

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, typically kept as pets or for agricultural purposes, including but not limited to dogs, cats, livestock, and fowl.
- (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, including:
 - 1. Excessive noise or sound from animals, including barking, howling, crowing or other continuous or repetitive noise.
 - 2. Odors or smells from animals or animal waste that significantly impact the air quality or comfort of nearby properties.
 - 3. Conditions leading to the accumulation of animals and the animal waste or excrement that create a public health hazard or offensive condition.
 - 4. The uncontrolled or habitual roaming or wandering of animals that may cause damage to property, vehicles or citizens using public roads or other public areas, or other infrastructure.

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.

Section 3. Enforcement and Penalties

- (a) **Enforcement:** The Township or its designees, shall have the authority to enforce the provisions of this ordinance. If a violation is found, the Township may take appropriate action to remedy the violation.
 - (b) **Penalties for Violation:** Any person found to be in violation of this ordinance may be subject to penalties, including but not limited to fines, fees, court costs, attorney's fees, or other legal remedies. In addition to fines, the Township may seek injunctive relief to compel compliance with this Ordinance and any other remedies available under Ch. 58-03, N.D.C.C. for violations of zoning ordinances.
 - (c) **Continued Violations:** If the violation is not corrected after proper notification of said violation, the Township may at its discretion impose additional penalties to enforce compliance.
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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:** No shipping container shall be placed or used for storage on any parcel or lot unless such parcel or lot is a minimum of five (5) contiguous acres in size. See chart below for additional details:

1 storage unit = 5 contiguous acres, each additional container will require 15 acres

2 storage units = 20 contiguous acres

3 storage units = 35 contiguous acres

Section 3. Residence Requirement

- (a) **Residence Requirement:** No shipping container or container cover kits 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.

Section 6. Enforcement and Penalties

- (a) **Enforcement:** The Township shall have the authority to enforce the provisions of this ordinance. Failure to comply with this ordinance shall result in a notice of violation, and the property owner shall be required to bring the property into compliance within a reasonable period, as determined by the Township.
- (b) **Penalties for Violations:** Any person, firm, or corporation found to be in violation of this ordinance may be subject to penalties, including but not limited to fines, fees, court costs, attorney's fees, or other legal remedies. In addition to fines, the Township may seek injunctive relief to compel compliance with this Ordinance and any other remedies available under Ch. 58-03, N.D.C.C. for violations of zoning ordinances.
- (c) **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

SHORT TERM RENTALS

AN ORDINANCE PROHIBITING THE ESTABLISHMENT AND USE OF SHORT-TERM RENTAL UNITS.

WHEREAS, the Township recognizes the importance of preserving the residential character, safety, and tranquility of the Township; and

WHEREAS, the Township has determined that the establishment and use of short-term rental units; and

WHEREAS, the Township seeks to ensure that properties are primarily used for long-term residential purposes, as opposed to commercial, transient, or temporary accommodations.

Section 1. Definitions

- (a) **Short-Term Rental Unit** means any property, dwelling unit, or part thereof that is rented, leased, or otherwise made available for temporary accommodation with consideration, where the rental period is less than thirty (30) consecutive days, including properties rented through online platforms.
 - (b) **Transitory Use** shall refer to the temporary use of a property for lodging or accommodation for periods of less than thirty (30) consecutive days.
 - (c) **Residential Dwelling** shall mean any building or structure primarily used for human habitation by a permanent resident or family, including single-family homes, duplexes, and other structures used as places of residence.
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Section 2. Prohibition of Short-Term Rentals

- (a) **Prohibited Use:** The establishment, operation, or use of any property or dwelling unit within the Township for short-term rental purposes is hereby prohibited.
 - (b) **No Commercial Lodging:** No property within the Township shall be used for transient or temporary lodging, and no individual or entity shall offer or make available a dwelling or any part of a dwelling for short-term rental purposes.
 - (c) **Grandfathering of Existing Short-Term Rentals:** A Short-Term Rental established prior to the effective date of this ordinance shall be allowed to continue. When the property changes ownership, the existing short-term rental will no longer be allowed, and the property will be governed by the short-term rental restrictions set forth herein.
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Section 3. Enforcement and Penalties

- (a) **Enforcement:** The Township, or its designees, shall have the authority to enforce the provisions of this ordinance. If a violation is found, the Township will take appropriate action

to remedy the violation, including ordering the cessation of the short-term rental activity.

- (b) **Penalties for Violation:** Any person, firm, or corporation found to be in violation of this ordinance may be subject to penalties, including but not limited to fines, fees, court costs, attorney's fees, or other legal remedies. In addition to fines, the Township may seek injunctive relief to compel compliance with this Ordinance and any other remedies available under Ch. 58-03, N.D.C.C. for violations of zoning ordinances.
 - (c) **Continued Violations:** If the violation is not corrected after proper notification of said violation, the Township may at its discretion impose additional penalties to enforce compliance.
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ARTICLE 10

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.
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ARTICLE 11

BURN BARRELS

AN ORDINANCE PROHIBITING THE USE OF BURN BARRELS FOR 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 use of burn barrels for burning 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 58-03-11 and N.D.A.C. 33.1-15-04-01 & 33.1-15-04-02.

Section 1. Definitions

- (a) **Burn Barrel** means a container, including a metal drum or similar device, used for the burning of refuse, trash, or other materials.
- (b) **Refuse** means any type of waste material, including paper, plastic, wood, household waste, yard debris, or other discarded materials.

Section 2. Prohibition of Burn Barrels for Burning Refuse

- (a) The use of burn barrels for 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.

Section 3. Enforcement and Penalties

- (a) **Enforcement:** The Township, or its designees, shall have the authority to enforce the provisions of this ordinance. If a violation is found, the Township may take appropriate action to remedy the violation.
 - (b) **Penalties for Violation:** Any person, firm, or corporation found to be in violation of this ordinance may be subject to penalties, including but not limited to fines, fees, court costs, attorney's fees, or other legal remedies. In addition to fines, the Township may seek injunctive relief to compel compliance with this Ordinance and any other remedies available under Ch. 58-03, N.D.C.C. for violations of zoning ordinances.
 - (c) **Continued Violations:** If the violation is not corrected after legal notification. The Township may impose and implement additional penalties.
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ARTICLE 12

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 July 3rd through July 5th and December 31st through January 2nd 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.
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ARTICLE 13

GUN RANGES

AN ORDINANCE TO PROHIBIT GUN RANGES on parcels less than 40 contiguous acres

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.

Section 2. Prohibitions

- (a) **Prohibition:** No person, entity, or organization shall establish, operate, or maintain a gun range.
- (b) **Grandfathering of Existing Facilities:** A gun range established prior to the effective date of this ordinance shall be allowed, however, the existing gun range will not be allowed to be modified, altered or changed in any way without the written and unanimous consent of the Board of Apple Creek Township. When property changes ownership, the existing gun range will no longer be allowed, and the property shall be subject to the restrictions and limitations regarding gun ranges that are set forth herein.

Section 3. Enforcement and Penalties

- (a) **Enforcement:** If a violation is found, the Township may take appropriate action to remedy the violation.
- (b) **Penalties for Violation:** Any person found to be in violation of this ordinance may be subject to penalties, including but not limited to fines, fees, court costs, attorney's fees, or other legal remedies. In addition to fines, the Township may seek injunctive relief to compel compliance with this Ordinance and any other remedies available under Ch. 58-03, N.D.C.C.

for violations of zoning ordinances.

- (c) **Continued Violations:** If the violation is not corrected after proper notification of said violation, the Township may at its discretion impose additional penalties.
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ARTICLE 14

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

WHEREAS, the Township, being located within Burleigh County and subject to its broader land use planning goals, seeks to ensure consistency and enforceability by adopting and incorporating the applicable provisions of the Burleigh County Zoning Ordinance as they relate to the number of horses allowed per acre; and

WHEREAS, the Township deems it in the best interest of the Township and its residents to adopt such regulations by reference for uniformity and ease of administration.

Section 1. Definitions

- (a) **Horse** means equine including horses, ponies, and similar species.
- (b) **Residential Zoning District** means land zoned for residential or rural residential use, whether platted or unplotted, as identified on the official zoning map of the Township.

Section 2. Adoption of Burleigh County Horse Density Standards

- (a) The Township hereby adopts by reference the provisions of the Burleigh County Zoning Ordinance, Article 12, Section 2, #8 governing the number of horses permitted per acre within its jurisdiction, including all amendments thereto, and as set forth herein. The number of horses permitted on any parcel of land within the Township shall be determined according to the acreage and the standards applicable under the Burleigh County Zoning Ordinance. The Burleigh County Zoning Ordinances allow 1 horse per acre on the first 2 acres and 1

horse per each additional 3 acres. For example, on a 5 contiguous acre lot the number of horses allowed is 3. Each additional 3 acres will allow 1 additional horse.

Section 3. Conflicts with Other Regulations

- (a) If there is a conflict between this ordinance and any other ordinance or regulation of the Township, the more restrictive provision shall govern. If a conflict arises between Burleigh County regulations and this ordinance, the applicable Burleigh County standard as adopted shall control unless explicitly superseded by this ordinance.

Section 4. Enforcement

- (a) This ordinance shall be enforced by the Township or its authorized designees. Violations of this ordinance may be subject to penalties as allowed under state law, injunctive relief, civil fines, damages, penalties, court costs, attorney's fees, or other legal remedies, including such remedies available under Ch. 58-03, N.D.C.C. for violations of zoning ordinances.

Moratorium 1

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 general police powers to protect the public health, safety, and welfare, the Apple Creek Board of Township 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 2

Moratorium on Direct Air Carbon Capture Facilities (DACC)

Section 1. Purpose and Intent

This moratorium, titled Apple Creek Township Direct Air Carbon Capture Moratorium prohibits acceptance, review, processing, permitting, or construction of any direct air carbon capture (DACC) facilities within township limits for two years. 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 equipment or infrastructure designed to remove CO₂ directly from ambient air and permanently sequester, utilize, or otherwise process it.

- (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 & 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 3

Moratorium on Nuclear and Industrial Waste Disposal Sites

Section 1. Purpose and Intent

This moratorium, Apple Creek Township Nuclear & Industrial Waste Moratorium Ordinance, establishes a moratorium on 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 as defined under N.D.C.C. 23-20.2-01.
- (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.

Moratorium 4

Moratorium on Renewable-Energy Battery Storage Facilities

Section 1. Purpose and Intent

This moratorium imposes a prohibition on 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

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.

Moratorium 5

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 police powers to protect public health, safety, and general welfare, the Township hereby adopts this moratorium imposing a 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 6

Moratorium on the 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 police powers to regulate land use for the protection of public health, safety, and general welfare, the Township hereby adopts this moratorium imposing a 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.

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 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 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 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 Township.

RESOLUTION OF ADOPTION

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

Board Chair

Date

Supervisor

Date

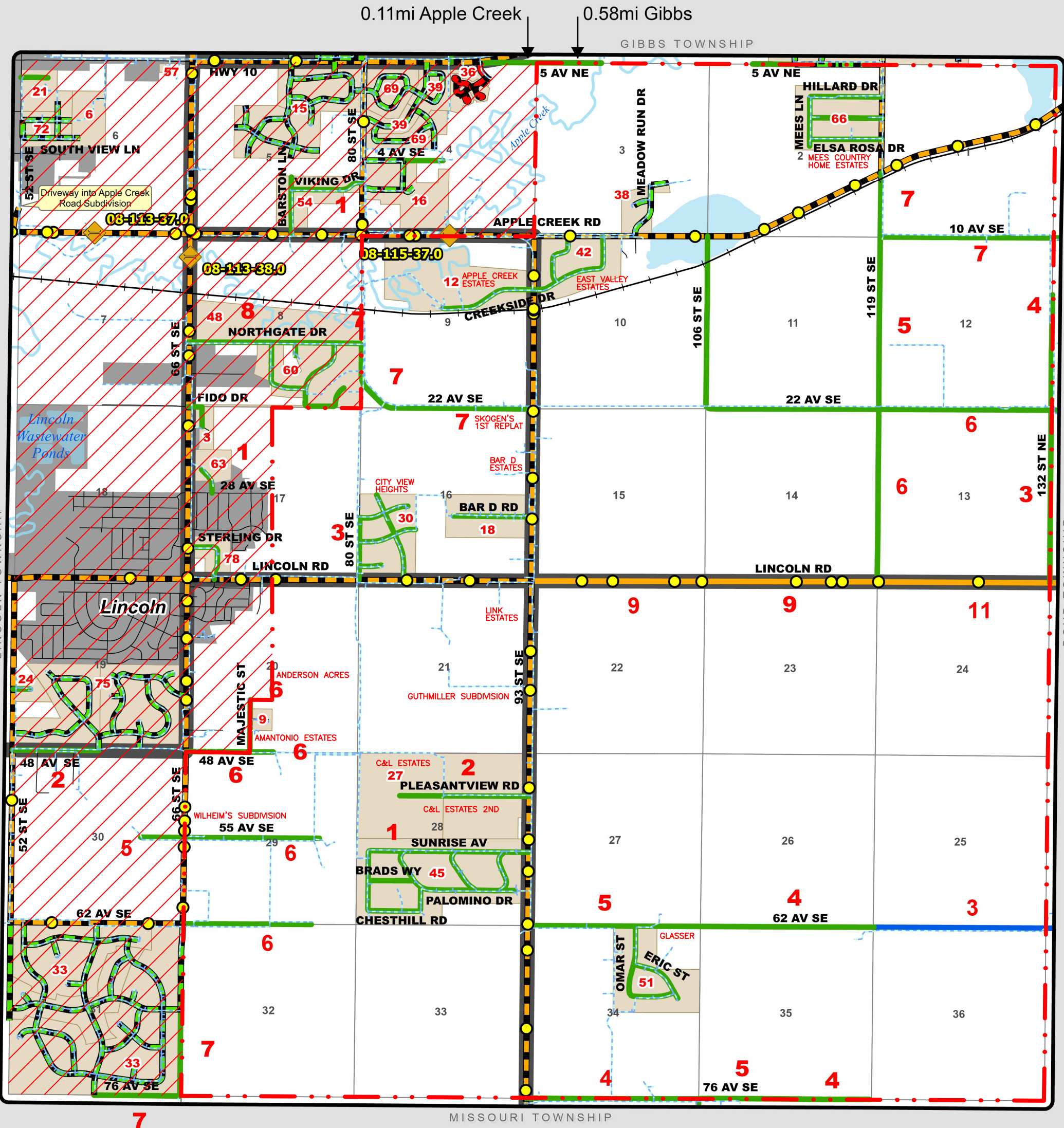
Supervisor

Date



TOWNSHIP ROAD MAINTENANCE MAP

APPLE CREEK #39 (T138N R79W)



Culvert

Fire Hydrants & Cleanouts

County Gravel Road

County Paved Road

Gravel - Summer Maintenance

Gravel - Winter Maintenance

Gravel - Year Round Maintenance

Paved - Summer Maintenance

Paved - Winter Maintenance

Paved - Year Round Maintenance

Township/County Jurisdiction

State & Federal Highways

Federal Aid Road

Other Roads

Bridge

Water Pipe