house computer systems and associated components, such as telecommunications, data storage systems, crypto mining, and which may include backup power supplies, redundant data communications connections, environmental controls (e.g., air conditioning, fire suppression), and security devices.

Section 3. Moratorium Imposed

Effective upon the adoption of this moratorium, no permit, license, certificate of occupancy, site plan approval, conditional use approval, zoning change, or any other official action shall be issued or granted by the Township, or its agents, boards, or commissions, that would permit or authorize the establishment, construction, expansion, or operation of any data center within the Township during the period of this moratorium.

Section 4. Duration

This moratorium expires 730 days from the date of adoption. It may be extended only through a new ordinance following a public hearing and justification based on ongoing evaluations.

Section 5. Effective Date

This moratorium shall take effect immediately upon adoption and publication as required by law.

MORATORIUM TWO

MORATORIUM ON DIRECT AIR CARBON CAPTURE FACILITIES (DACC)

Section 1. Purpose and Intent

This moratorium prohibits acceptance, review, processing, permitting, or construction of any direct air carbon capture (DACC) facilities within township limits. The aim is to protect public health, property rights, environmental integrity, and to provide time for thorough study of safety, land-use compatibility, emergency response, and regulatory frameworks.

Section 2: Definitions

- (a) **Direct air carbon capture facility** means any industrial-scale mechanical or chemical facility that utilizes powered equipment, engineered systems, or chemical processes to capture carbon dioxide (CO₂) directly from ambient atmospheric air for the purpose of compression, injection, sequestration, storage, transportation, or commercial utilization.
- (b) **Permit** includes any local zoning, building, conditional-use, or development permits applicable to DACC projects.
- (c) **Person** means any individual, corporation, company, partnership, or any other legal entity.

Section 3: Moratorium Imposed

Effective immediately upon adoption, the Township shall not accept, consider, process, or approve any applications or permits for new or expanded DACC facilities or related infrastructure—such as compressor stations, sequestration equipment, or CO₂ transportation systems.

Section 4: Duration

This moratorium expires 730 days from the date of adoption. It may be extended only through a new ordinance following a public hearing and justification based on ongoing evaluations.

Section 5: Findings and Justification

The Township Board finds that:

- (a) The technology for direct air carbon capture is relatively nascent, with potential risks related to noise, land disturbance, chemical processing, and road traffic.
- (b) Safety protocols, setback distances, environmental impact standards, and emergency response plans for DACC remain undeveloped or untested at the local level.

Section 6: Effective Date

This moratorium shall take effect immediately upon adoption and publication as required by law.

MORATORIUM THREE

MORATORIUM ON NUCLEAR AND INDUSTRIAL WASTE DISPOSAL SITES

Section 1. Purpose and Intent

This moratorium prohibits the acceptance, approval, siting, permitting, or construction of nuclear and industrial waste disposal facilities within the township. Its purpose is to safeguard public health, safety, and welfare while allowing township officials time to review existing regulations, environmental data, and best practices.

Section 2. Definitions

- (a) **Nuclear waste** means low- or high-level radioactive waste, spent fuel, or byproducts.
- (b) **Industrial waste** means hazardous or industrial waste defined under N.D.C.C. 23.1-04-02 and ND Administrative Code 33.1-20-01.1-03.
- (c) **Facility** means any proposed or existing site for disposal, treatment, storage, or transfer of nuclear or industrial waste requiring any local, state, or federal permit.

Section 3. Moratorium Imposed

Effective immediately upon adoption, the township shall not accept, process, approve, or issue any permit (including zoning, conditional use, building, or state/local environmental) for any new or expanded nuclear or industrial waste disposal facility within township boundaries.

Section 4. Duration

This moratorium expires 730 days from the date of adoption. It may be extended only through a new ordinance following a public hearing and justification based on ongoing evaluations.

Section 5. Effective Date

This moratorium shall take effect immediately upon adoption and publication as required by law.

MORATORIUM FOUR

MORATORIUM ON RENEWABLE-ENERGY BATTERY STORAGE FACILITIES

Section 1. Purpose and Intent

This moratorium prohibits the acceptance, review, processing, permitting, or construction of any commercial-scale energy storage installations—such as lithium-ion or flow batteries—within township boundaries. The moratorium is intended to protect public health and safety while the township reviews safety standards, land-use compatibility, setbacks, emergency response, and regulatory alignment.

Section 2. Definitions

- (a) **Battery storage facility** means any commercial-scale system using electrochemical or other technology to store electrical energy, typically coupled with renewable generation.
- (b) **Related infrastructure** includes enclosures, transformers, inverters, safety systems, or vehicle access plans connected to battery storage operations.
- (c) **Permit** refers to any required local zoning, conditional-use, building, or development permit.

Section 3. Moratorium Imposed

Effective immediately upon adoption, Apple Creek Township will not accept, process, approve, or issue any permit or authorization for new or expanded battery storage facilities or associated infrastructure.

Section 4. Duration

This moratorium expires 730 days from the date of adoption. It may be extended only through a new ordinance following a public hearing and justification based on ongoing evaluations.

Section 5. Effective Date

This moratorium shall take effect immediately upon adoption and publication as required by law.

MORATORIUM FIVE

MORATORIUM ON ESTABLISHMENT, CONSTRUCTION, AND OPERATION OF SOLAR FARMS

Section 1. Purpose and Intent

Pursuant to the authority granted by the North Dakota Century Code, including N.D.C.C. 58-03-11 and the Township's inherent responsibility to protect public health, safety, and general welfare, the Township's Board hereby adopts this moratorium on the establishment, construction, expansion, or operation of solar farms.

Solar Farm projects raise significant concerns regarding land use compatibility, aesthetic impact, environmental effects, long-term land conservation, and potential effects on nearby property values and agricultural land.

Section 2. Definitions

(a) **Solar Farm** means a utility-scale or commercial solar energy facility that generates electricity from solar radiation for off-site use, whether connected to the public utility grid or operated independently, and typically consisting of multiple solar panels, inverters, transformers, mounting systems, energy storage systems, and associated infrastructure on one or more contiguous parcels of land.

Section 3. Moratorium Imposed

(a) Effective immediately upon the adoption of this moratorium, the Township, including any of its officers, boards, commissions, or agents, shall not accept, review, process, approve, or issue any permits, licenses, site plan approvals, special or conditional use permits, building permits, zoning changes, or any other official approvals related to the establishment, siting, construction, expansion, or operation of a solar farm within the boundaries of the Township.

Section 4. Duration

This moratorium expires 730 days from the date of adoption. It may be extended only through a new ordinance following a public hearing and justification based on ongoing evaluations.

Section 5. Effective Date

This moratorium shall be in full force and effect upon its adoption and publication as required by law.

MORATORIUM SIX

MORATORIUM ON ESTABLISHMENT, CONSTRUCTION, AND OPERATION OF WIND FARMS

Section 1. Purpose and Intent

Pursuant to the authority granted under the North Dakota Century Code, including but not limited to N.D.C.C. 58-03-11 and the Township's inherent responsibility to regulate land use for the protection of public health, safety, and general welfare, the Township's Board hereby adopts this moratorium on the establishment, construction, expansion, or operation of wind farms.

Wind farms may have significant impacts on agricultural land, rural character, wildlife habitat, property values, aesthetics, noise levels, shadow flicker, and aircraft safety. The moratorium is intended to protect public health and safety while the township reviews safety standards, land use compatibility, setbacks, emergency response and regulatory alignment.

Section 2. Definitions

For the purposes of this moratorium:

- (a) **Wind Farm** means a wind energy conversion system consisting of one or more wind turbines together with any associated infrastructure such as substations, transmission lines, meteorological towers, access roads, operation and maintenance facilities, which is intended to generate electricity for off-site or commercial use.

Section 3. Moratorium Imposed

Effective upon adoption of this moratorium, the Township, including its officers, boards, commissions, and agents, shall not accept, review, process, issue, or approve any applications, permits, variances, conditional use approvals, zoning changes, site plans, or other official actions related to the establishment, construction, siting, expansion, or operation of a wind farm within the boundaries of the Township.

Section 4. Duration

This moratorium expires 730 days from the date of adoption. It may be extended only through a new ordinance following a public hearing and justification based on ongoing evaluations.

Section 5. Effective Date

This moratorium shall take effect immediately upon its adoption and publication according to law.

RESOLUTION OF ADOPTION**MORATORIUM SIX****MORATORIUM ON ESTABLISHMENT, CONSTRUCTION, AND OPERATION OF
WIND FARMS**

Whereas, the Township Zoning Board has approved these Zoning Ordinances, as amended, and recommends they be adopted by the Township Board, and that the same supersede any prior versions of the Township Zoning Ordinances. Now and therefore, be it resolved that the Township Board hereby adopts these Apple Creek Township Zoning Ordinances.

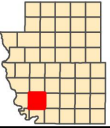
Township Clerk	Date
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Board Chair	Date
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Supervisor	Date
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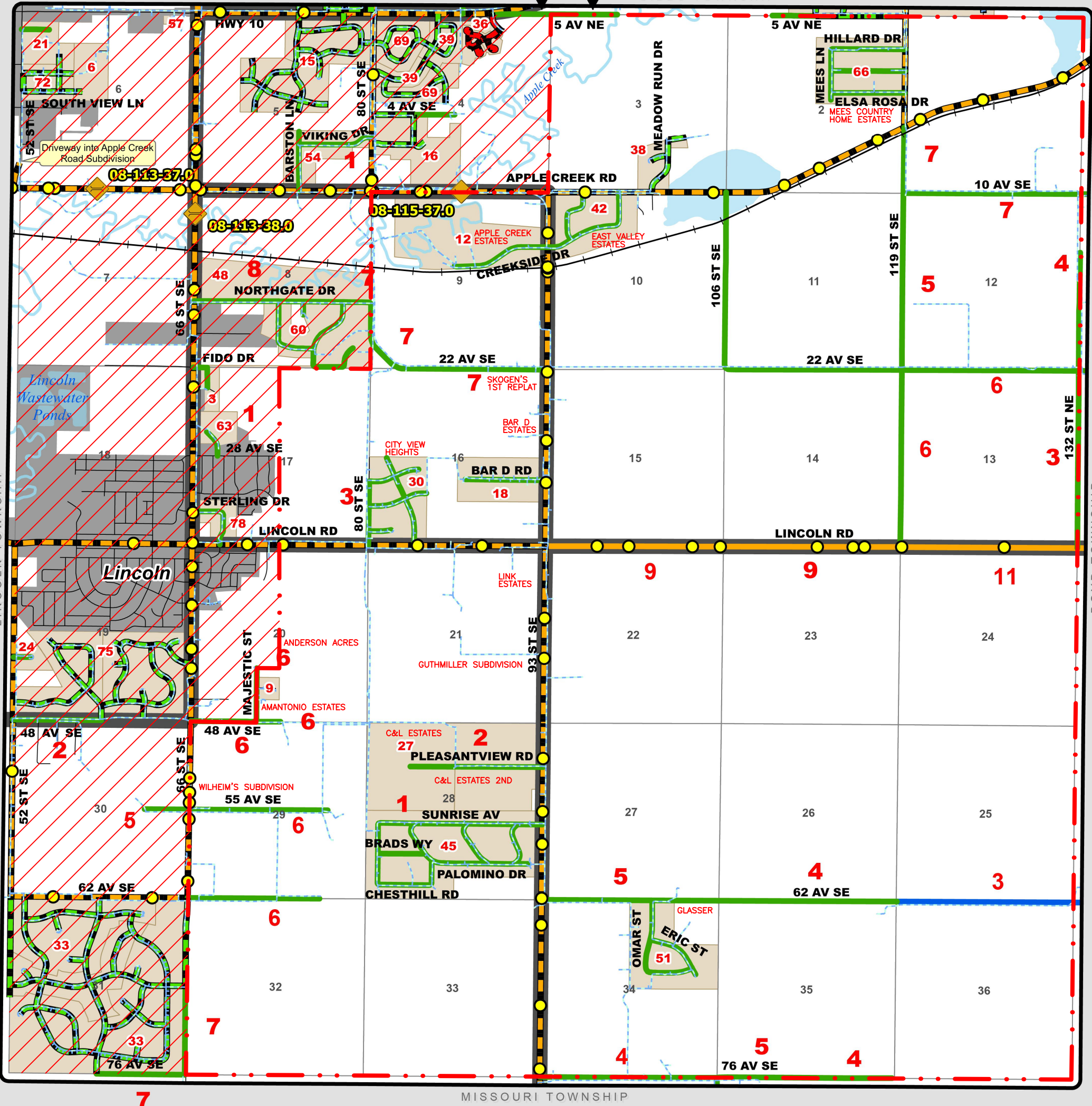
Supervisor	Date
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TOWNSHIP ROAD MAINTENANCE MAP APPLE CREEK #39 (T138N R79W)



0.11mi Apple Creek 0.58mi Gibbs

GIBBS TOWNSHIP



- Culvert
- Fire Hydrants & Cleanouts
- County Gravel Road
- County Paved Road
- Gravel - Summer Maintenance
- Gravel - Winter Maintenance
- Gravel - Year Round Maintenance
- Paved - Summer Maintenance
- Paved - Year Round Maintenance
- Township/County Jurisdiction
- State & Federal Highways
- Federal Aid Road
- Other Roads
- Bridge
- Water Pipe