

MONTGOMERY COUNTY
VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE
Adopted November 17, 2009

ARTICLE I
TITLE

An ordinance of the Board of County Commissioners of Montgomery County, North Carolina, entitled, “Voluntary Agricultural District” and “Enhanced Voluntary District Ordinance.”

ARTICLE II
AUTHORITY

The articles and sections of this Ordinance are adopted pursuant to authority conferred by the North Carolina General Statutes sections 106-735 through 106-744 and Chapter 153A. In conjunction with Ratified House Bill 607.

ARTICLE III
PURPOSE

The purpose of this ordinance is to promote agricultural values and the general welfare of the county and more specifically, increase identity and pride in the agricultural community and its way of life; encourage the economic and financial health of agriculture, horticulture and forestry; and increase protection from non-farm development and other negative impacts on properly managed farms.

This ordinance establishes a Voluntary Agricultural District Program that has the following benefits for participating farmers, forest land owners, horticulture crop growers and other county residents.

- Preservation and maintenance of agriculture, horticulture, forestry, or open land areas within the county;
- Voluntary enrollment from year-to-year with the right to terminate participation at any time;
- Protection of greenspace and natural resources as the county’s population and development expands;
- Public identification, indicating to any potential neighbors and passerby that land is committed to the preservation of the agriculture way of life;

- Increased protection from nuisance suits, making non-farming neighbors and potential land purchasers aware of the potential for noise, odor, dust, slow moving vehicles etc. associated with farming;
- Requirement of public hearings for proposed condemnation, encouraging county government to use agriculture land areas as a last resort;
- Eligibility for farmland preservation funding on local, state and federal levels;
- Better voice in county government concerning decisions affecting the agricultural economy or way of life within the county.

The Enhanced Voluntary Agricultural District Ordinance creates a district that will provide greater benefits to farmers. These include:

- Allowance to receive up to 25% of gross sales from certain types of non-farm products and still qualify for the agricultural zoning exemption;
- Eligibility for a higher percentage of cost-share program funding;
- Priority for other state grant programs;
- Conservation agreement that prohibits non-farm use or development of such land for an irrevocable period of ten (10) years.

ARTICLE IV DEFINITIONS

The following are defined for purposes of this ordinance:

<u>Advisory Board:</u>	Montgomery County Agricultural Advisory Board
<u>Chairperson:</u>	Chairperson of the Montgomery County Agricultural Advisory Board
<u>District:</u>	Voluntary Agricultural District as established by this Ordinance
<u>Enhanced District:</u>	Enhanced Voluntary Agricultural District as established by this Ordinance
<u>Board of Commissioners:</u>	Montgomery County Board of Commissioners
<u>Farmland:</u>	Agriculture, Horticulture, or Forestry

ARTICLE V
AGRICULTURAL ADVISORY BOARD

A. Creation

The Board of Commissioners shall establish an Agricultural Advisory Board to implement the provisions of this program.

B. Membership

The Advisory Board shall consist of at least seven (7) members appointed by the Board of Commissioners.

C. Membership Requirements

1. Each Advisory Board member, except those serving in *ex officio* capacity, shall be a Montgomery County resident or county landowner.
2. At least four (4) of the members shall be actively engaged in farming, horticulture and/or forestry. Of the members actively engaged in farming, horticulture and/or forestry, there shall be at least one such member from each agricultural district or enhanced agricultural district in Montgomery County. This determination shall be made without reference to *ex officio* members.
3. The members actively engaged in farming, horticulture and/or forestry as well as other members, shall be selected for appointment by the Board of Commissioners from the names of individuals submitted to the Board of Commissioners by Montgomery County Soil & Water Conservation District, the Montgomery County Office North Carolina Cooperative Extension, the North Carolina Forest Service, Montgomery County Farm Bureau, the Montgomery County Cattleman's Association, agribusiness and the public at large.
4. Additional members may be appointed to the Board in an *ex officio* capacity from other conservation or agricultural organizations and agencies, as deemed necessary by the Board of Commissioners. *Ex officio* members may include but are not limited to the agencies stated above, Planning and Zoning Department, county GIS, etc. Members serving in an *ex officio* capacity shall neither vote nor count toward quorum requirements.

D. Tenure

The initial board is to consist of two (2) appointees for terms of one year; two (2) appointees for terms of two years; and three (3) appointees for terms of three years. Thereafter, all appointments are to be for terms of three years, with reappointment up

to three (3) consecutive terms permitted. Reappointment to additional terms is permitted after a full year off the board.

E. Vacancies

Any vacancy on the Advisory Board is to be filled by the Board of Commissioners for the remainder of the unexpired term, from recommendations of the groups specified above.

F. Removal

Any member of the Advisory Board may be removed by a two-thirds vote of the Montgomery County Board of Commissioners. No cause for removal shall be required.

G. Funding

The *per diem* compensation, if any, of the members of the Advisory Board may be fixed by the Board of Commissioners and funds may be appropriated to the Advisory Board to perform its duties.

H. Advisory Board Procedure

1. Chairperson

The Advisory Board shall elect a chairperson, a vice-chairperson and a secretary /treasurer each year at its first meeting of the fiscal year. The chairperson shall preside over all regular or special meetings of the Advisory Board. In the absence or disability of the chairperson, the vice-chairperson shall preside and shall exercise all the powers of the chairperson. Additional officers may be elected as needed.

2. Determination of Procedure

The Advisory Board may adopt rules of procedure consistent with this Ordinance or with other provisions of State law.

3. Advisory Board Year

The Advisory Board shall use the Montgomery County fiscal year as its meeting year.

4. Meetings

Meetings of the Advisory Board shall be held at the call of the chairperson and at such other times as the Advisory Board may specify in its rules of

procedure or upon the request of at least a majority of the Advisory Board Membership. A meeting shall be held at least annually and notice of any meeting to the members shall be in writing, unless otherwise agreed to by all Advisory Board members. The Montgomery County Commissioners have the right to call a meeting of the Agricultural Advisory Board at any time for any reason. Meetings shall follow Open Meetings Law.

5. Majority Vote and Quorum Requirements

No business may be conducted by the Advisory Board without a quorum present. A quorum is defined as a majority of the Advisory Board voting members. All issues shall be decided by a majority vote of the members of the Advisory Board present.

6. Records

The Advisory Board shall keep minutes of the proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Advisory Board or its designee, and shall be a public record.

7. Administrative

The Advisory Board may work through the North Carolina Cooperative Extension Montgomery County Center to serve the Board for record keeping, correspondence, application procedures under this ordinance, and whatever services the Board needs to complete its duties.

I. Duties

The Advisory Board shall:

1. Review and approve or disapprove applications of landowners for enrollment of qualified farmland, horticultural land, or forestland in either voluntary agricultural districts or enhanced voluntary agricultural districts and make recommendations concerning the establishment and modification of these agricultural districts;
2. Conduct public hearings;
3. Advise the Board of Commissioners on projects, programs, or issues affecting the agricultural economy or activities within the county that will affect agricultural districts;

4. Review and make recommendations concerning proposed amendments to This ordinance;
5. Develop a draft countywide farmland protection plan as defined in N.C.G.S. §106-744 (e)(1) for presentation to the Board of Commissioners;
6. Study additional methods of farmland preservation and make Recommendations to the Board of Commissioners; and
7. Perform other agricultural related tasks or duties as assigned by the Board of Commissioners.

**ARTICLE VI
CREATION OF VOLUNTARY AGRICULTURAL DISTRICTS AND
ENHANCED VOLUNTARY AGRICULTURAL DISTRICTS**

A. Regions

Montgomery County is hereby considered one region including all the unincorporated land in the county.

B. Implementation

In order to implement the purposes stated in Article III, this program provides for the creation of Voluntary Agricultural Districts or Enhanced Voluntary Agricultural Districts which meet the following standards:

1. The District or Enhanced District shall contain a minimum of ten (10) contiguous acres of qualified farmland; 20 acres of qualified forest land or 5 acres of qualified horticultural land.
2. The District or Enhanced District shall contain two (2) or more qualified farms within areas designated by the Advisory Board.

All land enrolled in a region, defined in section A, above, shall be part of a single district, whether enrolled in the District or the Enhanced District. If a single farm has acreage in two or more regions, the farm shall participate in the district where the largest acreage is found. All land in a region as defined in section A, above, shall be treated as a single district whether enrolled in the District or the Enhanced District.

C. Education

The county may take such action as it deems appropriate through the Advisory Board or other entities or individuals to encourage the formation of the Districts and Enhanced Districts and to further their purposes and objectives, including the

implementation of a public information program to reasonably inform landowners of the agricultural district program.

D. Addition and Withdrawal

1. Qualifying farmland in a region with an existing district shall be added to the district as herein provided.
2. In the event that one or more participants in the District or Enhanced District withdraw and the acreage in the District or Enhanced District becomes less than the minimum acreage required or results in the remaining land being noncontiguous, a voluntary agricultural district will continue to exist so long as there is one qualifying farm.

**ARTICLE VII
CERTIFICATION AND QUALIFICATION OF FARMLAND**

Requirements

To secure county certification as qualifying farmland in either a Voluntary Agricultural District or Enhanced Voluntary Agricultural District, a farm must:

1. Be participating in the farm present-use-value taxation program established by N.C.G.S. §105-277.2 through §105-277.7, or is otherwise determined by the county to meet all the qualifications of this program set forth in G.S. 105-277.3;
2. Be managed, if highly erodible land exists on the farm, in accordance with the Natural Resources Conservation Service defined erosion-control practices that are addressed to said highly-erodible land;
3. Be the subject of a conservation agreement, as defined in N.C.G.S. §121-35 between the county and the owner of such land that prohibits non-farm use or development of such land for a period of at least ten years, except for the creation of not more than three lots that meet applicable county zoning and subdivision regulations; and
4. Be within the unincorporated area of Montgomery County.

ARTICLE VIII
APPLICATION, APPROVAL, AND APPEAL PROCEDURE

A. Application Procedure

1. A landowner may apply to participate in either the Agricultural District or the Enhanced Agricultural District program, and must designate on the application as for either Voluntary Agricultural District status or Enhanced District status. The application shall be on forms provided by the Advisory Board. These forms may be picked up from the N.C. Cooperative Extension Montgomery County Center at 203 West Main Street, Troy, NC 27371. Completed applications should be returned to this same address, labeled Attention: Voluntary Ag District. Application to participate in a district may be filed with the application for certification of qualifying farmland.
2. A conservation agreement (required by N.C.G.S. §106-737 and defined in N.C.G.S. §121-35) suited to district type (Voluntary Agricultural District or Enhanced Voluntary Agricultural District) designated by the landowner to sustain, encourage, and promote agriculture must be executed by the landowner and recorded with the Advisory Board, which shall record a notarized copy of such with the Montgomery County Registrar of Deeds, and an additional copy with the Planning and Zoning Department. Permitted uses include agriculture, horticulture, forestry, and outdoor recreation.

B. Approval Process

1. Upon submission of the application to the Advisory Board, the Advisory Board shall in regular or called meeting approve or disapprove the application. The chairperson shall notify the applicant by first class mail of approval or disapproval of participation in the district as soon as practical.
2. Upon receipt of an application, the chairperson will forward copies immediately to the following offices which shall be asked to provide comments, if any, to the Advisory Board prior to the date set for the Advisory Board vote on the application. If comments are not received within 15 days, then it will be assumed there are no opinions from non-responding agencies.
 - a. The Montgomery County Tax Assessor;
 - b. The Montgomery County Planning and Zoning Department;

- c. The Montgomery County Soil and Water Conservation District office;
- d. The Montgomery County Center of North Carolina Cooperative Extension;
- e. The Natural Resources Conservation Service;
- f. The N.C. Forest Service.

C. Appeal

If an application is denied by the Advisory Board, the landowner may, within fifteen (15) days of notification of disapproval of the application, request in writing that the Advisory Board reconsider its decision. The request for reconsideration shall state the reason(s) therefore.

Upon denial after reconsideration, the landowner shall have thirty (30) days from the date of notification to appeal the decision to the Board of Commissioners. Such appeal shall be presented in writing. The decision of the Board of Commissioners is final.

**ARTICLE IX
REVOCATION, ENFORCEMENT AND RENEWAL OF CONSERVATION
AGREEMENTS**

A. Revocation and Enforcement

1. District

Conservation Agreements for land within Agricultural Districts are for a term of ten (10) years. By providing 30 days advance written notice to the Advisory Board, a landowner of qualifying farmland within a Voluntary Agricultural District may revoke the Conservation Agreement or the Advisory Board may revoke the same Conservation Agreement based on noncompliance by the landowner, subject to the same provisions as contained in Article VIII(C) for appeal of denials. Such revocation shall result in loss of qualifying farm status and loss of eligibility to participate in a district. Absent noncompliance by the landowner, neither the Advisory Board nor the Board of Commissioners shall revoke any Conservation Agreement prior to its expiration. If the Advisory Board shall revoke this Conservation Agreement for cause, the landowner shall have the appeal rights set forth in Article VIII(C).

Transfers of land in a Voluntary Agricultural District due to death of the landowner, sale or gift shall not revoke the Conservation Agreement unless the land no longer qualifies for the present-use-value taxation program. In the event of the original landowner's death, any surviving heirs have the same 30 days advance written notice consideration for removal from the Conservation Agreement as stated above. Enforcement of the terms of a Conservation Agreement for land enrolled in a Voluntary Agricultural District shall be limited to revocation of the Conservation Agreement and the benefits derived therefrom.

2. Enhanced District

Conservation Agreements for land within Enhanced Districts are IRREVOCABLE for a period of 10 years. Enforcement of the terms of the Conservation Agreement may be through an action for injunctive relief and/or damages in any court of competent jurisdiction. The County may also terminate any benefits to the owner under this program either permanently or during the period of violation, as appropriate. If the Advisory Board shall revoke this Conservation Agreement for cause, the landowner shall have the appeal rights set forth in Article VIII(C). The right to terminate program benefits is in addition to any legal rights that the County may have under either this Ordinance or the terms of the applicable Conservation Agreement.

The County may seek costs of the action including reasonable attorney fees if such a provision is incorporated into the Conservation Agreement.

B. Renewal

1. District

A Conservation Agreement for land within a Voluntary Agricultural District shall be automatically renewed unless the landowner provides 30 day written notice to the Advisory Board of intent not to renew. Absent noncompliance by the landowner, neither the Advisory Board nor the Board of Commissioners shall fail to renew any Conservation Agreement unless this Ordinance or its authorizing legislation has been repealed. Renewals of Conservation Agreements for land in voluntary agricultural districts shall be for successive ten (10) year terms. A landowner may revoke the Conservation Agreement for land in a voluntary agricultural district by giving a 30 day written notice to the Advisory Committee.

2. Enhanced District

A Conservation Agreement for the Enhanced Voluntary Agricultural district shall be deemed automatically renewed for an additional term of 3 years, unless either the Advisory Board or the landowner gives written notice to the contrary prior to the termination date of the Conservation Agreement. At the end of each 3 year term the Conservation Agreement shall automatically renew for an additional 3 year term unless notice of termination is given. The Conservation Agreement under the Enhanced District is irrevocable for the renewal term.

**ARTICLE X
WAIVER OF WATER AND SEWER OR ALL UTILITY
ASSESSMENTS**

A. No Connection Required

1. A landowner belonging to the District, or an Enhanced District, shall not be required to connect to Montgomery County water and/or sewer systems.
2. A landowner belonging to an Enhanced District shall not be required to connect to any Montgomery County utility systems.

B. Abeyance

1. Water and sewer assessments shall be held in abeyance, without interest, for farms in a District, or an Enhanced District, until improvements on such property are connected to the water or sewer system for which the assessment was made.
2. Utility assessments shall be held in abeyance, without interest, for farms in an Enhanced District, until improvements on such property are connected to the utility system for which the assessment was made.

C. Termination of Abeyance

When the period of abeyance ends, the assessment is payable in accordance with the terms set out in the assessment resolution and this information is to be provided by the County Commissioners to the landowner at the time of abeyance.

D. Suspension of Statute of Limitations

Statutes of limitations are suspended during the time that any assessment is held in abeyance without interest. The landowner may be required to sign an acknowledgement (that may be incorporated into the Conservation Agreement)

of the abeyance of the statute of limitations upon collecting water and sewer assessments, or other utility assessments.

E. Other Statutory Abeyance Procedures

Nothing in this section is intended to diminish the authority of the County to hold assessments in abeyance under N.C.G.S. §153A-201, or other applicable law.

F. Conflict with Water and/or Sewer System Construction and Improvements Grants

To the extent that this section conflicts with the terms of federal, state, or other grants under which county utility systems are constructed this section shall not apply. This section shall not apply to utilities that are not owned by the County unless the County has entered into an agreement with the entity(ies) owning the utilities and that agreement provides that this Ordinance shall apply.

**ARTICLE XI
ADDITIONAL ENHANCED AGRICULTURAL DISTRICT BENEFITS**

Land enrolled in the Enhanced Voluntary Agricultural District program is entitled to all of the benefits available under the Voluntary Agricultural District program, and to the following additional benefits:

A. Sale of Non-farm Products

Landowners participating in Enhanced Districts may receive up to twenty-five percent of gross sales from the sale of nonfarm products and still qualify as a bona fide farm that is exempt from county zoning regulations under N.C.G.S. §153A-340(b). A farmer seeking to benefit from this subsection shall have the burden of establishing that the property's sale of nonfarm products did not exceed twenty-five percent of its gross sales. The Agricultural Advisory Board shall develop guidance and procedures to enforce this provision.

B. Agricultural Cost Share Program

Landowners participating in Enhanced Districts are eligible under N.C.G.S. §143-215.74(b) to receive the higher percentage of cost-share funds for the benefit of that farmland under the Agriculture Cost Share Program established pursuant to Part 9 of Article 21 of Chapter 143 of the General Statutes for funds to benefit that farmland.

C. Priority Consideration

State departments, institutions, or agencies that award grants to farmers are encouraged to give priority consideration to landowners participating in Enhanced Districts.

D. Utility Assessment Waiver

As provided in Article X above, waiver of all county utility assessments in addition to waiver of water and sewer assessments is available to all participants in Enhanced Districts.

**ARTICLE XII
PUBLIC HEARINGS**

A. Purpose

Pursuant to N.C.G.S. §106-740, which provides that no state or local public agency or governmental unit may formally initiate any action to condemn any interest in qualifying farmland within a District until such agency or unit has requested the Advisory Board to hold a public hearing on the proposed condemnation.

B. Procedure

1. Upon receiving a request the Advisory Board shall, within thirteen (13) days of the request, publish notice describing the proposed action in the appropriate newspaper(s) serving Montgomery County, and will in the same notice notify the public of a public hearing on the proposed condemnation, to be held within ten (10) days of the published notice.
2. The Advisory Board shall meet to review:
 - a. Whether the need for the project has been satisfactorily established by the agency or unit of government involved, including a review of any fiscal impact analysis conducted by the agency involved; and
 - b. Whether there are alternatives to the proposed action that have less impact and are less disruptive to the agricultural activities of the District within which the proposed action is to take place.
3. The Advisory Board shall consult with the County Agricultural Extension Agent, the Natural Resources Conservation Service

District Conservationist, the N.C. Forest Service, Montgomery County Farm Bureau, and any other individuals, agencies, or organizations deemed by the Advisory Board to be necessary for its review of the proposed action.

4. Within five (5) days after the hearing, the Advisory Board shall make a report containing its findings and recommendations regarding the proposed action. The report shall be made available to the public prior to its being conveyed to the decision-making body of the agency proposing the acquisition.
5. There will be a period of three (3) days allowed for public comment on the report of the Advisory Board.
6. After the three (3) day period for public comment has expired, the Advisory Board shall submit a final report containing all of its findings and recommendations regarding the proposed action to the decision making body of the agency proposing the acquisition.
7. The total time period, from the day that a request for a hearing has been received to the day that a final report is issued to the decision making body of the agency proposing the acquisition, shall not exceed thirty (30) days. If the agency agrees to an extension, the agency and the Advisory Board shall mutually agree upon a schedule to be set forth in writing and made available to the public.
8. Pursuant to N.C.G.S. §106-740, the Board of Commissioners shall not permit any formal initiation of condemnation by local agencies while the proposed condemnation is properly before the Advisory Board.

ARTICLE XIII NOTIFICATION

A. Record Notice of Proximity to Voluntary Agricultural District

1. Procedure

It shall be the responsibility of the landowner to present the “Notice of Montgomery County Voluntary Agricultural District Record of Membership and Conservation Agreement” to the Montgomery County Register of Deeds for recordation. Upon certification of qualifying farmland and designation of real property as a District, or an Enhanced District, the Montgomery County Register of Deeds shall file a notarized copy of said property in the land records. To provide notice reasonably calculated to alert a person researching the title of a particular tract that such tract is located within one aerial

mile of a voluntary agricultural district, the Register of Deeds Office shall also maintain a separate file with copies of all participating tracts in the county. In addition, signs will be posted in the Register of Deeds Office alerting the public of the existence of Voluntary Agricultural Districts in the County, accompanied by a county map showing their locations. This map will also be available electronically as an additional layer in the county's GIS mapping system.

2. Limit of Liability

In no event shall the County or any of its officers, employees, members of the Advisory Board, or agents be held liable in damages for any misfeasance, malfeasance, or nonfeasance occurring in good faith in connection with the duties or obligations imposed by this ordinance.

3. No Cause of Action

In no event shall any cause of action arise out of the failure of a person researching the title of a particular tract to report to any person the proximity of the tract to a qualifying farm or Voluntary Agricultural District or Enhanced Voluntary Agricultural District as defined in this Ordinance.

B. Signage

Signs identifying approved agricultural districts (and enhanced districts) shall be placed along the rights-of-way of major road that pass through or next to those districts. Signs shall also be placed along any roads deemed appropriate by the Advisory Board. There shall also be signage posted at the farm gate of each qualifying farm. Placement of any signage on the highway right-of-way shall be coordinated with the North Carolina Department of Transportation.

C. Maps

Maps identifying approved agricultural districts shall be provided to the following agencies or offices:

1. Planning and Zoning Department;
2. Register of Deeds;
3. Natural Resources Conservation Service;

4. North Carolina Cooperative Extension;
5. Montgomery County Soil and Water Conservation District
6. N.C. Forest Service
7. Montgomery County Farm Bureau
8. Any other such agency or office the Advisory Board deems appropriate.

**ARTICLE XIV
SUBDIVISION ORDINANCE AND ZONING ORDINANCE REVIEW**

Developers of major subdivisions or planned unit developments shall designate on preliminary development plans, the existence of the Districts, or an Enhanced District, within one aerial mile of the proposed Development.

**ARTICLE XV
COUNTY LAND-USE PLANNING**

A. Duty of the Advisory Board

It shall be the duty of the Advisory Board to advise the Board of Commissioners or the agency or office to which the Board of Commissioners delegate authority to oversee county land use planning, on the status, progress, and activities of the county's agricultural district program and to also coordinate the formation and maintenance of agricultural districts with the county's land use planning activities and the county's land use plan if one currently exists at the time this ordinance is enacted or when one is formed.

B. Posting of Notice

The following notice, of a size and form suitable for posting, shall be posted in the office of the Register of Deeds, and any other office or agency the Advisory Board deems necessary:

Montgomery County has established agricultural districts and enhanced agricultural districts to protect and preserve agricultural lands and activities. These districts have been developed and mapped by the county to inform all purchasers of real property that certain agricultural and forestry activities, including but not limited to pesticide spraying, manure spreading,

machinery and truck operation, livestock operations, sawing, and other common farming activities may occur in these districts any time during the day or night. Maps and information on the location and establishment of these districts can be obtained from the Montgomery County Center for North Carolina Cooperative Extension, the office of the Register of Deeds, the Planning and Zoning Department, the Montgomery County GIS Department, the Montgomery County Soil & Water Conservation District office, or the N.C. Forest Service.

C. Growth Corridors

At such time as the county might establish designated growth corridors, agricultural districts shall not be permitted in the designated growth corridors, as delineated on the official county planning map without the approval of the Board of Commissioners. Districts located in growth corridors designated after the effective date of this program may remain, but shall not be expanded within the growth corridor area without the approval of the Board of Commissioners.

**ARTICLE XVI
CONSULTATION AUTHORITY**

The Advisory Board may consult with North Carolina Cooperative Extension, the Natural Resources Conservation Service, the North Carolina Department of Agriculture and Consumer Services, N.C. Forest Service, Montgomery County Farm Bureau and with any other individual, agency, or organization the Advisory Board deems necessary to properly conduct its business.

**ARTICLE XVII
NORTH CAROLINA AGENCY NOTIFICATION**

Annual Report to the North Carolina Department of Agriculture and Consumer Services

A copy of this document shall be sent to the Office of the North Carolina Commissioner of Agriculture and Consumer Services, the Board of Commissioners, the County Office of North Carolina Cooperative Extension, the Soil and Water Conservation District office, The N.C. Forest Service, and Montgomery County Farm Bureau, after adoption. At least annually the county shall submit a written report to the Commissioner of Agriculture and Consumer Services on the county's agricultural district program, including the following information:

1. Number of landowners enrolled;

2. Number of acres enrolled;
3. Number of acres certified during the reporting period;
4. Number of acres denied during the reporting period;
5. Number of acres for which applications are pending;
6. Copies of any amendments to this Ordinance; and
7. Any other information the Advisory Board deems useful.

ARTICLE XVIII LEGAL PROVISIONS

A. Severability

If any article, section, subsection, clause, phrase, or portion of this ordinance is for any reason found invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

B. Conflict with other ordinances and statutes

Whenever the provisions of this Ordinance conflict with other ordinances of the County, this Ordinance shall govern. Whenever the provisions of any federal or state statute require more restrictive provisions than are required by this Ordinance, the provisions of such statute shall govern.

C. Amendments

The Advisory Committee may recommend needed changes to the County Commissioners and this Ordinance may be amended by the Board of Commissioners from time to time.


**ARICLE XIX
ENACTMENT**

The Montgomery County Board of Commissioners hereby adopts and enacts the preceding articles and sections of this Ordinance.

Adopted this the 17th day of November, 2009

Motion for adoption by Commissioner Dolon Corbett and seconded by Commissioner Edgar Morris.

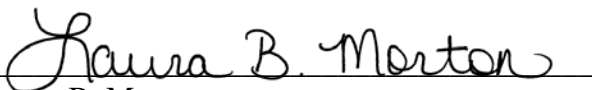
MONTGOMERY COUNTY BOARD OF COMMISSIONERS



Jackie Morris, Chairman
Montgomery County Board of Commissioners



ATTEST:



Laura B. Morton
Clerk to Board of Commissioners

Last updated on November 17, 2009.

