

ADVERTISED _____

PUBLIC HEARING _____

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ADOPTED _____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE V. ENTITLED "CAD, CONSOLIDATED AGRICULTURAL DISTRICT-INTENSIVE[2]" SECTION 503 ENTITLED "CONDITIONAL USES" PARAGRAPH 4, TO ADD THERETO "ACCORDING TO GEORGIA DEPARTMENT OF AGRICULTURE REGULATIONS" AND ADD A NEW PARAGRAPH 15 ENTITLED "ANIMAL WASTE LAGOONS"; TO PROVIDE FOR AN EFFECTIVE DATE AND TO REPEAL CONFLICTING ORDINANCES AND RESOLUTIONS, AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners of Banks County adopted by resolution on March 12, 2002, the codification of Resolutions, General Resolutions and Ordinances passed by the Board of Commissioners of Banks County as "The Code of Banks County, Georgia" published by Municipal Code Corporation; and further provided for the manner of amending the Code of Banks County, Georgia;

WHEREAS, the Board of Commissioners of Banks County desires to amend **TITLE V. ENTITLED "CAD, CONSOLIDATED AGRICULTURAL DISTRICT-INTENSIVE[2]" SECTION 503 ENTITLED "CONDITIONAL USES" PARAGRAPH 4, TO ADD THERETO "ACCORDING TO GEORGIA DEPARTMENT OF AGRICULTURE REGULATIONS" AND ADD A NEW PARAGRAPH 15 ENTITLED "ANIMAL WASTE LAGOONS."**

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF BANKS COUNTY, GEORGIA, AS FOLLOWS:

-1-

Section 503 entitled "CONDITIONAL USES" PARAGRAPH 4 is hereby amended by adding thereto the following: "Provided they are operated in accordance with the Georgia Department of Agriculture Regulations" so as amended Paragraph 4 would read as follows:

4. Hog farms (hog parlors) of 3,000 hogs or less; dairy farms (300 cows or less); feed lots for 500 cows or less, commercial egg operations (cage layers); provided they are operated in accordance with the Georgia Department of Agriculture Regulations and provided that no structure housing such poultry or livestock is located closer than 600 feet from an existing dwelling other than that of the property owner or 400 feet from any common property line.

-2-

Section 503 entitled "CONDITIONAL USES" is hereby by adding a paragraph 15 entitled "Animal Waste Lagoons" as as amended Paragraph 15 would read as follows:

15. Animal Waste Lagoons

-3-

All Resolutions, or Ordinances, or parts thereof, in conflict with the terms of this Resolution are hereby repealed, but it is hereby provided that any resolution, ordinance or law, which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, which shall be liberally construed to be in favor of Banks County, is hereby adopted as part hereof.

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If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this Resolution shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid. It is hereby declared to be the intent of the Board of Commissioners to provide for separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

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This Resolution is hereby adopted this _____ day of _____, 20____, and shall be codified as a part of the Code of Banks County, Georgia, to become effective upon the _____ day of _____, 20____, the public health, safety and general welfare demanding it.

BANKS COUNTY BOARD OF COMMISSIONERS

Chairman

Vice Chairman

Commissioner

Commissioner

Commissioner

ATTEST:

County Clerk

County Seal

