

BLECKLEY COUNTY ORDINANCE NO. _____

THIS ORDINANCE IS ESTABLISHED TO REGULATE AND CONTROL COMMERCIAL FOWL OPERATIONS INCLUDING CHICKENS, DUCKS, GEESE, AND TURKEYS.

WHEREAS, fowl production facilities are presently permitted in the unincorporated part of Bleckley County; and

WHEREAS, it is the intent of this Ordinance to establish setback and buffer requirements of facilities used to commercially raise, house, grow, breed, and sell fowls as defined below; and

WHEREAS, the health, safety, welfare, and environment of the County are taken into consideration while balancing the agricultural benefits of fowl producers, growers, wholesalers, retailers, breeders, and egg production; and

WHEREAS, fowl production facilities are presently permitted in Bleckley County; and

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

WHEREAS, Bleckley County has determined that it is in the best interest of the County to regulate commercial fowl operations within the unincorporated part of the County to protect fowl producers' abilities to commercially raise birds while at the same time protecting the health, safety, well-being, and environment of the citizens in the unincorporated part of the County.

NOW THEREFORE, the sole Commissioner of Bleckley County hereby adopts this ordinance setting forth the rules governing commercial fowl operations within the County as described below.

SECTION 1. DEFINITIONS.

Fowl for the purposes of this ordinance is defined as any bird that is commercially raised for meat, eggs, breeding, or sale, including but not limited to chickens, turkeys, geese, and ducks.

Commercial Fowl Operations shall mean any structure or facility designed to house or process one hundred or more chickens, ducks, geese, and turkeys at one time.

Dwelling, Building, or Structure is defined as any building or structure or part thereof used or intended to be used for: human habitation, commercial purposes, industrial use, or business use including any building or structure of any design. The term "dwellings, buildings, or structures" shall not mean or include any building or structure used for the production, growing, raising, harvesting, storage, or processing of crops, livestock, poultry, or other farm products.

Existing Commercial Fowl Operations shall mean a commercial operation of one hundred or more chickens, turkeys, geese, and/or ducks operating on the date this ordinance becomes effective.

Fowl Building or Yard means every enclosure, shed, or structure used to house chickens, turkeys, geese, or ducks used for commercial purposes.

SECTION 2. SET BACK REQUIREMENTS FOR HOUSING AND PROCESSING FOWL.

- (a) It shall be unlawful to construct, maintain, or utilize any commercial fowl operation, building, yard, or other real property for the purposes of housing, raising, producing, breeding, processing, or selling fowl within 3,000 feet of the Cochran, Georgia City limits.
- (b) A commercial fowl operation including all buildings, houses, yards, and processing plants shall be setback at least 200 feet from all property lines and at least 300 feet from any creeks, streams, springs, wetlands, flood plains, and open water.
- (c) A commercial fowl operation shall not be located closer than 3,000 from another commercial fowl 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 for a commercial fowl operation including all buildings, houses, yards, and processing operations to be located closer than: 1,000 feet of a residence, other than the owner of the farm or commercial operation; 3,000 feet of schools, churches, parks, and public areas; 1,000 feet of a public well; 300 feet of a public roadway; and 200 feet of a private well.
- (e) A vegetative buffer is required to screen the view of the commercial fowl facility from any commercial, business, or residential buildings within 1,500 feet of the commercial fowl facility or any litter storage building or litter. The commercial fowl operation is responsible for providing the buffer.

SECTION 3. SANITARY CONDITIONS.

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

- (b) All fowl houses, commercial fowl operations, yards, processing plants, or other buildings used for commercial purposes shall maintain a tunnel ventilation fan outlet a minimum of 1,500 feet from the nearest residence.
- (c) The commercial poultry operation shall have a litter storage building and a composter built on site. The litter storage building shall be of sufficient size to accommodate the normal litter volume. The composter may be built in the litter storage building or may be built separately.

SECTION 4. PERMIT.

A person or business seeking to construct a commercial fowl house, commercial fowl operation, yard, processing plant, or other building to be used for such commercial purposes, shall apply to the Bleckley County Building Department for a permit for construction of such a facility at least 30 days prior to the beginning of construction.

No commercial fowl operation permitted under this ordinance shall continue in operation if, after meeting the requirements, the land is divided from the parcel on which the commercial poultry operation is located, such that the setbacks no longer conform to this ordinance.

SECTION 5. VIOLATION OF ORDINANCE.

If any portion of this ordinance is violated by a commercial fowl producer, the County will first warn the commercial operation owner of the violation and give the owner/business adequate time to remedy the violation. If the violation is not remedied within the allotted time given by the County, a fine of \$25 per day will be assessed until the violation has been corrected. If the violation has not been remedied within 30 days, the fine will then increase to \$100 per day starting on the 31st day of violation.

In addition, any violation of this article is hereby declared to be a nuisance. The County may pursue any other punishment allowed by the law including seeking an injunction to prohibit the continuation of any violation of this article. The County reserves the right if a violation of this ordinance occurs to seek a temporary restraining order, temporary injunction, permanent injunction, and attorney fees and court costs.

SECTION 6. EXEMPTIONS.

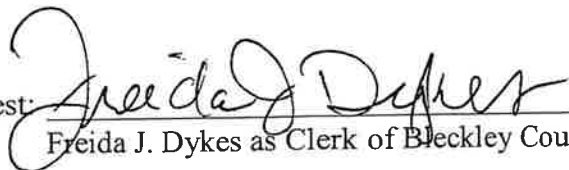
Any currently existing commercial fowl buildings shall be exempt from the distance requirements in Section 2. All new structures must comply with the setback and buffer requirements.

This ordinance shall be effective upon adoption by the sole Commissioner of Bleckley County.

IN WITNESS WHEREOF, this Ordinance was duly adopted at the regular monthly meeting of the Governing Authority of Bleckley County of the 17 day of August, 2023.



Mike Davis as Sole Commissioner of
Bleckley County, Georgia

Attest: 
Freida J. Dykes as Clerk of Bleckley County

COUNTY SEAL

