

CHAPTER 13A
WAREHOUSED LIVESTOCK CONFINEMENT OPERATION

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- 13A-1. APPLICABILITY
 - A. The provisions of this Chapter are minimum standards, and any more restrictive standards required by other applicable Local, State, and/or Federal laws, rules, codes and/or regulations and ordinances must be complied with. Any action by Jerome County pursuant to this Chapter does not insure that the Applicant is in compliance with any other provision of applicable Local, State, and/or Federal laws, rules, and/or regulations.
 - B. The regulations established in this Chapter shall apply to all proposed WLCOs, and to all existing WLCOs undergoing any modification regulated herein.

- 13A-2. ADMINISTRATION

The Jerome County Planning and Zoning Administrator shall have the primary responsibility of administering all areas of this Chapter and related matters thereto that are not specifically designated to the Board, the Planning and Zoning Commission or others. The Administrator may designate/delegate these duties to other staff members of his office.

13A-3. DEFINITIONS

ANIMAL OPERATION

A commercial operation that involves the raising, housing and/or slaughtering of animals for the purpose of obtaining or processing certain animal product, such as but not by way of limitation, dairy, eggs, meat, fur, or other like products, and includes among other things, all coops, barns, pens, parlors, manure and liquid waste storage areas, and dead animal disposal areas used in conjunction with the operation and that are on the same site. Adjacent sites under common ownership are considered the same site or same facility for purposes of this definition.

COMPOST

A stable, humus-like finished product resulting from the biological decomposition of organic materials that doesn't show any spike in temperature when remixed, smells earthy with no foul odors, and none of the initial materials can be identified.

COMPOSTING

The production of compost.

CONTROLLED STRUCTURE:

A structure or building that has solid sides, end walls and roof, and where air movement within the structure is controlled by way of all openings being covered, except for fan exits and ventilation intakes, with doors, windows or other like coverings.

REGULATED WLCO:

A WLCO that is permitted for 1,000 animals or more, regardless of whether the animals are all housed in a single controlled structure, or separated into multiple ones at a single physical site.

PRODUCTION AREA

That area inside a controlled structure, measured in square feet, which is utilized for the raising or housing of animals, or for the production of animal related product; but does not include mechanical, worker or office space.

WAREHOUSED LIVESTOCK CONFINEMENT OPERATION (WLCO):

An animal operation functioning within a defined, contiguous area of land where every aspect of the operation occurs totally and completely within a Controlled Structure or Structures, including the storing of all animal waste.

WASTE MATTER:

Any matter included in the definitions of "waste products," "dead animal," or "hazardous materials," or any combination thereof, as well as all other waste accumulation (animal, vegetable and/or other) that is putrescible or easily decomposable, such as, but not by way of limitation, manure, urine or other kinds of discarded matter.

WLCO SITE

A legally described area of land, whether made from a single parcel or from multiple contiguous parcels, where a WLCO is located or proposed to be located, and where the boundaries of such areas encompasses the entirety of the WLCO and which will be used for establishing mandating setbacks.

13A-4. PERMITS

13A-4.01 WLCO PERMIT

A. A WLCO Permit shall be required for the construction of every new WLCO, or for any permitted WLCO that:

1. Increases the number of animals beyond that which it is currently permitted.
2. Changes the animal type or animal species from that which it is currently permitted.
3. Makes any modification to a regulated component of the WLCO, which is not defined below as a minor modification.

B. A WLCO Permit shall be issued by the Board in accordance with the provisions of this Chapter and the JCZO as a whole.

C. A WLCO Permit shall not be required for, and this Chapter shall not apply to, any WLCO that does not exceed the animal unit to acre ratio as defined and regulated by Chapter 13 of the JCZO.

13A-4.02 WLCO MINOR MODIFICATION PERMIT

A WLCO Minor Modification Permit shall be issued by the Administrator in accordance with the provisions of this Chapter, and shall be required for minor modifications to a permitted WLCO. Minor modifications are the expansion or reduction of any building or structure that is part of the WLCO, or the relocation of any such building or structure, which does not violate any of the setbacks currently regulating the WLCO. An expansion or reduction of a boundary of the WLCO Site shall also constitute a minor modification so long as there is no violation of any setbacks currently mandated by the JCZO.

13A-4.03 PRE-ESTABLISHED WLCO PERMIT

A Pre-Established WLCO Permit issued by the Administrator in accordance with the provisions of this Chapter shall be required for the continued operation of any WLCO that was previously permitted as an LCO; or that has not been permitted at all and has been in

continual operation since August 12, 1996. Any person seeking a Pre-Established WLCO Permit shall have the burden of showing that the specified WLCO falls within the parameters of this provision.

13A-4.04 WLCO OCCUPANCY PERMIT

A WLCO Occupancy Permit issued by the Administrator shall be required to initiate and maintain the daily operations of any newly constructed or newly expanded WLCO.

13A-5. PERMITTING STANDARDS

WLCOs shall be subject to, and shall adhere to, the standards of this Chapter at all times.

13A-5.01 STANDARDS ON ZONING

- A. New and expanding WLCOs shall be located in an A-1 Agricultural Zone or Heavy Industrial Zones.
- B. No Production Area shall be located in any area depicted in a Zone "A" flood plain as depicted on a FEMA Flood Insurance Rated Map.

13A-5.02 BUILDING STANDARDS

- A. All buildings or other structures of a WLCO used for the containment of live animals or the Waste Matter thereof shall be Controlled Structures.
- B. Commercial Building Permits are required for all controlled structures.

13A-5.03 DENSITY STANDARD

The amount of animals in any WLCO shall not exceed the maximum number for which the WLCO is permitted.

13A-5.04 STANDARDS ON SETBACKS

A. COMPLIANCE

All setback requirements stated herein shall at all times be complied with unless otherwise permitted. Nonconforming setbacks currently in place on WLCOs permitted prior to the effective date of the distances stated below shall be allowed to remain as a nonconforming use. Any modification to the WLCO to which the nonconforming setback applies, shall be allowed so long as there is no erosion of the existing, nonconforming setback(s).

B. CONTROLLED STRUCTURES

The outer parameter of all controlled structures used to contain animals, the products thereof, or animal waste, for any amount of time, shall be setback from the following as indicated:

1. Fifty (50) feet from the water's edge of any canal, lateral or ditch that may return to the Snake River.

2. Three hundred (300) feet from the outer parameter of any water well. Water well setbacks may be reduced to one hundred (100) feet if all of the following conditions are met:
 - a. The WLCO, or any portion thereof, is not a nonconforming use, and has been or will be constructed in accordance with the provisions of this Chapter, as well as with the standards mandated by any state agency having regulatory authority over such facilities (if any);
 - b. A solid berm, or comparable structure, two feet in height is installed around the wellhead to prevent runoff from contaminating the well;
 - c. A backflow valve is installed on the well to prevent any contaminants from reaching the water source;
 - d. An annular seal between the well casing and borehole is installed and approved pursuant to applicable Idaho Department of Water Resources requirements; and
 - e. Any other condition(s) required by the County if site or other factors warrant.
3. External boundary lines of the WLCO Site:
 - a. Three hundred (300) feet for WLCOs located within the A-1 Agricultural Zone.
 - b. For WLCOs located in any other permitted zone: As dictated by Chapter 6 and any other applicable provision of the JCZO.
4. Fifty (50) feet from public road right of ways.

C. VARIANCE TO SETBACKS

1. This section shall prevail over the applicable provisions of Chapter 6 of the JCZO ordinance when a variance to a setback prescribed under this Chapter is being requested.
2. A variance from a setback of this Chapter may be sought per the procedure set forth under Section 13-6.03(G) of Chapter 13 of the JCZO, and granted upon satisfaction of the requirements stated therein.

13A-5.05 LIGHTING STANDARD

The illumination of structures for new or expanding WLCOs shall be shielded or use directional lighting so the light from such structure projects downward, onto and inside the property lines of the WLCO.

13A-5.06 STANDARDS ON WASTE MANAGEMENT

- A. The holder of a WLCO permit wishing to treat, process or manufacture the waste generated by the operation into a commercial product on the WLCO Site shall be allowed to do so if the waste system is properly permitted.
- B. Except for established landfills, no untreated Waste Matter generated by a new or expanding WLCO that is permitted for fifty thousand (50,000) animals or more shall be

applied directly to any land. If such matter is not disposed of in a landfill, then the WLCO shall dispose of its Waste Matter in one of the following manners:

1. The Installation of a fully enclosed waste disposal system contained within a Controlled Structure, located on site or elsewhere, that stores, treats, processes, packages, or manufactures the waste into a useable commercial product, such as but not limited to, feed for other animals, energy, or fertilizer pellets.
2. Contracting with a third party who owns or operates a disposal system such as described above, and who will receive, per the terms of the contract, the WLCO's Waste Matter for the purposes of manufacturing it into a useable commercial product such as described above. Waste Management Third Party Contracts:
 - a. Shall remain in effect during all times in which the WLCO permit is operational.
 - b. May be substituted during the active period of the permit so long as the substituted contract holds similar terms as the original and meets any applicable governmental regulations for waste disposal and/or processing.
 - c. Shall be copied to the Administrator by the WLCO within five (5) days of the contract's effective date. The requirement of providing the Administrator with a copy of the substituted contract shall also be made a term of all permits.
 - d. Shall include all applicable permit conditions pertaining to the WLCOs waste management.

13A-6. PROCEDURE FOR ACQUIRING A WLCO PERMIT

- A. To obtain a WLCO Permit, an Applicant must complete the application form available at the Administrator's Office. The application form demonstrates compliance with this Chapter.
- B. The Applicant shall file with the office of the Administrator the original application plus the "appropriate number" of copies. The "appropriate number" equals the number of current Planning and Zoning Commission members at the time the application is filed, plus two additional copies (e.g. 7 commission members + 2 additional copies = 9 copies + 1 original = 10 total). At any time during the proceedings, the Applicant shall supply up to three additional copies of the application if requested by the Administrator to do so (e.g. 10 total from above + up to 3 additional copies = a possibility of 11 to 13 final submissions). All duplicate applications shall include all worksheets, maps, documents, and other attachments found in the original.

13A-6.01 WLCO PERMIT APPLICATION

The WLCO Permit Application shall include the following items:

1. PERSONAL INFORMATION

The date of application, name, signature, complete address and telephone number(s) of the applicant, and if different, the owner of the property upon which the WLCO is

to be located.

2. LEGAL DESCRIPTION

The legal description of the real property and real property summary sheets of the property upon which the WLCO Site will be constructed and operated, along with directions from the intersection of Main and Lincoln streets in Jerome, Idaho.

3. PRESENT USE

A full description of the present use of the property upon which the WLCO Site will be constructed and operated, including the present zoning of such property.

4. WLCO DESCRIPTION

A full, written description of the proposed WLCO, including the maximum number of animals to be warehoused.

5. PARCEL MAP(S)

A parcel map(s) of all the property of the proposed WLCO Site that outlines the location of all controlled structures.

6. VICINITY MAP

A Vicinity Map on an aerial photograph showing the WLCO Site and all properties within a one (1) mile radius from the boundaries of the proposed WLCO Site. The Vicinity Map shall be drawn to a minimum scale of 1" = 400'. All of the following that exist within the parameters of the Vicinity Map shall be clearly identified thereon:

- a. The boundaries of the proposed WLCO Site.
- b. All private and community domestic water wells, irrigation wells, existing monitoring wells, and existing injection wells as documented by the IDWR.
- c. All irrigation canals and laterals, rivers, designated wetlands, streams, springs, and reservoirs.
- d. All adjoining residences and public thoroughfares.
- e. Traffic access to the WLCO Site.
- f. The following regulated setback measurements:
 - i. Distance between Controlled Structures and: abutting or adjacent public road(s) and potable water wells.
 - ii. Distance between external boundary of the proposed WLCO Site and any dwelling, church, school or other building designed for human occupancy not associated with the WLCO.
 - iii. Distance between the external boundaries of the proposed WLCO Site and external boundaries of any neighboring A-2 Agriculture zone.

7. SCALED SITE PLAN

A scaled Site Plan of the proposed WLCO Site, the minimum size of which shall be 18" x 24," and the minimum scale of which shall be 1" = 100'. The site plan shall identify the location of the following items that are either within the WLCO Site or otherwise associated with the WLCO:

- a. The boundaries of the proposed WLCO Site.
 - b. All buildings and structures, as well as the dimensions of such structures and any applicable setback measurements; and a note specifying the square footage of actual production area for each structure.
 - c. Structures designated for Waste Matter storage/containment.
 - d. Abutting or adjacent public roads.
 - e. Traffic access to the WLCO Site.
 - f. Area lighting fixtures.
 - g. All private and community domestic water wells, irrigation wells, existing monitoring wells, and existing injection wells as documented by the IDWR.
 - h. All irrigation canals and laterals, rivers, designated wetlands, streams, springs, and reservoirs.
 - i. Rock outcroppings.
 - j. Sink Holes.
 - k. All applicable setback measurements including, distance from Controlled Structures to abutting or adjacent public road right-of-way.
8. FLOOD ZONE
- FEMA Flood Zones or other appropriate flood data for the WLCO Site. This information is obtainable from the Administrator's office.
9. PROPOSED WASTE MANAGEMENT SYSTEM
- A narrative description of the waste management system which includes the proposed means the operation will employ to dispose of all Waste Matter, including manure and dead animals. The narrative shall include a description of the means and methods by which the applicant will ensure that waste will not be land applied (if the operation is permitted for 50,000 animals or more), or escape the Controlled Structures in an unrestricted manner or enter the waters of the US.
10. THIRD PARTY CONTRACTS
- A copy of all third party contracts to date, or a statement that includes all necessary information of intended third party contracts.
11. PUBLIC AGENCY COMMENTS
- Certified statement that site assessment comments have been requested from the appropriate: Highway District, Irrigation Delivery Department, Utility Company, and School Board; as well as from the Health Authority, Department of Agriculture, Department of Water Resources, Department of Fish & Game, and/or other agencies designated by the Administrator. The applicant shall attach any agency responses received to the WLCO Application, and shall continue to submit any responses to the Administrator that are received subsequent to the filing of the application. The Board may place conditions on the WLCO Permit as requested by these agencies.

12. WATER RIGHTS

A writing from the department of water resources of the state of Idaho, including a profile of all water rights necessary for the operation of the WLCO, or if those rights have not yet been granted, proof that an application for transfer or other suitable application has been filed with the department of water resources which, if granted, would allow sufficient water rights to permit a lawful operation of the new WLCO.

13. FEE

A nonrefundable fee, in an amount set by the county must be included with any application for a WLCO.

13A-6.03 LODGING AND FILING OF APPLICATION

- A. The Administrator shall review all applications lodged with his office for the purpose of assuring that the information and documentation required by the above section has been included in or with the application. The Administrator shall notify the Applicant of any missing information or documentation and shall notify the Applicant that no further action on the application will be taken until the missing information or documentation has been provided. Any application that has consistently remained inactive for the ninety (90) days immediately following the above notice shall be returned to the Applicant without refund of the application fee, unless otherwise authorized by the Board. A new fee shall be required for resubmitted applications.
- B. Upon the Administrator's satisfaction that an application contains all the necessary information and documentation, he shall notify the Applicant of such determination and shall date and mark with the word "Filed," the original and each copy of the application. Although such determination shall create a presumption that the application is complete, the Board shall be free to examine the issue on its own accord; as well as responsible for making the ultimate determination on the application's "completeness".
- C. Applications shall be considered and determined based upon the provisions of the JCZO in effect on the date the Application was filed.
- D. A copy of the filed Application shall be forwarded by the Administrator to the Idaho Department of Agriculture Siting Team upon a resolution of the Board to such effect.

13A-6.04 SUBMISSION TO THE PLANNING AND ZONING COMMISSION

- A. SETTING A HEARING; PROVIDING NOTICE; AND APPLICATION INSPECTION
 1. Upon receipt of a written response by the state siting team, the Administrator shall set the matter for a public hearing before the Commission.
 2. The Administrator shall give notice of the public hearing, which shall explain that the purpose of the hearing is to receive evidence and testimony from interested persons as to whether or not the application complies with the requirements of

this chapter.

3. Notice shall be served in the manner and upon the persons described and identified by Idaho Code; but in any event shall be mailed by the Administrator to those persons owning property within one mile of the boundaries of the WLCO Site. Notified property owners shall be responsible for causing the notice to be forwarded to all other joint property owners and all primary residents located on such property, and the notice shall notify the property owner of this responsibility. The Applicant shall be financially responsible for all costs of publication.
4. The Application and any written comments or other documentation received pursuant to Chapter 23 of the JCZO, shall at all times prior to Commission's hearing be available for public inspection at the Office of the Administrator.

B. HEARING

Before recommending to the Board that the WLCO application be either approved or denied, the Commission shall hold a public hearing on the matter and consider the relevant evidence presented therein.

C. RECOMMENDATION

1. After proper receipt of all evidence, the Commission shall deliberate on the matter using the criteria set forth under section 13A-6.06. Upon doing so, the Commission shall accordingly recommend to the Board whether the applications should be approved or denied, and shall state the reasons behind the Commission's recommendation.
2. The Commission may also recommend any conditions that it believes should be imposed on the application in the event that it is approved by the Board.

13A-6.05 SUBMISSION TO THE BOARD

- A. Upon completion of the Planning and Zoning Commissions' review, the Administrator shall give notice of a public hearing to be held in front of the Board. Such notice shall state that the purpose of the hearing is to receive evidence and testimony from interested persons as to whether or not the application meets the criteria for approval as set forth in the following section.
- B. The notice shall be published in a newspaper of general circulation in Jerome County, Idaho. The Administrator shall also send notice by mail to all property owners within one mile of the boundaries of the WLCO Site. The notified property owners shall be responsible for forwarding the notice to all additional or joint property owners and all primary residents on their property. The Applicant shall be financially responsible for all costs of publication and notice.
- C. The Application; the Planning and Zoning Commission's report; and any written comments or other documentation received pursuant to Chapter 23 of the JCZO; shall be available for public inspection at the Office of the Administrator.

13A-6.06 CRITERIA FOR ISSUANCE OF A WLCO PERMIT

- A. A permit shall be issued if the application for the proposed WLCO:
 - 1. Complies with this Chapter and the JCZO as a whole.
 - 2. Is complete.
 - 3. Contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed WLCO meets, or will meet, the standards specified in this Chapter and the JCZO as whole.
- B. A permit shall not be issued if any of the following apply:
 - 1. The application, on its face, fails to meet the standards for approval as set forth in 13A-6.06(A).
 - 2. The Board finds, based on clear and convincing information in the record, the proposed WLCO does not comply with applicable standards in this Chapter or those of the JCZO as a whole.
 - 3. The Board makes a scientifically defensible finding of fact, based on reliable and credible information that clearly and convincingly shows the proposed WLCO would jeopardize public health or safety, regardless of whether the parameters of 13A-6.06(A) have been complied with in all other respects.

13A-6.07 RECORD OF DECISION

- A. The Board shall issue its decision in writing, which shall conform to the standards and criteria set forth in Idaho Code Section 67-6535, as amended.
- B. If the application is approved by the Board, a copy of the Board's written decision shall be affixed to the original and one copy of the application; with such applications in turn being signed by the Board's chair, dated, and marked with the word, "Approved". The complete, signed copy shall be returned to the applicant to serve as the approved permit. An omission of one or more of the requirements of this paragraph shall not nullify the applicant's permit.

13A-7. CONDITIONS AND SAFEGUARDS

13A-7.01 In granting a WLCO Permit, the Board may prescribe, require and/or attach appropriate conditions, bonds, or safeguards to the permit so as to:

- 1. Minimize adverse impacts, such as sight, smell and noise that the WLCO will have on neighboring uses.
- 2. Control the sequence and timing of development of the WLCO.
- 3. Control the duration of construction.
- 4. Assure that the WLCO is maintained properly.
- 5. Designate the exact location and nature of equipment or other structures associated with the WLCO.

13A-7.02 DEVIATING FROM IMPLEMENTED STANDARDS

If deemed necessary, an imposed condition or safeguard implemented by the Board may be such that requires:

1. A more restrictive standard be implemented over that which is required by a state agency in the Nutrient Management Plan, Waste Management Plan or other agency documents.
2. A more restrictive standard be implemented over those required by this Chapter (*e.g.*, limiting the number of animal warehoused, increasing setback distances, etc).

13A-7.03 PROCEDURE FOR DEVIATION

- A. Before the Board deviates from a prescribed standard pursuant to 13A-7.02, it shall first find clear and convincing evidence in the record that shows such deviation is necessary to satisfy the standards, purposes and goals set forth in the JCZO and that such cannot be satisfied by some other manner currently provided for in this Chapter.
- B. If the Board, following its hearing, contemplates a deviation pursuant to 13-7.02, it shall, before deciding on such deviation, notify and allow the Applicant at least thirty (30) days to prepare a response or rebuttal. The Board shall then reopen its hearing on the matter pursuant to Chapter 23 of the JCZO, for the sole purpose of allowing the Applicant to submit evidence in response or rebuttal to the proposed deviation. The Board may ask questions of staff and any witness providing such rebuttal. After conclusion of such response or rebuttal, the reopened hearing shall be closed and the Board shall then deliberate on all remaining, undecided issues, and particularly on the issue concerning the need for the proposed deviation. Before implementing such deviation, the Board shall identify in its written decision the evidence that supports the 13-7.03(A) findings, and shall explain why the evidence supporting the need for the deviation has more weight than that provided in the response or rebuttal evidence presented by the Applicant.
- C. The Applicant may waive or shorten any of the thirty (30) day time periods prescribed above and may also waive the process for reopening the hearing and submitting rebuttal evidence if the Applicant stipulates or has no contention to the proposed deviation, or for any other purpose the Applicant may have.

13A-8. PROCEDURE FOR ACQUIRING A WLCO OCCUPANCY PERMIT

A WLCO Occupancy Permit shall be issued and operation of the WLCO may commence upon occurrence of the following:

1. The Administrator receives certification from the Applicant that the WLCO has been constructed according to the parameters of the permit issued by the Board, and the Administrator agrees and signs off on such certification.
2. The Administrator receives:

- a. Notice from the appropriate state agency that the WLCO's waste system has been constructed according to state approved specifications.
- b. A letter or other certification from the Idaho Department of Water Resources that shows the Applicant to have sufficient water rights to operate the facility as permitted.
- c. Notice from the appropriate state agency that the WLCO's Nutrient Management Plan, if required, has been approved.

13A-9. PROCEDURE FOR ACQUIRING A PRE-ESTABLISHED WLCO PERMIT

The requirements and procedures to obtain a Pre-Established WLCO Permit (as defined herein), shall be as set forth by Jerome County Ordinance 13-9.

13A-10. PROCEDURE FOR ACQUIRING A WLCO MINOR MODIFICATION PERMIT

The requirements for obtaining a WLCO Minor Modification Permit (as defined herein), shall be governed by the procedures as set forth by Jerome County Ordinance 13-10.

13A-11. DURATION AND EXPIRATION OF PERMIT

The duration and expiration of a WLCO permit shall be governed by the procedures set forth under Jerome County Ordinance 13-11.

13A-12. TRANSFER OF PERMIT

The transferring of a WLCO permit, as well as the privileges bestowed by it, shall be governed by the procedures set forth under Jerome County Ordinance 13-12.

13A-13. PERMIT TERMS

A permit and the privileges bestowed by it pursuant to this Chapter is conditioned on the WLCO operator's compliance with the standards in this ordinance and with commitments made in the application for the permit. A violation of the permit or a failure to comply with the commitments made in the application may result in suspension and/or termination of the permit as provided in the following section.

13A-14. COMPLIANCE MONITORING

A WLCO permit shall be monitored per the procedures set forth by Jerome County Ordinance 13-16.

13A-15. VIOLATIONS AND PENALTIES

13A-15.01 VIOLATION

A. It shall be unlawful for any person to violate, or fail, neglect or refuse to comply with, any provision of this Chapter; or to operate or maintain a WLCO, or any regulated aspect thereof, outside the parameters of this Chapter, or outside the parameters or

conditions of such WLCO's permit or approved site plan; or for any person to allow a WLCO, or any aspect thereof, to be so operated or maintained.

- B. It shall be unlawful for any person to knowingly make any material false statement or knowing omission in any document required to be submitted under the provisions hereof.
- C. Each twenty-four (24) hour period a violation under this section continues shall be considered a separate offense under this Chapter.

13A-15.02 PENALTIES

- A. Any person who pleads guilty to or is found guilty of a violation of Jerome County Ordinance 13A-14.01 shall be guilty of a misdemeanor and, for a first offense:
 - 1. Shall pay a fine of not less than five hundred dollars (\$500.00), nor more than one thousand dollars (\$1,000.00);
 - 2. May have alterations made to, or additional conditions placed on the permit from which the violation stems, as deemed necessary by the court.
- B. Any person who pleads guilty to or is found guilty of a violation of Jerome County Ordinance 13A-14.01, and who has previously been found guilty of, or has pled guilty to a violation of Jerome County Ordinance 13A-14.01, with in the last ten (10) years, notwithstanding the form of the prior judgment(s) or withheld judgment(s), shall be guilty of a misdemeanor, and:
 - 1. Shall pay a fine of not less than seven hundred fifty dollars (\$750.00), nor more than one thousand dollars (\$1,000.00);
 - 2. May be imprisoned for an amount of time not to exceed six (6) months;
 - 3. May be both fined and imprisoned, for any such offense;
 - 4. May have alterations made to, or additional conditions placed on the permit from which the violation stems, as deemed necessary by the court.
- C. Any person who pleads guilty to or is found guilty of a violation of Jerome County Ordinance 13A-15.0, and who has twice previously been found guilty of, or has pled guilty to, two violations of Jerome County Ordinance 13A-15.01, with in the last ten (10) years, notwithstanding the form of the prior judgment(s) or withheld judgment(s), shall be guilty of a misdemeanor, and:
 - 1. Shall pay a fine of not less than one thousand dollars (\$1000.00);
 - 2. May be imprisoned for an amount of time not to exceed six (6) months;
 - 3. May be both fined and imprisoned, for any such offense;
 - 4. Shall have the permit from which the violation stemmed revoked by the court, and shall be prohibited from reapplying for such a permit with Jerome County for the next five (5) years.