

**STANLY COUNTY
VOLUNTARY AGRICULTURAL DISTRICT
AND
ENHANCED VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE**

**ARTICLE I
TITLE**

An ordinance of the Board of County Commissioners of STANLY COUNTY, NORTH CAROLINA, entitled, **"VOLUNTARY AGRICULTURAL DISTRICT AND ENHANCED VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE"** (hereinafter referred to as **"Ordinance"**).

**ARTICLE II
AUTHORITY**

The articles and sections of this ordinance are adopted pursuant to authority conferred by the N.C.G.S. Sections 106-735 through 106-744 and Chapter 153A.

**ARTICLE III
PURPOSE**

The purpose of this ordinance is to promote agricultural values and the general welfare of Stanly County (hereinafter referred to as "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:

- 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 green space and natural resources as the County's population and development expands;
- Public identification, indicating to any potential neighbors and passersby that land is committed to the preservation of the agricultural way of life;
- Increased protection from nuisance suits, making non-farming neighbors and potential land purchasers aware of the potential for noise, odor, dust, or slow-moving vehicles associated with farming;
- Requirement of public hearings for proposed condemnation, encouraging County government to use agricultural land areas as a last resort;
- Eligibility for farmland preservation funding on local, state and federal levels; and
- Better voice in County government concerning decisions affecting the agricultural economy or way of life within the County.

This ordinance also establishes an Enhanced Voluntary Agricultural District Program that has the following benefits for participating farmers:

- Preservation and maintenance of agriculture, horticulture, forestry, or open land areas within the County;

- Protection of green space and natural resources as the County's population and development expands;
- Public identification, indicating to any potential neighbors and passersby that land is committed to the preservation of the agricultural way of life;
- Increased protection from nuisance suits, making non-farming neighbors and potential land purchasers aware of the potential for noise, odor, dust, or slow-moving vehicles associated with farming;
- Requirement of public hearings for proposed condemnation, encouraging County government to use agricultural 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;
- 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>	Stanly County Agricultural Advisory Board.
<u>Board of Commissioners:</u>	Stanly County Board of Commissioners
<u>Chairperson:</u>	Chairperson of the Stanly County Agricultural Advisory Board.
<u>Conservation Agreement:</u>	Agreement between the County and a landowner that prohibits non-farm use or development of such land for a period of at least ten years;
<u>County:</u>	Stanly County
<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>Farmland:</u>	Land used for agriculture, horticulture, or forestry
<u>Soil and Water Conservation District:</u>	Stanly Soil and Water Conservation District

ARTICLE V AGRICULTURAL ADVISORY BOARD

A. Creation

The Board of Commissioners shall establish an Advisory Board to implement the provisions of these programs.

B. Membership

The Advisory Board shall consist of no less than seven (7) members appointed by the Board of Commissioners.

C. Membership Requirements

1. Each Advisory Board member shall be a Stanly County resident or landowner.
2. At least five (5) 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 (1) such member from the District and at least one (1) such member from the Enhanced District.
3. At least one (1) of the Advisory Board members actively engaged in farming shall be nominated by the Soil and Water Conservation District Board of Supervisors.
4. The members actively engaged in farming, 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 Soil and Water Conservation District Board of Supervisors, the County Office of the North Carolina Cooperative Extension Service, the U.S. Farm Service Agency County Committee, the Stanly County Farm Bureau, the North Carolina Forest Service, agribusiness, and the public at large.

D. Tenure

The initial Advisory Board is to consist of three (3) appointees for terms of one (1) year; three (3) appointees for terms of two (2) years; and one (1) appointee for a term of three (3) years. Thereafter, all appointments are to be for terms of three (3) years, with reappointment permitted.

E. Vacancies

Any vacancy on the Advisory Board is to be filled by the Board of Commissioners for the remainder of the unexpired term.

F. Removal

Any member of the Advisory Board may be removed by the Board of Commissioners upon a majority vote of the 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 and vice-chairperson each year at its first meeting of the fiscal year. The Chairperson shall preside over all regular, special, and emergency 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. Jurisdiction

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 Stanly County fiscal year (July 1 through June 30) 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 meetings to the members shall be in writing, unless otherwise agreed to by all Advisory Board members. Public notice of the meeting dates and times shall be provided in accordance with North Carolina General Statute Chapter 143, Article 33C. All meetings shall be open to the public.

5. Majority Vote and Quorum Requirements

All issues shall be decided by a majority vote of the members of the Advisory Board, except as otherwise stated herein. No business may be conducted by the Advisory Board without a physical or electronic quorum 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 and shall be a public record.

7. Administrative

The Advisory Board may coordinate with the Soil and Water Conservation District and North Carolina Cooperative Extension offices to serve the Advisory Board for record keeping, correspondence, application procedures under this ordinance, and whatever services the Advisory Board needs to complete its duties.

I. Duties

The Advisory Board shall:

1. Review applications of landowners for enrollment of qualified farmland, horticultural land, or forestland in either District or the Enhanced District for compliance with this ordinance;
2. Forward applications determined to be compliant to the Board of Commissioners for approval of parcels to the District or the Enhanced District, as appropriate;
3. Make recommendations concerning the establishment and modification of District and/or Enhanced District;
4. Conduct public hearings on public projects likely to have an impact of agricultural operations;

5. Advise the Board of Commissioners on projects, programs, or issues affecting the agricultural economy and agricultural, horticultural or forestry activities within the County that will affect the District or Enhanced District;
6. Review and make recommendations concerning proposed amendments to this ordinance;
7. Maintain the county-wide farmland protection plan as defined in N.C.G.S. §106-744 (e) (1) for presentation to the Board of Commissioners;
8. Study additional methods of protection for farming, horticulture, forestry, and the attendant land base and make recommendations to the Board of Commissioners; and
9. Perform other agricultural, horticultural, and forestry- related tasks or duties assigned by the Board of Commissioners.

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

A. Implementation

In order to implement the purposes stated in Article III, these programs provide for the creation of one (1) Voluntary Agricultural District and one (1) Enhanced Voluntary Agricultural District that include all qualified, enrolled farmland, horticultural land, or forestland in Stanly County.

B. 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 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 District and Enhanced District Programs.

C. Addition and Withdrawal

1. Qualifying farmland in a region with an existing District or Enhanced District shall be added to the District or the Enhanced District as herein provided.

ARTICLE VII CERTIFICATION AND QUALIFICATION OF FARMLAND

Requirements

To secure County certification as qualifying farmland in either the District or the Enhanced District, a farm must:

1. Be real property that is engaged in agriculture as defined by N.C.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 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 (3) lots that meet applicable County zoning and subdivision regulations; and
4. Be located in the unincorporated area of Stanly County, unless there is an agreement with a municipality through which the County is authorized to exercise the authority of the municipality on its behalf.

ARTICLE VIII APPLICATION, APPROVAL, AND APPEAL PROCEDURE

A. Application Procedure

1. A landowner may apply to participate in either the District or the Enhance District Program by making application and paying such fees as may be established by the Board of Commissioners to the Chairperson of the Advisory Board or to a designated staff person. The application shall contain a listing of all parcels or tax record numbers and be on forms provided by the Advisory Board. The application to participate in an Agricultural District may be filed with the certification for 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 (District or Enhanced District) designated by the landowner to sustain, encourage, and promote agriculture must be executed by the landowner with the Advisory Board, which shall record a certified copy with the Stanly County Register of Deeds. The Conservation Agreements for the Enhanced District shall be binding upon all successors in interest to the landowner, except for successors in interest resulting from the exercise of rights under a security interest or lien that preceded the Conservation Agreement.

B. Approval Process

1. Upon submission of an application to the Advisory Board, the Advisory Board shall meet within 90 days to review the application. The Chairperson shall notify the applicant in writing via first class mail of the Advisory Board's determination of compliance or non-compliance and the reasons therefore. Compliant applications shall be added to the Board of Commissioners' agenda for consideration of addition to the appropriate District or Enhanced District.
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.
 - a. The Stanly County Tax Assessor;
 - b. The Stanly County Soil and Water Conservation District Office; and
 - c. The Natural Resources Conservation Service.

C. Appeal

If an application is determined to be non-compliant with this Ordinance by the Advisory Board, the landowner shall have thirty (30) days from the date of notification to appeal the determination 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 AGREEMENT

A. Revocation and Enforcement

1. District. Conservation Agreements for land within the District are each 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 District may revoke his/her/its Conservation Agreement. By providing written notice to the landowner, the Advisory Board may revoke a Conservation Agreement due to the landowner's non-compliance with the Ordinance, the Conservation Agreement, or applicable law. Such revocation shall result in loss of qualifying farm status and loss of eligibility to participate in the District. Absent non-compliance by the landowner, neither the Advisory Board nor the Board of Commissioners may revoke any Conservation Agreement prior to its expiration. If the Advisory Board revokes a Conservation Agreement for cause, the landowner shall have thirty (30) days from the date of notice of revocation to appeal the revocation to the Board of Commissioners. Such appeal shall be presented in writing. The decision of the Board of Commissioners is final. Transfers of land in a District due to death of the landowner, sale or gift shall not revoke the Conservation Agreement unless the land no longer qualifies as real property that is engaged in agriculture as defined by N.C.G.S. §106-581.1 or, in the event that there are water or sewer assessments held in abeyance, the new owner(s) fail to agree in writing to accept liability for those assessments in the event that the land is withdrawn either voluntarily or involuntarily from the District. In event of the original landowner's death, any surviving heirs have the same 30 days advance written notice consideration for revocation of the Conservation Agreement as stated above. Enforcement of the terms of a Conservation Agreement for land enrolled in a District shall be limited to revocation of the Conservation Agreement and the benefits derived there from. A notice of revocation shall be recorded in the County land record system sufficient to provide notice that the land has been withdrawn from the Voluntary Agricultural District Program.
2. Enhanced District. Conservation Agreements for land within the Enhanced District are IRREVOCABLE by landowner(s) for a period of ten (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 landowner under this program either permanently or during the period of violation, as appropriate. If the County shall revoke the Conservation Agreement for cause, the landowner shall have thirty (30) days from the date of notice of revocation to appeal the revocation to the Board of Commissioners. Such appeal shall be presented in writing. The decision of the Board of Commissioners is final. 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. A notice of revocation shall be recorded in the County land record system sufficient to provide notice that the land has been withdrawn from the Enhanced Voluntary Agricultural District Program.

B. Renewal

1. District. A Conservation Agreement for land within a District shall be automatically renewed, if not terminated, for an additional term of ten (10) years, unless either the landowner or the County provides a 30 day written notice to the other party of his/her/its intent not to renew. Absent non-compliance 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. At the end of each ten (10) year term, the Conservation Agreements for land in the District shall automatically renew, if not terminated, for an additional ten (10) year term unless notice of non-renewal is given.
2. Enhanced District. A Conservation Agreement for land within an Enhanced District shall be automatically renewed, if not terminated, for an additional term of three (3) years, unless either the landowner or the County gives written notice to the other party of his/her/its intent not to renew prior to the date of renewal of the Conservation Agreement. Absent non-compliance by the landowner, neither the Advisory Board nor the Board of Commissioners shall fail to renew any Conservation Agreement unless the Ordinance or its authorizing legislation has been repealed. At the end of each three (3) year term, the Conservation Agreement for land in the Enhanced District shall automatically renew, if not terminated, for an additional three (3) year term unless notice of non-renewal is given.

ARTICLE X

WAIVER OF WATER AND SEWER OR ALL UTILITY ASSESSMENTS

A. Assessments

A landowner belonging to the District may be assessed for or be required to connect to Stanly County or Stanly County Water and Sewer Authority (hereinafter referred to as "SWASA") water and/or sewer systems at the discretion of the Board of Commissioners.

A landowner belonging to the Enhanced District may be assessed for or be required to connect to Stanly County or Stanly County Water and Sewer Authority (hereinafter referred to as "SWASA") utility systems at the discretion of the Board of Commissioners.

B. Abeyance

Water and sewer assessments may be held in abeyance, without interest, for farms in the District, until improvements on such property are connected to the water or sewer system for which the assessment was made.

Utility assessments may be held in abeyance, without interest, for farms in the Enhanced District, until improvements on such property are connected to the water or sewer 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.

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 (in the District) or other utility assessments (in the Enhance District).

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 or SWASA utility systems are constructed, this section shall not apply. This section shall not apply to utilities that are not owned by the County or SWASA unless the County or SWASA 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 (except for the right to terminate the Conservation Agreement at any time, and to the following additional benefits:

A. Sale of Non-Farm Products

Landowners participating in the Enhanced District may receive up to twenty-five percent (25%) of its 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 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 non-farm products did not exceed twenty-five percent (25%) of its gross sales. The Agricultural Advisory Board shall develop guidance and procedures regarding the standards necessary for proof of compliance with this provision.

B. Agricultural Cost Share Program

Landowners participating in the Enhanced District are eligible under N.C.G.S. § 106-850(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 Article 72 of Chapter 106 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 the Enhanced District.

**ARTICLE XII
PUBLIC HEARINGS**

A. Purpose

N.C.G.S. §106-740 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 or Enhanced District until such agency has requested the Advisory Board hold a public hearing on the proposed condemnation. This provision

ensures that the condemning agency or unit considers the impact of its actions upon agriculture, forestry, and/or horticulture prior to taking action that is not reversible. This provision is not intended to, and does not prohibit the condemning agency or unit from taking action that is authorized by law.

B. Procedure

1. Upon receiving a request, the Advisory Board shall publish notice describing the proposed action in the appropriate newspaper of Stanly County within five (5) business days of the request, 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 receipt of the request.
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 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 or Enhanced District within which the proposed action is to take place.
3. The Advisory Board shall consult with the Stanly County Cooperative Extension Agent, the Natural Resources Conservation Service District Conservationist, 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 ten (10) days allowed for public comment on the report of the Advisory Board.
6. After the ten (10) day period for public comment has expired, the Advisory Board shall submit a final written report containing all 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 agency may not formally initiate a condemnation action while the proposed condemnation is properly before the Advisory Board.

**ARTICLE XIII
NOTIFICATION**

A. Record Notice of Proximity to a Voluntary or an Enhanced Voluntary Agricultural District

1. Procedure

Upon certification of qualifying farmland and designation of real property as enrolled in the District or the Enhanced District, the title to that qualifying farmland and real property, which is contained in the

Stanly County Land Records System, shall be changed to include a notice reasonably calculated to alert a person researching the title of a particular tract that such tract is located within one-half aerial mile of a District or an Enhanced District.

2. Limitation 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, District or Enhanced District as defined in this Ordinance.

B. Signage

Signs identifying parcels enrolled in the District or the Enhanced District may be placed by the landowner on the properties enrolled in the District or the Enhanced District. Signs shall not be placed within the right-of-way of any state or county maintained road.

C. Maps

Maps, or on-line access to such maps, identifying the approved District and Enhanced District shall be provided to the following agencies or offices:

- a. Stanly County Register of Deeds;
- b. Natural Resources Conservation Service;
- c. North Carolina Cooperative Extension Service;
- d. Stanly County Soil and Water Conservation District;
- e. Stanly County Tax Office;
- f. Stanly County Planning Office; and
- g. 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 District and the Enhanced District within one half (1/2) 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 Voluntary Agricultural District and the Enhance Voluntary Agricultural District Programs and to also coordinate the formation and maintenance of the District and the Enhanced District with the County's land use planning activities and the County's land use plan.

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:

“Stanly County has established the Voluntary Agricultural District and the Enhanced Voluntary Agricultural District (hereinafter collectively referred to as “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 North Carolina Cooperative Extension Service office, the office of the Stanly County Register of Deeds, the Stanly County Planning office, or the Natural Resources Conservation Service office.”

C. Growth Corridors

Land in the County's designated growth corridors as delineated on the official County planning map shall not be permitted to enroll in the District and Enhanced District without the approval of the Board of Commissioners. Land located in the designated growth corridors that is enrolled in the District prior to the effective date of this Ordinance 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 the North Carolina Cooperative Extension Service, the Natural Resources Conservation Service office, the North Carolina Department of Agriculture and Consumer Services, and with any other individual, agency, or organization the Advisory Board deems necessary to properly conduct its business.

**ARTICLE XVII
NORTH CAROLINA AGENCY NOTIFICATION**

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

A copy of this ordinance shall be sent to the Office of the North Carolina Commissioner of Agriculture and Consumer Services, the Board of Commissioners, the County Office of the North Carolina Cooperative Extension Service, and the Soil and Water Conservation District office after adoption. At least annually the Advisory Board shall submit a written report to the Commissioner of Agriculture and Consumer Services on the County's Voluntary Agricultural District Program and Enhanced Voluntary 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; 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 any Stanly County ordinance or federal or state statute require more restrictive provisions than are required by this Ordinance, the provisions of such ordinance or statute shall govern.

C. Amendments

This ordinance may be amended from time to time by the Board of Commissioners.

ARTICLE XIX ENACTMENT

The Stanly County Board of Commissioners hereby adopts and enacts the preceding articles and sections of this Ordinance. All prior voluntary agricultural district ordinances are hereby repealed the day this Ordinance take effect.

Adopted this the 4 day of April, 2016

Motion for adoption by Commissioner Dennis and seconded by Commissioner Burleson.

STANLY COUNTY BOARD OF COMMISSIONERS


Chairperson

ATTEST:

Ngela Brummitt
Clerk to Board of Commissioners

Approved as to form:

Jonif R. Free
County Attorney

Updated 4/4/16