

ORDINANCE NO. 1997(13)

AN ORDINANCE RELATING TO THE REVOCATION AND REPEAL OF ORDINANCE NO. 1997(10) AN ORDINANCE RELATING TO THE CONSTRUCTION AND OPERATION OF CONFINEMENT FACILITIES FOR POULTRY AND ASSOCIATED WASTE MANAGEMENT FACILITIES IN HOPKINS COUNTY, KENTUCKY

WHEREAS, the Fiscal Court of Hopkins County, Kentucky, passed Ordinance No. 1997(10), captioned "**An Ordinance relating to the construction and operation of confinement facilities for poultry and associated waste management facilities in Hopkins County, Kentucky**", with a second reading on October 17, 1997, and

WHEREAS, the Fiscal Court has learned that a similar ordinance was declared to be null and void in Webster County, Kentucky, on October 20, 1997, by Circuit Judge Thomas W. Chandler. And

WHEREAS, the Fiscal Court of Hopkins County has determined that it is now in the best interest of Hopkins County to repeal Ordinance No. 1997(10) because of the Webster Circuit Court action and because of a similar decision in Crittenden County, Kentucky, involving the regulation of poultry.

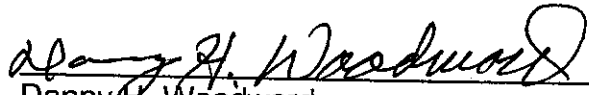
NOW THEREFORE, BE IT ORDAINED by the Fiscal Court of Hopkins County, Commonwealth of Kentucky, as follows:

Ordinance No. 1997(10) captioned "**An Ordinance relating to the construction and operation of confinement facilities for poultry and associated**

waste management facilities in Hopkins County, Kentucky", a copy of which is attached hereto as Attachment "A", is hereby repealed and revoked and declared to be null and void.

This Ordinance shall become effective upon passage.

UPON MOTION by Magistrate Martin, seconded by Magistrate Stanley first reading was held and approved on the 20th day of November, 1997.



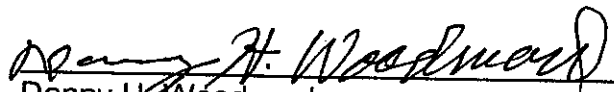
Danny H. Woodward
Hopkins County Judge/Executive

Attest:



Devra Steckler, Clerk

ON MOTION of Magistrate Pharris and Seconded by Magistrate Stanley second reading held on the 4th day of December, 1997, and passed on the 4th day of December, 1997.



Danny H. Woodward
Hopkins County Judge/Executive

Attest:



Devra Steckler, Clerk

ORDINANCE NO. 1997(10)

AN ORDINANCE RELATING TO THE CONSTRUCTION AND OPERATION
OF CONFINEMENT FACILITIES FOR POULTRY AND ASSOCIATED WASTE
MANAGEMENT FACILITIES IN HOPKINS COUNTY, KENTUCKY

WHEREAS, it is appropriate for county government to encourage lawful permitting of waste management facilities for poultry operations, and

WHEREAS, it is appropriate for county government to discourage conflict between the poultry agribusiness and other residents. And

WHEREAS, Hopkins County is a rural county and agriculture and poultry agribusiness provide income and revenue for the county for it's citizens. And

WHEREAS, it is the intention of this Ordinance to encourage the mutual and profitable development of the poultry business and other businesses in Hopkins County, Kentucky. And

WHEREAS, it is appropriate for the County government to help assure the required compliance with state and federal laws and regulations governing discharge of poultry waste, water quality, air pollution, and poultry management generally.

NOW THEREFORE, BE IT ORDAINED by the Fiscal Court of Hopkins County, Commonwealth of Kentucky, as follows:

1. It shall be unlawful to construct or operate poultry houses and facilities

until a waste management facility, if required by the Kentucky Division of Water and the Kentucky Division of Waste Management (hereinafter referred to as "Division") and the Kentucky and United States Environmental Protection Agencies (hereinafter referred to as "EPA"), has been approved by the Divisions and EPA and is fully operational and so certified by the Divisions and EPA.

2. Any poultry farms in existence or on which construction has begun prior to the enactment of this Ordinance are excepted from the requirements of this Ordinance.

3. "Poultry confinement facility" as used in this Ordinance shall include, but not be limited to, poultry barns, layer barns, boiler barns, chick hatcheries, and any facilities related thereto.

4. Notice of the making of applications for all state and federally required permits regarding poultry facilities shall be given by the applicant to the Hopkins County Fiscal Court through the Hopkins County Judge/Executive's Office within ten (10) days after filing same with the state and federal agency involved including, but not limited to, the Division of Water, the Division of Waste Management, the Division of Air Quality and the EPA.

5. It shall be unlawful to construct or operate any poultry facility which does not meet the following requirements:

Siting Acreage

The minimum acreage on which a one or two house farm may be sited is 15

acres. Each additional house requires 5 acres. The effect of storm water runoff should be considered in new pad construction.

Siting Setbacks

It shall be unlawful to construct or operate any poultry facility which does not meet the following minimum siting setbacks. Distances will be measured from the nearest corner of a building to the nearest corner of the affected area. Adjacent property or dwelling owners may waive these setbacks as the same pertains to schools, churches, permanent residences (other than grower) and property lines by sworn affidavits. These distances shall apply to all nutrient management facilities, as well as, poultry houses themselves.

| | <u>Minimum</u> |
|--|----------------|
| Schools, Churches, incorporation limits | 1500' |
| Permanent residences (other than grower) | 1500' |
| Property lines | 75' |
| Roadways, right-of-way | |
| Primary (U.S., State) | 150' |
| Secondary (all other) | 100' |

All poultry facilities must further submit nutrient management plans, mortality disposal plans, and litter storage and application plans which meet the following criteria:

Nutrient Management Plans

Each poultry operation must prepare a nutrient management plan that addresses, as a minimum, mortality disposal and litter storage and application. Each facility associated with this plan must meet the setback limits specified above.

Mortality Disposal

Accepted mortality disposal methods include freezing and rendering, incineration, composting, and any other method approved or to be approved by the State Veterinarian. An approved method for burying large scale mortality is also recognized by these guidelines.

Litter Storage and Application

Litter storage should be covered permanently or temporarily and not located within 150' of a stream or tributary. The Plan should specify on-farm

application or the acknowledgment of the receiver for off-farm application. The Plan should also recognize and utilize litter and receiving soil analyses for determining application rates.

6. It shall further be unlawful to construct a poultry confinement facility without a permit issued by the Hopkins County Fiscal Court, which shall be issued if the applicant is in compliance with all provisions of this ordinance, provided all setback lines have been verified by an engineer employed by Hopkins County and provided the applicant's plans for nutrient management, mortality disposal, and litter storage meeting the provisions of this Ordinance are filed with the permit application, and provided an application fee in the amount of \$250.00 has been paid to Hopkins County. The County Judge Executive shall issue the permits provided they meet the requirements herein.

The County Engineer shall determine the various siting acreage requirements and siting setbacks prior to a permit being issued, and shall determine the setback requirements with a corner stake prior to the issuance of a permit. This corner location shall not be moved once a permit is issued without the consent of the Hopkins County Fiscal Court.

7. Any person, corporation, partnership or other legal entity violating the provisions of this Ordinance shall be guilty of a Class A Misdemeanor. Each day's violation shall constitute a separate offense.


8. All state and local law enforcement officers are advised that they should

immediately notify the Hopkins County Fiscal Court of suspected violations of state and federal laws and regulations relating to poultry facilities and of suspected violations of this ordinance.

9. If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not effect any of the remaining provisions of this Ordinance.

This Ordinance shall become effective upon passage.

UPON MOTION by Magistrate Pharris seconded by Magistrate Stanley first reading was held and approved on the 27th day of August, 1997.



Danny H. Woodward

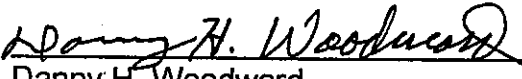
Hopkins County Judge/Executive

Attest:



Devra Steckler, Clerk

ON MOTION of Magistrate Pharris and Seconded by Magistrate Stanley
second reading held on the 17 day of October, 1997, and passed on the 17th day of
October, 1997.



Danny H. Woodward
Hopkins County Judge/Executive

Attest:



Devra Steckler, Clerk