

ENROLLED SENATE
BILL NO. 147

By: Williams (Don) of the
Senate

and

Begley of the House

An Act relating to agriculture; amending 2 O.S. 1991, Section 9-210, which relates to the duties of owners and operators granted feed yards licenses; modifying operations to which certain standards apply; exempting certain operations from being deemed a nuisance; providing exceptions; limiting application of exemption; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 2 O.S. 1991, Section 9-210, is amended to read as follows:

Section 9-210. A. Owners and operators who are granted a feed yards license shall: (1) provide reasonable methods for the disposal of animal excrement; (2) provide chemical and scientific control procedure for prevention and eradication of pests; (3) provide adequate drainage from feed yards premises of surface waters falling upon the area occupied by such feed yards; take such action as may be necessary to avoid pollution of any stream, lake, river or creek; (4) provide adequate veterinarian services for detection, control, and elimination of livestock diseases; (5) have available for use at all necessary times mechanical means of scraping, cleaning, and grading feed yards premises; (6) provide weather resistant aprons adjacent to all permanently affixed feed bunks, water tanks, and feeding devices; (7) conduct feed yards operations in conformity with established practices in the feed yards industry as approved by regulations made and promulgated by the Board and in accordance with the standards set forth in this act.

B. Any ~~feed yards~~ animal feeding operation licensed pursuant to the Oklahoma Feed Yards Act, Section 9-201 of this title, operated in compliance with such standards, and in compliance with the regulations made and promulgated by the Board, shall be deemed to be prima facie evidence that a nuisance does not exist; provided, no ~~feed yards~~ animal feeding operation shall be located or operated in violation of any zoning regulations.

C. No animal feeding operation licensed pursuant to the Oklahoma Feed Yards Act, Section 9-201 of this title, operated in compliance with such standards, and in compliance with regulations made and promulgated by the Board, that is located on land more than three (3) miles outside the incorporated limits of any municipality and which is not located within one (1) mile of ten (10) or more occupied residences shall be deemed a nuisance unless it is shown by a preponderance of the evidence that the operation endangers the health or safety of others.

SECTION 2. This act shall become effective September 1, 1993.

Passed the Senate the 12th day of May, 1993.

President of the Senate

Passed the House of Representatives the 24th day of May, 1993.

Speaker of the House of
Representatives