

**ACRE**  
**Agriculture, Communities and the Rural Environment Act**  
**Act 38 of 2005**  
**Attorney General Review of Local Ordinances**

The Act creates a process for farmers to seek review of local ordinances believed to be more restrictive of agricultural operations than permitted under State Law. Farmers can request that the Pennsylvania Attorney General review an ordinance restricting agriculture practices. If the Attorney General determines that the local ordinance is in conflict with State Law, the municipality is notified of this finding and provided an opportunity to modify the ordinance for compliance with State Law.

If the municipality fails to modify the ordinance in question, the Attorney General may bring an action in the Commonwealth Court to require the municipality to make the modifications or to repeal the local ordinance. The Commonwealth Court is an intermediate State appeals court with jurisdiction over matters that involve local or the State government or any of its agencies or officials.

The Attorney General is required to review an ordinance and make a decision on whether the Office will bring an action to challenge the ordinance within 120 days. The Attorney General must notify the farmer of this decision. As part of the review, the Act authorizes the Attorney General to consult with the Secretary of Agriculture and the Dean of the College of Agricultural Sciences at Penn State University regarding the nature of normal farming operations and practices in the Commonwealth.

The Commonwealth Court has the authority to appoint hearing “masters” to conduct hearings and administer the legal action in these cases., The Court also has the discretion in awarding attorney fees to a farmer who successfully challenge the legality of a local ordinance and is able to show that the township “negligently disregarded” the legality of the ordinance when it was enacted. Likewise, the Court may award attorney fees to a township that successfully defends a legal challenge of its ordinance, if the township can show the lawsuit by the farmer was “frivolous” in nature.

Requests for Attorney General review should be directed to:

Attention ACRE  
Office of the Attorney General  
Strawberry Square, 15<sup>th</sup> Floor  
Harrisburg, PA 17120  
(717) 787-3391

More information may be found at: <http://www.attorneygeneral.gov/theoffice.aspx?id=326>