

**Resolution No. 1**

**A Resolution Amending the Zoning**

**Ordinance of Bowman County**

WHEREAS, the County of Bowman having been petitioned to change the Zoning Ordinance as hereinafter described; and

WHEREAS, the Bowman County Planning and Zoning Commission having held public hearings thereon, following which said Planning and Zoning Commission recommended to the Bowman County Board of County Commissioners that the hereinafter described changes be approved; and

WHEREAS; The Bowman County Board of County Commissioners having considered the recommendation of the Planning and Zoning Commission and there being no objections filed to the changing be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE Bowman County Board of County Commissioners that the Zoning Ordinance is hereby changed as hereinafter described;

ADD # 8.4.5

**RE-Zoning/Zoning District Change**

- 1) Where a literal enforcement of the provisions of this code would result in great difficulties, unnecessary hardship, or injustice, the County Commission may adjust the application and enforcement of these regulations provided that such action shall not be contrary to the public interest or general purposes thereof. No re-zoning shall be approved unless the applicant shall have met the following conditions:
  - a) The particular physical surroundings shape or topographic condition of the specific property should result in unnecessary hardship.
  - b) The rezoning shall not be detrimental to the public welfare or injurious to other properties in the area; and

2) Public Hearing Notice

a) The Planning and Zoning Commission shall hold a public hearing, a notice of which shall be published at least two weeks prior to the hearing in the official newspaper of the county. The notice of hearing shall include: 1) the time and place of hearing; 2) description of the property to be affected; 3) the proposed use and requested rezoning; and 4) time and place for public inspection of the relevant documents before the hearing.


b) Data Submission Requirements Applications for rezoning must include following data:

- i. Legal description of the property;
- ii. A map showing the existing land uses and zoning district classification of the area;
- iii. The reason for the rezoning request;
- iv. The type of rezoning requested and an explanation of whether the hardship is unique to the applicant's property;
- v. Any other information that the Planning and Zoning Commission deems necessary; and
- vi. A fee, the amount of which shall be determined by the County Commission, plus any additional costs to be paid in accordance with the schedule established by the County Commission.

3) The Planning and Zoning Commission, following a public hearing, shall make recommendation to the County Commission for the approval or denial, modification, and/or imposition of conditions of each application for a zoning change.

- 4) In any case where a Rezoning or Zoning District Change Project has not been instituted within 2 years of the date of the approval of the zoning change, the permit shall be null and void without further action of the Planning and Zoning Commission or the County Commission. After the two year deadline the property will revert back to the previous zoning.
- 5) The Zoning District change is for the original petitioner only and the original use only. If the property is sold or change of ownership or change of use is within the 2 year limit the changed zoning district is null and void and the property reverts back to its original zoning. The rezoning process must be started again as new.

ADOPTED THIS 16 day of July, 2013

  
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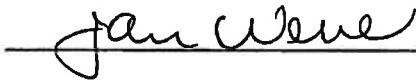
Chairman of the Bowman County Commission

ATTEST:

  
\_\_\_\_\_

Sandi Tivis, Bowman County Auditor

Filed at Bowman with the Bowman County Register of Deeds on <sup>Recorder</sup> 7-16 ~~2012~~ 2013 at 3:35 P. M.

  
\_\_\_\_\_

Register of Deeds of Bowman County  
Recorder



**Resolution No. 2**

**A Resolution Amending the Zoning**

**Ordinance of Bowman County**

WHEREAS, the County of Bowman having been petitioned to change the Zoning Ordinance as hereinafter described; and

WHEREAS, the Bowman County Planning and Zoning Commission having held public hearings thereon, following which said Planning and Zoning Commission recommended to the Bowman County Board of County Commissioners that the hereinafter described changes be approved; and

WHEREAS; The Bowman County Board of County Commissioners having considered the recommendation of the Planning and Zoning Commission and there being no objections filed to the changing be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE Bowman County Board of County Commissioners that the Zoning Ordinance is hereby changed as hereinafter described;

**REPLACE # 6.4.2 COUNTY ORDINANCE AND PROCEDURES**

This ordinance adopts by reference the solid waste provisions of N.D.C.C. 11-33-20 and North Dakota Administrative Code (NDAC) Chapter 33-20, to assure meeting the purpose of this ordinance and the County Comprehensive Plan. All waste management facilities must comply with all applicable state and federal regulations governing waste management facilities.

**Waste Storage**

- 1) All waste materials shall be stored in a manner that complies with state and federal regulations and shall meet the requirements of the County.
- 2) Solid waste materials shall not be stored on public or private property for more than forty-five (45) days without approval of the County.
- 3) Storage of solid waste shall be confined to buildings and structures designed specifically for such purpose and shall be secured by appropriate fences and gates. The openings to the buildings and structures including, but not limited to, conveyors, doors, ramps and other

points of access for use by transport or moving vehicles when not in use shall be closed to minimize the impact from odor and concentration of insects or rodents.

#### **Asbestos Waste**

- 1) Asbestos waste shall be disposed of in accordance with the applicable rules and regulations of the State Health Department and the hazardous waste requirements of this ordinance.

#### **Hazardous Waste**

- 1) Containers having hazardous waste shall be dated and marked to designate the content as toxic, explosive, or otherwise hazardous.
- 2) No person engaged in the operation of solid waste landfills, resource recovery or solid waste processing facilities may knowingly store, treat, handle, or dispose of hazardous waste in amounts in excess of quantities normally found in household waste unless approved by the State Health Department.
- 3) No person shall place hazardous waste or dispose of hazardous waste within the County without approval of the County.

#### **Industrial Waste**

- 1) Any person who handles industrial waste shall comply with all applicable state and federal regulations governing industrial waste.
- 2) Industrial waste may not be discarded in any manner including landfilling that endangers humans, animals and the environment.

#### **General Standards**

- 1) A minimum horizontal separation of fifty (50) feet must be maintained between new or lateral expansion of solid waste management units and any above ground or underground pipeline or transmission lines.
- 2) No person shall dispose of waste of any type in the following areas:
  - a. Aquifers, channels, ravines, or other waterways.
  - b. Critical habitats for endangered or threatened species of plant, fish, or wildlife.
  - c. In an area that could adversely impact an aquifer recharge area horizontally from the ordinary high water elevation of any surface water or wetland, any local, state or national park.
  - d. Public water supply designated wellhead protection area.
  - e. Where geological or man-made features may result in failure of the structural integrity of the facility.
  - f. Within one hundred year floodplain.
- 3) No solid waste facility or lateral expansion shall be located within ten thousand feet of any commercial airport runway or five thousand feet of any general aviation runway.

- 4) No solid waste facility shall be located in areas that result in impacts on human health or environmental resources or in areas unsuitable because of reason of topography, geology, hydrology, or soils.
- 5) Sites for a new solid waste facility or for lateral expansion of, or for municipal waste landfills, or for industrial waste landfills shall have favorable physical conditions. Sites shall have low permeability to prevent movement of contaminants.

**ADD TO 2.3 DEFINITIONS**

- 1) **Hazardous Waste:** Any waste or combinations of waste of a solid, liquid, contained gaseous or semi-solid form as further defined in N.D.C.C., Section 23-20.3-02 and N.D.C.C. 33-24-02.
- 2) **Radioactive Waste:** A solid waste material containing radioactive materials and subject to NDAC 33-10.
- 3) **Special Waste:** Solid waste that is not a hazardous waste and includes waste generated from energy conversion facilities; waste from crude oil and natural gas exploration and production; waste from mineral and ore mining, beneficiation, and extraction; and waste generated by surface coal mining operations. The term does not include municipal or industrial waste (N.D.C.C. Section 23-29-03.16).
- 4) **Waste Management Facility:** Any plant or facility engaged in the treatment, storage, or disposal of solid wastes.

ADOPTED THIS 16 day of July, 2013

  
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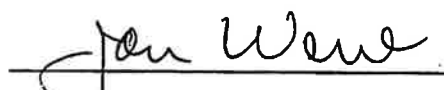
Chairman of the Bowman County Commission

ATTEST:

  
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Sandi Tivis, Bowman County Auditor

Filed at Bowman with the Bowman County <sup>Recorder</sup> Register of Deeds on 7-16, 2013. at 3:37 P. M.

  
\_\_\_\_\_

Register of Deeds of Bowman County  
Recorder



Resolution No. 3

A Resolution Amending the Zoning

Ordinance of Bowman County

WHEREAS, the County of Bowman having been petitioned to change the Zoning Ordinance as hereinafter described; and

WHEREAS, the Bowman County Planning and Zoning Commission having held public hearings thereon, following which said Planning and Zoning Commission recommended to the Bowman County Board of County Commissioners that the hereinafter described changes be approved; and

WHEREAS; The Bowman County Board of County Commissioners having considered the recommendation of the Planning and Zoning Commission and there being no objections filed to the changing be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE Bowman County Board of County Commissioners that the Zoning Ordinance is hereby changed as hereinafter described;

**Add 6.15 SEWAGE DISPOSAL AND SOIL ABSORPTION**

Certain soil types in Bowman County have severe limitations for soil absorption disposal systems (septic tanks), as is indicated in the maps and tables of the Natural Resources Conservation Service survey of Bowman County soils. Said soils shall be avoided when designing a septic tanks system. If said soils cannot be avoided, proof that adequate precautionary steps shall be taken and shall be provided to the Planning and Zoning Commission before construction is commenced.

All soil absorption systems shall adhere to the rules and regulations of the Southwest Health and North Dakota Department of Health guidelines.

ADOPTED THIS 16 day of July, 2013



Chairman of the Bowman County Commission

ATTEST:

Sandi Tivis

Sandi Tivis, Bowman County Auditor

Recorder  
Filed at Bowman with the Bowman County Register of Deeds on 7/16, 2013 at 3:40 P. M.

Jan Weis  
Jan Weis, Register of Deeds of Bowman County  
Recorder





**Resolution No. 4**

**A Resolution Amending the Zoning  
Ordinance of Bowman County**

WHEREAS, the County of Bowman having been petitioned to change the Zoning Ordinance as hereinafter described; and

WHEREAS, the Bowman County Planning and Zoning Commission having held public hearings thereon, following which said Planning and Zoning Commission recommended to the Bowman County Board of County Commissioners that the hereinafter described changes be approved; and

WHEREAS; The Bowman County Board of County Commissioners having considered the recommendation of the Planning and Zoning Commission and there being no objections filed to the changing be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE Bowman County Board of County Commissioners that the Zoning Ordinance is hereby changed as hereinafter described;

**ARTICLE VI**

**SPECIAL PROVISIONS**

ADD # 6.16

Talbot Township shall be subject to all regular Bowman County Zoning Ordinances in addition to those promulgated by the Bowman County Airport Authority and subject to the same penalties as the Bowman County Zoning Ordinance.

ADOPTED THIS 17 day of Dec., 2013



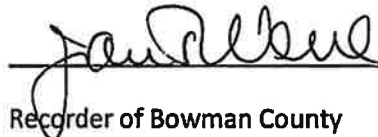
Chairman of the Bowman County Commission

ATTEST:

  
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Sandi Tivis, Bowman County Auditor

Filed at Bowman with the Bowman County Recorder's Office on 12-17, 2013.

  
\_\_\_\_\_

Recorder of Bowman County

**Resolution No. 5**

**A Resolution Amending the Zoning  
Ordinance of Bowman County**

WHEREAS, The County of Bowman having been petitioned to change the Zoning Ordinance as hereinafter described; and

WHEREAS, The Bowman County Planning and Zoning Commission having held public hearings thereon, following which said Planning and Zoning Commission recommended to the Bowman County Board of County Commissioners that the hereinafter described changes be approved; and

WHEREAS, The Bowman County Board of County Commissioners having considered the recommendation of the Planning and Zoning Commission and there being no objection filed to the changing be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE Bowman County Board of County Commissioners that the Zoning Ordinance is hereby changed as hereinafter described;

Chapter 6.11.6 (2) shall read as follows:

- (a) Occupied Structures and Facilities: Each wind turbine shall be set back from the nearest occupied dwelling, commercial building or publicly-used structure or facility at a distance not less than two thousand six hundred forty (2,640) feet.

ADOPTED THIS 21st day of June, 2016.



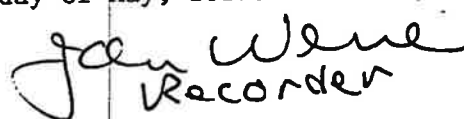
Chairman of the Bowman County Commission

ATTEST:



Sandi Tivis, Bowman County Auditor

Filed with the Bowman County Recorder this 16th day of May, 2017.



Recorder

**Resolution No. 6**

**A Resolution Amending the Zoning**

**Ordinance of Bowman County**

WHEREAS, the County of Bowman having been petitioned to change the Zoning Ordinance as hereinafter described; and

WHEREAS, the Bowman County Planning and Zoning Commission having held public hearings thereon, following which said Planning and Zoning Commission recommended to the Bowman County Board of County Commissioners that the hereinafter described changes be approved; and

WHEREAS, The Bowman County Board of County Commissioners having considered the recommendation of the Planning and Zoning Commission and there being no objection filed to the changing be approved.

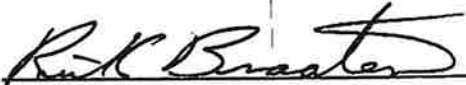
NOW, THEREFORE, BE IT RESOLVED BY THE Bowman County Board of County Commissioners that the Zoning Ordinance is hereby changed as hereinafter described;

Chapter 6.11.6 (2) shall read as follows;

- (b) Public Roads, Above Ground Communications, Electric Lines; Each wind turbine shall be set back from the nearest public road or above ground communication, electric lines at a distance not less than five hundred feet (500 feet) determined at the center of existing right of way.

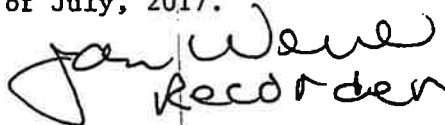
ADOPTED THIS 25 DAY OF July, 2017

  
Chairman of the Bowman County Zoning Comm.

  
Chairman of the Bowman Commission

Filed with the Bowman County Recorder this 27th day of July, 2017.



  
Recorder

**Resolution No. 7**

**A Resolution Amending the Zoning  
Ordinance of Bowman County**

WHEREAS, the County of Bowman having been petitioned to change the Zoning Ordinance as hereinafter described; and

WHEREAS, the Bowman County Planning and Zoning Commission having held public hearings thereon, following which said Planning and Zoning Commission recommended to the Bowman County Board of County Commissioners that the hereinafter described changes be approved; and

WHEREAS, The Bowman County Board of County Commissioners having considered the recommendation of the Planning and Zoning Commission and there being no objection filed to the changing be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE Bowman County Board of County Commissioners that the Zoning Ordinance is hereby changed as hereinafter described;

Chapter 6.16 shall read as follows:

Talbot Township and the portions of Grainbelt and Scranton Townships within the conical surface map shall be subject to all regular Bowman County Zoning Ordinances in addition to those promulgated by the Bowman County Airport Authority and subject to the same penalties as the Bowman County Zoning Ordinance.

ADOPTED THIS 21<sup>st</sup> day of June, 2016

  
Chairman of the Bowman County Commission

ATTEST:

  
Sandi Tivis, Bowman County Auditor

Filed at Bowman with the Bowman County Recorder on 23 day of June, 2016.

Jan Were

Jan Were, Recorder of Bowman County  
were.

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JUN 23 2016

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**ATTACHMENT**  
**BOWMAN REGIONAL AIRPORT ZONING MAP**  
**BOWMAN COUNTY AIRPORT AUTHORITY**

GRAINBELT TOWNSHIP - T132N-R101W

SECTION 32  
SECTION 33  
SECTION 34  
SECTION 35

TALBOT TOWNSHIP - T131N-R101W

ALL SECTIONS EXCEPT SECTION 31

SCRANTON TOWNSHIP - T131N-R100W

SECTION 7  
SECTION 18  
SECTION 19  
SECTION 30

**Resolution No. 9**

**A Resolution Amending the Zoning  
Ordinance of Bowman County**

**WHEREAS**, the County of Bowman having been petitioned to change the Zoning Ordinance as hereinafter described; and

**WHEREAS**, The Bowman County Planning and Zoning Commission having held public hearings thereon, following which said Planning and Zoning Commission recommended to the Bowman County Board of County Commissioners that the hereinafter described changes be approved; and

**WHEREAS**, The Bowman County Board of County Commissioners having considered the recommendation of the Planning and Zoning Commission and there being no objection filed to the changes being approved.

**NOW, THEREFORE, BE IT RESOLVED BY THE Bowman County Board of County Commissioners** that the Zoning Ordinance is hereby changed as hereinafter described:

**ARTICLE VI SPECIAL PROVISIONS**

**ADD NEW:** Chapter 6.17 (see attached twenty-five (25) pages)

The attached Ordinance is hereby declared to have been adopted by the Bowman County Commission at a regular meeting thereof held on the 2nd day of July, 2019.

  
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Bowman County Commission - Chairman

ATTEST:

  
\_\_\_\_\_  
Sandi Tivis, Bowman County Auditor



## Resolution No. 10

### A Resolution Amending the Zoning Ordinance of Bowman County

**WHEREAS**, the County of Bowman having been petitioned to change the Zoning Ordinance as hereinafter described; and

**WHEREAS**, The Bowman County Planning and Zoning Commission having held public hearings thereon, following which said Planning and Zoning Commission recommended to the Bowman County Board of County Commissioners that the hereinafter described changes be approved; and

**WHEREAS**, The Bowman County Board of County Commissioners having considered the recommendation of the Planning and Zoning Commission and there being no objection filed to the changes being approved.

**NOW, THEREFORE, BE IT RESOLVED BY THE** Bowman County Board of County Commissioners that the Zoning Ordinance is hereby changed as hereinafter described:

#### **ARTICLE VIII ADMINISTRATION AND ENFORCEMENT** **REPLACE 8.8.2 FEES**

The Code Administrator shall charge and collect a fee as follows:

The Code Administrator shall charge and collect a fee according to the resolution of fees and schedules established by the County Commission. The applicant shall be liable for and pay to the Code Administrator sufficient sums of money as listed below for the appropriate permit. No permit will be issued until the applicant has paid such costs.

<b>Permit</b>	<b>Updated Fee</b>
Residential Structures	\$150
Yard Accessories (sheds, fences, etc.)	\$50
Commercial Structures	\$250
Industrial Structures	\$250
Conditional Use , Variance	\$150
Utility Permit-	\$200 Base & \$50 for every Road Bore

Alternate Energy Permits	\$1000/Megawatt
Temporary Housing (Man Camp) Annual Fee	\$1.50 per Sq. Ft. of the Structure times the Number of Floors

**ARTICLE VIII ADMINISTRATION AND ENFORCEMENT**  
**REPLACE 8.9 VIOLATIONS AND PENALTIES**

If any building or structure is erected, constructed, reconstructed, altered, repaired or converted without first obtaining the proper permit, there will be a penalty assessed to the applicant at the rate of ten (10) times the original Permit Fee. If any building, structure or land is found to be in violation of this code, the Code Administrator or any affected citizen or property owner, in addition to other remedies, may institute any appropriate action or proceeding:

- 1) To prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use;
- 2) To restrain, correct, or abate such violations;
- 3) To prevent the occupancy of the building, structure, or land; or
- 4) To prevent any illegal act to conduct business or use in or about such premises.

A violation of any provision of this code or the regulations and restrictions made herein shall constitute the maintenance of a public nuisance and shall be a Class A Misdemeanor.

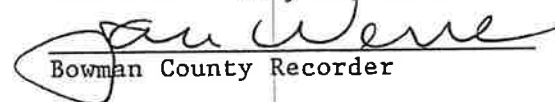
ADOPTED THIS 2 day of July 2019.

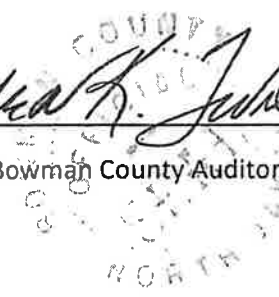
  
 \_\_\_\_\_  
 Chairman of the Bowman County Commission

ATTEST:

  
 \_\_\_\_\_  
 Sandi Tivis, Bowman County Auditor

Filed at Bowman with the Bowman County Recorder on July 10, 2019.

  
 \_\_\_\_\_  
 Bowman County Recorder



A RESOLUTION TO ADOPT THE # 11

REVISION TO THE BOWMAN COUNTY ZONING ORDINANCE

WHEREAS, the Bowman County Board of County Commissioners is the duly elected governing body for Bowman County and wishes to plan for orderly and predictable growth as well as a high level of continuity in future development and;

North Dakota Century Code 11-33, outlines the procedure for the preparation, notification and recordation of county ordinances and resolutions.

WHEREAS, the Bowman County Planning and Zoning Commission has undertaken the task of revising Bowman County North Dakota Zoning Ordinance (Zoning Ordinance). To provide a regulatory framework for the siting construction and operation of a Wind Energy Facilities in the county, as well as modification and corrections to the Zoning Ordinance.

WHEREAS, input from the public was sought during the planning process, and

WHEREAS, the public was notified of and invited to attend hearings where the changes were reviewed and discussed.

WHEREAS, The Zoning Ordinance was duly noticed in the official county paper for two consecutive weeks and a public hearing was held on February 13, 2020, with the Planning and Zoning Commission, and

WHEREAS, the Planning and Zoning Commission has reviewed and provide their recommendation to the Board of County Commissioners for approval of the revision of the Zoning Ordinance,

WHEREAS, the Zoning Ordinance is attached hereto with revision, additions and deletions as noted.

- 6.11 Wind Energy Facility Ordinance
- 8.2-2 Planning and Zoning Commission
- 8.1.1(5) Administration and Enforcement

And other corrections, clarifications and modifications as shown in the copy of the Zoning Ordinance that is in the Auditor's office as a part of the Resolution process.

NOW, THEREFORE BE IT RESOLVED, that the Board of County Commissioners of Bowman County does hereby amend and re-adopts the Bowman County North Dakota Zoning Ordinance with all revisions.

By: Lynn Brackel  
Lynn Brackel,  
Chairman

Date: 3/17/2020

ATTEST:

By: Sandra K. Tivis  
Sandra K. Tivis  
Auditor

Date: 3/17/2020

RESOLUTION #13

A RESOLUTION TO ADOPT THE  
REVISION TO THE BOWMAN COUNTY ZONING ORDINANCE

WHEREAS, the Bowman County Board of County Commissioners is the duly elected governing body for Bowman County and wishes to plan for orderly and predictable growth as well as a high level of continuity in future development and;

North Dakota Century Code 11-33, outlines the procedure for the preparation, notification and recordation of county ordinances and resolutions.

WHEREAS, the Bowman County Planning and Zoning Commission has undertaken the task of revising Bowman County North Dakota Zoning Ordinance (Zoning Ordinance). To provide a regulatory framework in the county, as well as modification and corrections to the Zoning Ordinance.

WHEREAS, input from the public was sought during the planning process, and

WHEREAS, the public was notified of and invited to attend hearings where the changes were reviewed and discussed.

WHEREAS, The Zoning Ordinance was duly noticed in the official county paper for two consecutive weeks and a public hearing was held on June 9, 2022, with the Planning and Zoning Commission, and

WHEREAS, the Planning and Zoning Commission has reviewed and provide their recommendation to the Board of County Commissioners for approval of the revision of the Zoning Ordinance,

EREAS, the Zoning Ordinance is attached hereto with revision, additions and deletions as noted.

ADD: Section 6.3 "Commercial Feed Lots" to the Bowman County Planning and Zoning Commission Ordinances Book which is adopting the language found in the ND Administrative Code 33-16-03.1 as written and effective on June 21, 2022 and related to the control of pollution from animal feeding operations.

NOW, THEREFORE BE IT RESOLVED, that the Board of County Commissioners of Bowman County does hereby amend and re-adopts the Bowman County North Dakota Zoning Ordinance with all revisions.

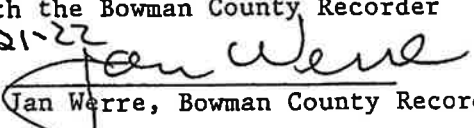
By:   
Rick Braaten, Chairman

Date: 6/21/2022

ATTEST:

By:   
Mindy Schumacher, Auditor

Date: 6-21-22

Filed at Bowman with the Bowman County Recorder  
June 21, 2022. 6-21-22  
  
Jan Werre, Bowman County Recorder

