

# **BACKYARD CHICKENS**

## DRAFT FOR DISCUSSION PURPOSES

### AN ORDINANCE TO AMEND THE CODE OF GORDON COUNTY, GEORGIA WITH RESPECT TO CHICKENS AND POULTRY KEPT FOR NON COMMERCIAL PURPOSES

The Commissioners of Gordon County, Georgia hereby ordain as follows:

Whereas, many people in the unincorporated areas of Gordon County have expressed a desire to keep chickens at their residences for eggs, meat, or as a hobby. Currently, a person must have 5 acres and A-1 zoning to keep chickens. In fact, many people are already keeping chickens even though it is not allowed under current zoning requirements.

Whereas, the County Code Compliance Officer has received complaints that some chickens have become a nuisance because they have not been contained on the owner's yard. Noise, waste and smell have also become a problem in certain circumstances. Proper management of poultry is important to prevention and containment in the event of exposure to avian influenza.

Whereas, The Board of Commissioners has determined that it is in the interest of the public welfare to enact an ordinance regulating Chickens and Poultry kept for non commercial purposes on tracts or parcels that are less than five acres in certain zoning districts.

**SECTION 4.03.02 of the Unified Land Development Code of Gordon County, Georgia, entitled "Agricultural Uses (not including Commercial Greenhouses and Plant Nurseries)" is hereby amended by adding new section 4.03.02.01 entitled, "Backyard Chickens" as follows:**

#### **Sec. 4.03.02.01. — Backyard Chickens**

##### **A. Keeping Chickens.**

The following provisions apply to the keeping of chickens:

1. Definition.
  - a. **Backyard chicken(s)** shall mean a female pullet or hen of the Gallus Domesticus; which are or may be raised for the purpose of providing food or companionship as a pet. Roosters are strictly prohibited.
  - b. **Poultry** are domesticated birds kept by humans for the eggs they produce, their meat, their feathers, or sometimes as pets. All forms of poultry other than "Backyard Chickens" are prohibited unless allowed under another zoning classification.
2. Permitted zoning districts

- a. The keeping of Backyard chickens is permitted in zoning districts A-1, R-1, and RA-1 subject to the requirements of this section.
- b. Nothing herein shall abrogate any prohibitions or restrictions contained in private neighborhood covenants, such covenants not being subject to investigation or enforcement by Gordon County.

3. Number and type of chickens allowed.

- a. No birds are allowed on less than two acres of land.
- b. A maximum of 24 hens are allowed on tracts containing from two to five acres.
- c. Roosters and any other crowing chickens are prohibited.

4. Noncommercial use only.

- a. Chickens, chicken products and/or by-products shall not be sold on the property.

5. Enclosures.

- a. Because avian influenza may be highly contagious and is often spread from the droppings of wild waterfowl, Chickens must at all times be kept in a covered/roofed fenced enclosed area and no person shall fail to prevent his or her chickens from straying from the property of the owner or keeper, or going upon the property of any other person, or upon any public rights-of-way.
- b. All chicken houses and enclosures must be maintained in a clean and sanitary condition at all times, must be positioned at least 30 feet from the property line in all zones, and in all cases such structures must be positioned at least 50 feet from residential structures on neighboring parcels.
- c. Structures greater than 100 square feet will be considered an accessory structure and shall comply with the standards of Chapter 5.02.00 of the ULDC.
- d. Fences shall comply with the standards of Chapter 5.02.00 of the ULDC..

6. Predators, rodents, insects and parasites.

- a. Feed must be stored in a fully enclosed, rodent-proof container.
- b. All structures, enclosures, area, pens, and premises must be kept free of rodents, insects and parasites.

7. Registration.

- a. In the event of detection of avian influenza, early identification of all domestic birds in the area is essential to containment procedures. Commercial growers have these procedures in place.
- b. In order that health officials may readily identify all potentially infected birds, all backyard growers must register their flock with the Gordon

County Planning and development office by giving their name, address, telephone number and number and type of chickens. This registration is mandatory and shall be free of charge.

**B. Penalties.**

1. Any person violating any provision of this section may be punished by a fine not to exceed one thousand dollars (\$1,000.00) and/or imprisonment in the county jail for a term not to exceed sixty (60) days. Jurisdiction for enforcement shall be as proscribed in the Unified Land Development Code of Gordon County, Georgia.
2. Compliance may be enforced by the Gordon County Code Compliance Officer.

**C. Effective Date.**

This Ordinance shall become effective on approval by the Board of Commissioners.