

METCALFE COUNTY FISCAL COURT

ORDINANCE NO.18-0613

**Re: AN ORDINANCE relating to
POULTRY PRODUCTION AND POULTRY BARN
CONSTRUCTION IN METCALFE COUNTY, KENTUCKY**

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

IT IS NOW THEREFORE ORDAINED that all poultry (chicken) operations consisting of 500 chickens, or more, shall be subject to this ordinance and recommendations for new poultry houses as follows:

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 farm. 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 45,000 chickens per barn.
3. In addition to the above, all new poultry barns constructed will 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 – 1,000 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 – 150 ft. minimum;
 - (e) Property line – 75 ft. minimum;
 - (f) Primary roadway – 500 ft. minimum;
 - (g) Secondary roadway – 200 ft. minimum.
4. When an entity decides to construct a new poultry barn in this county, they 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 entitled "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 service 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 portions of this ordinance will be complied with.
 - (f) Certification that the operator intends to 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.
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; 1,000 feet of a dwelling not owned by the producer; and, 1,500 feet from a public school, active church, public park, or incorporated city limit.
 8. The nutrient management plan should specify what on-farm application of litter the producer intends to utilize.
 9. Each violation of this ordinance shall subject the violator to a fine of up to \$500.00 per violation, with each day of a 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 Metcalfe 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 Metcalfe Fiscal Court to make this law severable in the event of 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 this ordinance, without affecting the balance of the ordinance.

Upon approval on second reading, and upon entry of the ordinance of the Metcalfe County Fiscal Court shall displace and revoke the resolution of the Metcalfe County Fiscal Court dated the 13th day of December, 2016.

SO ORDAINED: This 12th day of June, 2018.



Greg Wilson, Judge Executive
Metcalfe County

1st Reading held May 8, 2018
2nd Reading held June 12th, 2018