

House Bill 413

By: Representatives Jenkins of the 136<sup>th</sup>, Huddleston of the 72<sup>nd</sup>, Campbell of the 171<sup>st</sup>,  
Ridley of the 22<sup>nd</sup>, and Byrd of the 20<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 2 of the Official Code of Georgia Annotated, relating to  
2 general provisions regarding agriculture, so as to prohibit local ordinances that prohibit the  
3 operation of mobile sawmills on agricultural lands; to provide for agricultural products; to  
4 provide for definitions; to provide for related matters; to repeal conflicting laws; and for  
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 1 of Title 2 of the Official Code of Georgia Annotated, relating to general provisions  
9 regarding agriculture, is amended by revising Code Section 2-1-6, relating to preemption of  
10 local ordinances relating to production of agricultural or farm products, as follows:

11 "2-1-6.

12 (a) No county, municipality, consolidated government, or other political subdivision of this  
13 state shall adopt or enforce any ordinance, rule, regulation, or resolution regulating crop  
14 management or animal husbandry practices involved in the production of agricultural or  
15 farm products on any private property.

16 (a.1)(1) As used in this subsection, the term:

17 (A) 'Agricultural land' means any land capable of use in the production of agricultural  
18 crops, timber, livestock or livestock products, poultry or poultry products, milk or dairy  
19 products, or fruit or other horticultural products, but does not include any land zoned  
20 by a local governmental unit for a use other than and nonconforming with agricultural  
21 use.

22 (B) 'Mobile sawmill' means an engine powered sawing or cutting machine used to turn  
23 logs into lumber, regardless of whether attached to a trailer or truck mounted, that may  
24 be transported among and used at multiple sites. Such machines shall be considered  
25 agricultural equipment.

26 (2) No county, municipality, consolidated government, or other political subdivision of  
27 this state shall adopt or enforce any ordinance, rule, regulation, or resolution prohibiting  
28 or restricting the use of mobile sawmills on agricultural land, including, but not limited  
29 to, processing timber from properties other than the one on which the mobile sawmill is  
30 located.

31 (3) All waste produced by sawing logs, including sawdust, bark, and slab materials, shall  
32 be considered agricultural products. The lumber produced by mobile sawmills,  
33 regardless of whether it is green, kiln dried, or surfaced, shall also be considered an  
34 agricultural product.

35 ~~(b) Subsection (a)~~ Subsections (a) and (a.1) of this Code section shall not prohibit or  
36 impair the power of any local government to adopt or enforce any zoning ordinance or  
37 make any other zoning decision. As used in this subsection, the terms '~~local government~~',  
38 'local government,' '~~zoning decision~~', 'zoning decision,' and 'zoning ordinance' shall have  
39 the same ~~meanings provided by~~ meanings as set forth in Code Section 36-66-3.

40 ~~(c) Subsection (a)~~ Subsections (a) and (a.1) of this Code section shall not prohibit or  
41 impair any existing power of a county, municipality, consolidated government, or other  
42 political subdivision of this state to adopt or enforce any ordinance, rule, regulation, or  
43 resolution regulating land application of human waste."

44

**SECTION 2.**

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