

**AN ORDINANCE OF THE COUNTY OF MONTGOMERY, AMENDING CHAPTER 4,
ARTICLE II, SECTION 4-22, 23, AND 25 TO THE CODE OF ORDINANCES OF THE
COUNTY OF MONTGOMERY COUNTY, NORTH CAROLINA**

The County of Montgomery, North Carolina, does ORDAIN:

Sec. 1. That the Code of Ordinances, County of Montgomery, North Carolina, is hereby amended by amending sections 4-22, 23, and 25, which said sections read as follows:

Chapter 4 - AGRICULTURE

ARTICLE I. - IN GENERAL

Secs. 4-1—4-18. - Reserved.

ARTICLE II. - VOLUNTARY AGRICULTURE DISTRICT¹¹

Footnotes:

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State Law reference— Voluntary agricultural districts, G.S. 106-738 et seq.; agricultural advisory board, G.S. 106-739.

Sec. 4-19. - Purpose.

- (a) The purpose of this article 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.
- (b) This article establishes a voluntary agricultural district program that has the following benefits for participating farmers, forest landowners, horticulture crop growers and other county residents.
 - (1) Preservation and maintenance of agriculture, horticulture, forestry, or open land areas within the county;
 - (2) Voluntary enrollment from year-to-year with the right to terminate participation at any time;
 - (3) Protection of greenspace and natural resources as the county's population and development expands;
 - (4) Public identification, indicating to any potential neighbors and passersby that land is committed to the preservation of the agriculture way of life;

- (5) 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;
 - (6) Requirement of public hearings for proposed condemnation, encouraging county government to use agriculture land areas as a last resort;
 - (7) Eligibility for farmland preservation funding on local, state and federal levels;
 - (8) Better voice in county government concerning decisions affecting the agricultural economy or way of life within the county.
- (c) This article creates a district that will provide greater benefits to farmers. These benefits include:
- (1) Allowance to receive up to 25 percent of gross sales from certain types of non-farm products and still qualify for the agricultural zoning exemption;
 - (2) Eligibility for a higher percentage of cost share program funding;
 - (3) Priority for other state grant programs;
 - (4) Conservation agreement that prohibits non-farm use or development of such land for an irrevocable period of ten years.

(Ord. of 11-17-2009, art. III)

Sec. 4-20. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Advisory board means the county agricultural advisory board.

Chairperson means the chairperson of the county agricultural advisory board.

District means the voluntary agricultural district as established by this article.

Enhanced district means the enhanced voluntary agricultural district as established by this article.

Farmland. Agriculture, horticulture, or forestry.

(Ord. of 11-17-2009, art. IV)

Sec. 4-21. - 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 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 county resident or county landowner.
 - (2) At least four 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 the 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 the county soil and water conservation district, the state cooperative extension county office, the state forest service, the county farm bureau, the county Cattleman's Association, agribusiness and the public at large.
 - (4) Additional members may be appointed to the advisory 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 in subsection (c)(3) of this section, the planning and zoning department, county Geographic Information Services (GIS), etc. Members serving in an ex officio capacity shall neither vote nor count toward quorum requirements.
- (d) *Tenure.* The initial advisory board is to consist of two appointees for terms of one year; two appointees for terms of two years; and three appointees for terms of three years. Thereafter, all appointments are to be for terms of three years, with reappointment up to three 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 in subsection (c)(3) of this section.
- (f) *Removal.* Any member of the advisory board may be removed by a two-thirds vote of the 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 article or with other provisions of state law.
 - (3) *Advisory board year.* The advisory board shall use the 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 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. The term "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 state cooperative extension county center to serve the advisory board for recordkeeping, correspondence, application procedures under this article, and whatever services the advisory 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 article;
 - (5) Develop a draft countywide farmland protection plan, as defined in 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.

(Ord. of 11-17-2009, art. V)

Sec. 4-22. - Creation of voluntary agricultural districts and enhanced voluntary agricultural districts.

- (a) *Regions.* The county is hereby considered one region including all the unincorporated land in the county.

(b) *Implementation.* In order to implement the purposes stated in section 4-19, this program provides for the creation of voluntary agricultural districts or enhanced voluntary agricultural districts which meet the following standards:

- (1) Promote the preservation of farmland and successful agricultural practices.
- (2) The district or enhanced district shall contain two or more qualified farms within areas designated by the advisory board.

All land enrolled in a region, defined in subsection (a) of this section, 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 subsection (a) of this section 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 provided in this subsection.
- (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.

(Ord. of 11-17-2009, art. VI)

- (1) Be engaged in agriculture as that word is defined in G.S. 106-581.1.
- (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 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 and municipal zoning and subdivision regulations; and
- (4) Be within the unincorporated area of the county.

(Ord. of 11-17-2009, art. VII

Sec. 4-24. - 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 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 state cooperative extension 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 G.S. 106-737 and defined in 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 county register 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 a 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 offices set forth in this subsection, 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 county tax assessor;
 - b. The county planning and zoning department;
 - c. The county soil and water conservation district office;
 - d. The county center of the state cooperative extension;
 - e. The natural resources conservation service;
 - f. The state forest service.

(c) *Appeal.*

- (1) If an application is denied by the advisory board, the landowner may, within 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 reasons therefor.
- (2) Upon denial after reconsideration, the landowner shall have 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.

(Ord. of 11-17-2009, art. VIII)

Sec. 4-25. - Revocation, enforcement and renewal of conservation agreements.

(a) *Revocation and enforcement.*

(1) *District.*

- a. Conservation agreements for land within agricultural districts are for a term of ten 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 section 4-24(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 section 4-24(c).
- b. 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 meets the stated requirements section of G.S. 106-737 as rewritten by session law 2011-219 HB 406. 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 in subsection (a)(1)a of this section. 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.*

- a. Conservation agreements for land within enhanced districts are irrevocable for a period of ten 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 section 4-24(c). The right to terminate program benefits is in addition to any legal rights that the county may have under either this article or the terms of the applicable conservation agreement.
- b. 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 days' 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 article or its authorizing legislation has been repealed. Renewals of conservation agreements for land in voluntary agricultural districts shall be for successive ten-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 three 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 three-year term, the conservation agreement shall automatically renew for an additional three-year term unless notice of termination is given. The conservation agreement under the enhanced district is irrevocable for the renewal term.

(Ord. of 11-17-2009, art. IX)

Sec. 4-26. - 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 the county water and/or sewer systems.
- (2) A landowner belonging to an enhanced district shall not be required to connect to any 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 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 owning the utilities and that agreement provides that this article shall apply.

(Ord. of 11-17-2009, art. X)

Sec. 4-27. - 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:

- (1) *Sale of non-farm products.* Landowners participating in enhanced districts may receive up to 25 percent of gross sales from the sale of non-farm products and still qualify as a bona fide farm that is exempt from county zoning regulations under G.S. 160D-903. A farmer seeking to benefit from this subsection shall have the burden of establishing that the property's sale of non-farm products did not exceed 25 percent of its gross sales. The agricultural advisory board shall develop guidance and procedures to enforce this provision.
- (2) *Agricultural cost share program.* Landowners participating in enhanced districts are eligible under 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.
- (3) *Priority consideration.* State departments, institutions, or agencies that award grants to farmers are encouraged to give priority consideration to landowners participating in enhanced districts.
- (4) *Utility assessment waiver.* As provided in section 4-26, waiver of all county utility assessments in addition to waiver of water and sewer assessments is available to all participants in enhanced districts.

(Ord. of 11-17-2009, art. XI)

Sec. 4-28. - Public hearings.

- (a) *Purpose.* Pursuant to G.S. 106-740, 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 13 days of the request, publish notice describing the proposed action in the appropriate newspapers serving the county, and will in the same notice notify the public of a public hearing on the proposed condemnation, to be held within ten 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 state forest service, the 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 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 days allowed for public comment on the report of the advisory board.
- (6) After the three-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 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 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.

(Ord. of 11-17-2009, art. XII)

Sec. 4-29. - 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 county register of deeds for recordation. Upon certification of qualifying farmland and designation of real property as a district, or an enhanced district, the 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 article.
- (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 article.
- (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 state 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) State cooperative extension;
 - (5) County soil and water conservation district;
 - (6) State forest service;
 - (7) County farm bureau;
 - (8) Any other such agency or office the advisory board deems appropriate.

(Ord. of 11-17-2009, art. XIII)

Sec. 4-30. - Subdivision and zoning review; designate on preliminary plans.

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.

(Ord. of 11-17-2009, art. XIV)

Sec. 4-31. - 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 delegates 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 the ordinance from which this article is derived 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 and Water Conservation District office, or the N.C. Forest Service."

- (d) *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.

(Ord. of 11-17-2009, art. XV)

Sec. 4-32. - Consultation authority.

The advisory board may consult with the state cooperative extension, the natural resources conservation service, the state department of agriculture and consumer services, the state forest service, the county farm bureau and with any other individual, agency, or organization the advisory board deems necessary to properly conduct its business.

(Ord. of 11-17-2009, art. XVI)

Sec. 4-33. - State agency notification.

A copy of the annual report to the state department of agriculture and consumer services shall be sent to the office of the state commissioner of agriculture and consumer services, the board of commissioners, the county office of the state cooperative extension, the soil and water conservation district office, the state forest service, and the county farm bureau, after adoption of the ordinance from which this article is derived. 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 the ordinance from which this article is derived; and
- (7) Any other information the advisory board deems useful.

(Ord. of 11-17-2009, art. XVII)

Sec. 4-34. - Legal provisions.

- (a) *Conflict with other ordinances and statutes.* Whenever the provisions of this article conflict with other county ordinances, this article shall govern. Whenever the provisions of any federal or state statute require more restrictive provisions than are required by this article, the provisions of such statute shall govern.
- (b) *Amendments.* The advisory committee may recommend needed changes to the county.
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Sec. 2. That this Ordinance shall be in full force and effect from and after its passage, approval, and publication, as provided by law and all ordinances in conflict herewith are hereby repealed.

This the 20th day of September 2022.

DULY ADOPTED

Date: October 18, 2022

Motion by Commissioner: Hassell

Seconded by Commissioner: Robinson

Adopted by the following vote: Ayes 4
Noes 0
Abstained 0

BY: 
Dana Dawson, Chair, Board of County Commissioners

10/18/22
Date

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Clerk to the Board of County Commissioners does hereby certify: that the above/attached ordinance is a true and correct copy of the ordinance as regularly adopted at a legally convened meeting of the Board of County Commissioners of the County of Montgomery duly held on the 20th day of September 2022 and, further, that such ordinance has been fully recorded in the journal of proceedings and records in the Clerk's office. IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of September 2022.

BY: 
Misty Coffin, Clerk, Board of County Commissioners

10-18-22
Date