

**Magnolia Ridge
Homeowners Association, Inc.
Office of the Directors**



**P.O. Box 142354
Fayetteville, GA 30214**

June 1, 2018

To: Magnolia Ridge Homeowners, Lessees, Licensees and Occupants

Re: *Raising Animals, Livestock or Poultry for Domestic or Commercial Purposes*

The Board of Directors has received numerous complaints about raising poultry within the neighborhood. Magnolia Ridge is a covenant protected neighborhood. Therefore, all owners, lessees, licensees and occupants are bound by the Articles of Incorporation; Declaration of Covenants, Conditions and Restrictions (the “Declaration”); and By-Laws of the Association; as well as state, city and county laws, health and building codes.

In some cases, the Declaration may be more restrictive than state or local code. In those cases, the Declaration is the controlling authority. The Association’s documents are available for viewing and download at www.magnoliaridgehoa.org/index.html and using the “Documents” drop down feature. Specific Declaration sections controlling raising animals, livestock or poultry are as follows:

Article VI Development Standards of the Declaration at **Section 3. Buildings and Other Structures.**, provides at:

H) Livestock and Poultry., *“No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose and further provided that they are not allowed to wander or roam about the neighborhood. Such pets, when outdoors, shall be under leash control of the owner or their agent.”*

Article VI Development Standards of the Declaration at **Section 4. Buildings and Other Structures.**, further provides in part:

“No structure of a temporary character, tool or storage shed, barn or other outbuilding of any type shall be located on any lot at any time, unless approved in writing by the Committee. . .”

The Declaration’s prohibitions reflect and expand upon the City of Fayetteville, GA Code of Ordinances https://library.municode.com/ga/fayetteville/codes/code_of_ordinances. To wit:

Chapter 14 – Animals and Fowl, at Article I. – In General, Sec. 14-5 – Barns, etc. in residential districts., states at:

(a) *“It shall be unlawful for any person to construct any barn, stable, pasture or other enclosure in any residential district within the city, for the keeping of any horse, cow, poultry, sheep, goat, swine or other livestock.”*

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Chapter 94 – Zoning, at Article IV. – Zoning Districts, Division 2. - Uses., Sec. 94-156 – All Residential Districts., states in part:

“The following uses are permitted in all residential districts:

- (6) Private use agriculture and horticulture including greenhouses, except the raising of livestock or poultry, provided that no noises or odors are produced which are objectionable at the property line.”*

Chapter 94 – Zoning, at Article VII. – General Use Provisions, Sec. 94-316 – Prohibited Uses., states in part:

“Certain uses of land and buildings are incompatible with existing and future development within the city limits of the City of Fayetteville and are prohibited in all districts. . . . Prohibited uses are as follows:

- (1) The keeping or raising of livestock or poultry whether for domestic or commercial purposes.*
- (2) Yards for the sale, transfer, or temporary holding of livestock.*
- (3) Poultry killing, plucking and dressing.*
- (4) Meat processing, meatpacking, slaughtering, eviscerating, and skinning.*
- (5) Rendering of byproducts of slaughtering and killing animals or poultry.”*

The express intent of the Declaration is to preserve the values of all lots that comprise Magnolia Ridge, its Amenity Areas and Common Properties. The Board of Directors also looks to state and local codes for assistance in preserving value. Therefore, where appropriate, it is the Board’s intent that poultry raising and similar offenses brought to its attention will be referred to the City of Fayetteville Code Enforcement for an enforcement action – unless the offense is specific to Magnolia Ridge as set forth in the Declaration. We encourage you to do the same by reporting on-line <https://fayetteville-ga.gov/city-departments/community-development/code-enforcement/> or by calling (770) 719-4150.

If the Association is required to bring an enforcement action against a Magnolia Ridge offending owner, lessee, licensee or occupant, then a cease and desist letter will be issued. Failure to comply fully with any such demand letter will be cause for the Association to take any and all corrective actions provided by law and the Declaration, including bringing an action at law and/or in equity at the offending party’s sole expense.

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