

House Bill 1087

By: Representatives Ray of the 128th, Floyd of the 138th, Royal of the 164th and Purcell of the 147th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 41-1-7 of the Official Code of Georgia Annotated, relating to
2 treatment of agricultural facilities and operations as nuisances, so as to provide for additional
3 definitions; to provide an effective date; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 Code Section 41-1-7 of the Official Code of Georgia Annotated, relating to treatment of
7 agricultural facilities and operations as nuisances, is amended by striking subsection (b) of
8 said Code section and inserting in its place the following:

9 "(b) As used in this Code section, the term:

10 (1) 'Agricultural area' means any land which is, or may be, legally used for an
11 agricultural operation under applicable zoning laws, rules, and regulations at the time of
12 commencement of the agricultural operation of the agricultural facility at issue and
13 throughout the first year of operation of such agricultural facility. Any land which is not
14 subject to zoning laws, rules, and regulations at the time of commencement of an
15 agricultural operation of an agricultural facility and throughout the first year of operation
16 of such agricultural facility shall be deemed an 'agricultural area' for purposes of this
17 Code section.

18 ~~(1)~~(2) 'Agricultural facility' includes, but is not limited to, any land, building, structure,
19 pond, impoundment, appurtenance, machinery, or equipment which is used for the
20 commercial production or processing of crops, livestock, animals, poultry, honeybees,
21 honeybee products, livestock products, poultry products, or products which are used in
22 commercial aquaculture. Such term shall also include any farm labor camp or facilities
23 for migrant farm workers.

24 ~~(2)~~(3) 'Agricultural operation' means:

- 25 (A) The plowing, tilling, or preparation of soil at an agricultural facility;
26 (B) The planting, growing, fertilizing, or harvesting of crops;

1 (C) The application of pesticides, herbicides, or other chemicals, compounds, or
 2 substances to crops, weeds, or soil in connection with the production of crops,
 3 livestock, animals, or poultry;

4 (D) The breeding, hatching, raising, producing, feeding, keeping, slaughtering, or
 5 processing of livestock, hogs, equines, chickens, turkeys, poultry or other fowl
 6 normally raised for food, mules, cattle, sheep, goats, dogs, rabbits, or similar farm
 7 animals for commercial purposes;

8 (E) The production and keeping of honeybees, the production of honeybee products,
 9 and honeybee processing facilities;

10 (F) The production, processing, or packaging of eggs or egg products;

11 (G) The manufacturing of feed for poultry or livestock;

12 (H) The rotation of crops;

13 (I) Commercial aquaculture;

14 (J) The application of existing, changed, or new technology, practices, processes, or
 15 procedures to any agricultural operation; and

16 (K) The operation of any roadside market.

17 (4) 'Changed conditions' means any one or more of the following:

18 (A) Any change in the use of land in an agricultural area;

19 (B) An increase in the magnitude of an existing use of land located in an agricultural
 20 area, and includes, but is not limited to, urban sprawl into an agricultural area adjacent
 21 to, around, or near an agricultural facility, an increase in the number of persons making
 22 any such use, or an increase in the frequency of such use; or

23 (C) The construction or location of improvements on land in an agricultural area closer
 24 to an agricultural facility than those improvements located on such land at the time of
 25 commencement of the agricultural operation of the agricultural facility at issue and
 26 throughout the first year of operation of said agricultural facility.

27 (5) 'Urban sprawl' means either of the following, or both:

28 (A) The conversion of agricultural areas from traditional agricultural use to residential
 29 use; or

30 (B) An increase in the number of residences in an agricultural area which increase is
 31 unrelated to the use of the agricultural area for traditional agricultural purposes."

32 SECTION 2.

33 This Act shall become effective upon its approval by the Governor or upon becoming law
 34 without such approval.

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SECTION 3.

2 All laws and parts of laws in conflict with this Act are repealed.