

CHATTOOGA COUNTY ORDINANCE

AN ORDINANCE TO PROVIDE FOR THE REGULATION AND CONTROL OF COMMERCIAL POULTRY OPERATIONS: TO ESTABLISH SETBACK REQUIREMENTS: TO ESTABLISH PENALTIES AND EXEMPTIONS: AND FOR OTHER PURPOSES.

WHEREAS, poultry or chicken production facilities are presently a use permitted in all of the unincorporated areas of Chattooga County; and

WHEREAS, it is the intent of this Ordinance to provide guidance to locate poultry facilities and all other structures used in poultry growing; and

WHEREAS, it is important to protect the health, welfare and environment of Chattooga County while providing for orderly growth of the agriculture industry; and

WHEREAS, poultry production facilities are presently a use permitted in Chattooga County, Georgia; and

WHEREAS, all citizens are entitled to the use, enjoyment and value of their property; and

WHEREAS, in order to provide for the participation of Chattooga County in the development of poultry operations within the county and to address issues which might arise as a result of poultry production, Chattooga County has determined to act, regulate the production of poultry in its county.

NOW THEREFORE IT IS HEREBY ORDAINED by the Commissioner of Chattooga County, Georgia as follows:

SECTION 1. DEFINITIONS.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial Poultry Operation shall mean any structure or facility designed to house or process fifty or more chickens or turkeys at one time.

Dwelling, Building or Structure means any building or structure or part thereof used and occupied for human habitation or commercial, industrial or business uses, or intended to be so used and includes any improvements, buildings and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure of any design; provided the term

“dwellings, buildings or structures” shall not mean or include building or structure used for the production, growing, raising, harvesting, storage, or processing of crops, livestock, poultry, or other farm products.

Existing Poultry Operation shall mean a commercial poultry operation in place and operating on the date this ordinance becomes effective.

Poultry Building or Yard means every enclosure, shed, or structure used to house chickens, turkeys, and other fowl used for commercial purposes.

Poultry means species of the avian family which are or may be raised for the purpose of providing food or transportation, or being resold or bred, including chicken and turkey.

SECTION 2. SETBACK REQUIREMENTS FOR HOUSING AND PROCESSING POULTRY.

- (a) It shall be unlawful to construct, maintain or utilize in the unincorporated area of Chattooga County any commercial poultry operation, poultry yard, building, yard, or other real property for the purposes of housing, raising, producing, processing, or selling poultry within 2,000 feet of the city limit boundary of the cities of Summerville and Menlo, and the towns of Trion and Lyerly, or within 1,000 feet of any property line which contains a building used for residential or commercial purposes, a school, church, park, hospital, or other public building, by anyone other than the one maintaining such poultry house, commercial poultry operation, poultry yard or processing plant.
- (b) A commercial poultry operation and all poultry buildings, houses, yards or processing plants shall be setback not less than one hundred (100) feet from all property lines and two hundred fifty (250) feet from any stream, spring and open water.
- (c) A commercial poultry operation shall be located no closer than 1,500 feet from another commercial poultry operation, as measured from the nearest poultry house, building or yard on each tract, unless owned by the same owner and otherwise meeting the requirements of this ordinance.
- (d) It shall be unlawful to construct, maintain or utilize in the unincorporated area of Chattooga County any commercial poultry operation, building, animal yard, or other real property for the purposes of housing, raising, producing, processing, or selling poultry within 75 feet of county or state right of way.

SECTION 3. SANITARY CONDITIONS.

- (a) Every person maintaining a poultry house, commercial poultry operation, yard, processing plant, or other building used for such commercial purposes, shall keep such facility in a manner such as not to create a public health or environmental nuisance.