

HART COUNTY FISCAL COURT

ORDINANCE NO. 840.2

RE: AN ORDINANCE RELATING TO POULTRY PRODUCTION AND POULTRY BARN CONSTRUCTION IN HART COUNTY, KENTUCKY

In order to protect the citizens and environment of Hart County, Kentucky from the dangers and potential dangers caused by poultry production in Hart County, and in recognition of the fact that poultry production can be a somewhat noxious or offensive use, the Hart County Fiscal Court has determined that there is a necessity to act to regulate the production of poultry in Hart County, Kentucky,

IT IS NOW THEREFORE ORDAINED that all poultry (chicken) operations consisting of 500 chickens or more shall be subject to this ordinance:

1. Any poultry or chicken production facility shall be located on a tract of land of at least 15 acres in size and located in an agricultural zone.

2. Poultry farms shall be limited to a total of five (5) poultry barns per 15 acres. Poultry barns include but are not limited to layer barns, boiler barns, chicken hatcheries, or any other structure which contains chickens. Farms containing poultry barns shall be located so that the nearest poultry barns of one farm are no closer than 2,500 feet away from the poultry barns of another farm, as measured from nearest poultry barns on each farm. Additionally, poultry barns shall be limited to 42,000 chickens per barn.

3. Poultry barns shall meet the following setback restrictions which are expressed in the minimum number of feet which the poultry barn must be from the item in question:

A. Dwelling not owned by a poultry producer – 1, 500 ft. minimum;

- B. Public school, active church, or public park – 1,500 ft. minimum;
- C. Incorporated city limit – 1,500 ft. minimum;
- D. Lake, river, blue line stream, spring or sink hole – 150ft. minimum;
- E. Property line – 150 ft. minimum;
- F. Primary roadway – 500 ft. minimum;
- G. Secondary roadway – 200 ft. minimum;
- H. Water wells not owned by producer – 500 ft. minimum;

4. When a person or entity decides to construct a new poultry barn in this county, he shall apply for a permit for construction and operation of a poultry barn thirty (30) days prior to the beginning of the construction. This application need not be on any specific form but must be intitled "Application for Construction and Operation of a Poultry Barn." The application must be notarized and contain the following information:

- A. The name, address, and telephone number of the person, corporation, or entity seeking the permit and the same such information for anyone having the contractual authority to direct the manner of construction of the poultry barn, or the manner in which poultry will be housed. Any such person or entity exercising such authority shall be jointly liable for applying for a permit.
- B. The applicant will also give the name, address, and telephone number of an agent for services of process in the case of a corporation, and the name, address, and telephone number of the owners of the facility in all other circumstances.
- C. The exact location of the proposed facility.
- D. The number of chicken barns proposed for the facility.
- E. Certification that this ordinance will be complied.
- F. Certification that the operator shall comply with the local occupational tax ordinance, which includes filing an application with the occupational tax collector.

G. A sworn certification that there are no outstanding leases on the subject property or boundary disputes which could legally affect the applicant's rights to construct and operate the facility.

H. The applicant shall pay the fee for considering the application to the Hart County Planning Commission at the time of filing the application. The fee shall be set by the Hart County Planning Commission from time to time.

5. Each poultry farm must prepare a nutrient management plan that meets the applicable provisions of the Agricultural Water Quality Act. At a minimum, this plan must address mortality disposal, litter, storage, and land application. In addition, each facility must meet all other requirements imposed by applicable federal, state, and local statutes, regulations, and ordinances.

6. All mortality disposal methods utilized at each poultry farm shall be approved by the Kentucky State Veterinarian. Any composting of mortality must be accomplished on a daily basis.

7. If litter from the chicken farms is stored on the premises, it must be covered, either temporarily or permanently, in order to control smell and high insect populations. All litter storage areas must not be closer than 150 feet of a stream, tributary, lake, river, spring, or sinkhole. In addition, such storage facilities must not be within 75 feet of a property line; 500 feet of a primary roadway; 200 feet of a secondary roadway; 1500 feet of a dwelling not owned by the producer, and 1500 feet from a public school, active church, public park, or incorporated city limit.

8. The nutrient management plan shall specify what on-farm application of litter the producer intends to utilize.


In addition, the owners must:

- A. Have discharge fans located for best use of prevailing winds and away from public roads or dwelling or building not owned by the operator;
- B. Topography must be compatible with set back requirements;
- C. Storm water management plan must be developed prior to and implemented during and following construction;
- D. Houses well be oriented east and west;
- E. Houses will not be located in the 100-year flood plan;
- F. All applicable state and federal laws and regulations will be adhered to;
- G. Dead birds will be disposed of according to state regulations;
- H. Poultry waste or litter will be managed according to state regulations;
- I. Agriculture Water Quality Act Best Management Practices #11 Nutrient Management and #17 Poultry Facility Siting and Land Application of On -Farm Generated Waste By-Products will be followed by all operations;
- J. Variances in the set back restrictions in Paragraphs 2 and 3 may be obtained with sworn written permission of adjoining property owners per the Kentucky Agriculture Water Quality Act.

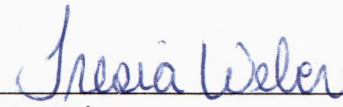
9. Each violation of this ordinance shall subject the violator to a fine of up to \$500 per violation, with each day of continuing violation being considered a new violation in itself. Additionally, the Fiscal Court may choose to enjoin any such violations by bringing an action against the violator in the Hart Circuit Court. The costs of such actions, including reasonable attorney fees and the cost for the production of scientific evidence, such as expert witness fees, shall be assessed to and paid by the violator.

10. It is the intention of the Hart County Fiscal Court to make the law severable in the event any portion of it is determined to be unconstitutional, unlawful, or contrary to existing regulation. Thus, any offending objection would be severed and stricken from the ordinance, without affecting the balance of the ordinance.

SO ORDAINED: This 21st day of June, 2018.

BY 
Terry Martin,
Hart County Judge Executive

ATTEST:

BY: 
Tressia Weber
Hart County Fiscal Court Clerk