

House Bill 842

By: Representatives Franklin of the 43rd, McCall of the 30th, and Brooks of the 63rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 2 of the Official Code of Georgia Annotated, relating to general
2 provisions relative to agriculture, so as to preempt certain local ordinances relating to
3 production of agricultural or farm products; to protect the right to grow food crops and raise
4 small animals on private property so long as such crops and animals are used for human
5 consumption by the occupants, gardeners, or raisers and their households and not for
6 commercial purposes; to define a term; to provide for effect on certain private agreements
7 and causes of action; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

10 Chapter 1 of Title 2 of the Official Code of Georgia Annotated, relating to general provisions
11 relative to agriculture, is amended by adding a new Code section to read as follows:

12 "2-1-6.

13 (a) As used in this Code section, the term 'crops' means fruits and products of all annual
14 or perennial plants, trees, and shrubs.

15 (b) No county, municipality, consolidated government, or local government authority shall
16 prohibit or require any permit for the growing or raising of food crops or chickens, rabbits,
17 or goats in:

18 (1) Home gardens, coops, or pens on private residential property so long as such food
19 crops or animals or the products thereof are used for human consumption by the occupant
20 of such property and members of his or her household and not for commercial purposes;
21 and

22 (2) Community or cooperative gardens, coops, or pens on any portion of any private lot
23 made available for such purposes by the occupant thereof so long as the total lot size is
24 not more than 2.75 acres and the food crops or animals or the products thereof are used
25 for human consumption by the growers and raisers and members of their households and
26 not for commercial purposes.

27 (c) This Code section shall not prohibit or impair any private covenant or other private
28 agreement restricting the use of real property or any cause of action for a private nuisance
29 or trespass; provided, however, that any cause of action for nuisance shall remain subject
30 to the provisions of Code Section 41-1-7, if applicable."

31 **SECTION 2.**

32 This Act shall become effective upon its approval by the Governor or upon its becoming law
33 without such approval.

34 **SECTION 3.**

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