

The Importance of ACRE

Agriculture is critical to the well-being of the Commonwealth. Agriculture generates over \$7 billion in cash receipts and over \$3 billion in international sales every year. The total economic impact of agriculture on the Commonwealth on a yearly basis is over \$70 billion. There are approximately 58,000 farms covering over 7 million acres in Pennsylvania along with 2561 distinct municipalities (townships, cities, boroughs). Moreover, the ACRE law as well as other agriculture statutes explicitly recognize the importance of agriculture to the Commonwealth. When one mixes together billions of dollars, millions of acres, tens of thousands of farms, and several thousand municipalities together it is inevitable that disagreements, misunderstandings, and friction will occur. ACRE helps balance this dynamic state of affairs.

ACRE In Action

Richmond Township: This lawsuit challenged an ordinance that defined and regulated “intensive agricultural activity,” including setback distance and waste disposal requirements. The court granted judgment in favor of the Attorney General on all challenges to the ordinance provisions and the Township subsequently amended its ordinance with the Attorney General’s approval.

Lower Oxford Township: This lawsuit challenged an ordinance placing restrictions on mushroom composting operations. The Attorney General approved ordinance amendments that were enacted by the Township to resolve and dismiss the lawsuit.

Joint Ordinance: This lawsuit challenged an ordinance adopted jointly by Heidelberg and North Heidelberg Townships and Robesonia and Womelsdorf Boroughs that defined and regulated ‘intensive raising of livestock or poultry.’ Following negotiations, the four municipalities enacted joint ordinance amendments to resolve the legal problems with the ordinance and the Office of the Attorney General withdrew the lawsuit.

East Brunswick Township: This lawsuit challenged an ordinance regulating the application of biosolids to agricultural land. Following court proceedings, the Attorney General approved ordinance amendments that were enacted by the Township to resolve and dismiss the lawsuit.

Peach Bottom Township: This lawsuit challenged ordinance provisions that regulate concentrated animal operations, including requiring animal housing buildings to be placed on low quality soils. The Attorney General approved ordinance amendments that were enacted by the Township to resolve and dismiss the lawsuit.

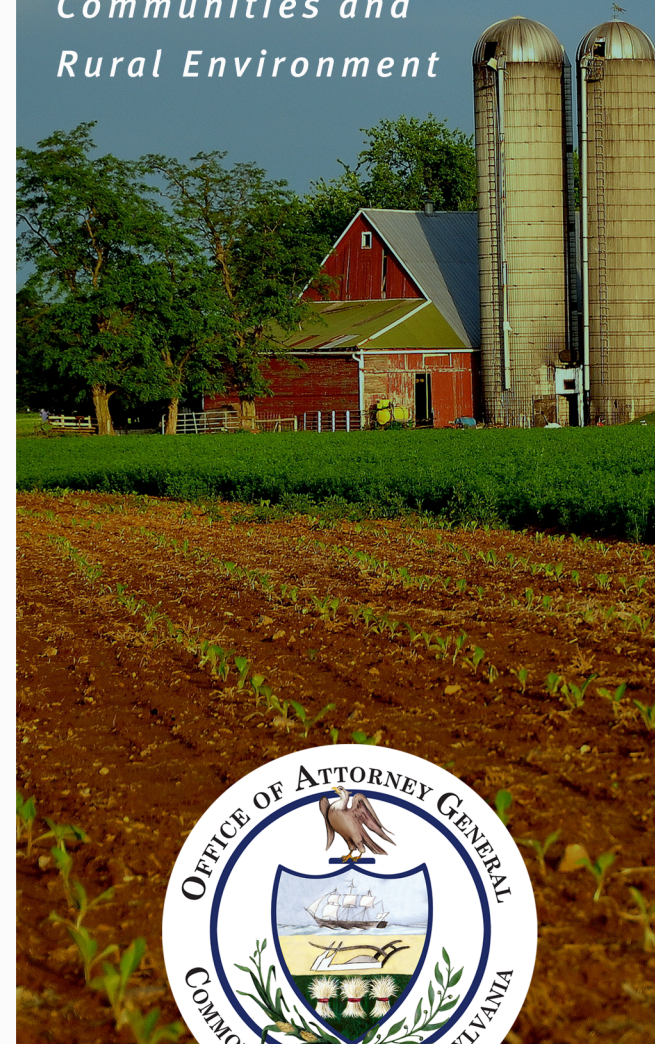
Packer Township: This lawsuit challenged an ordinance regulating the application of biosolids to agricultural land. Following court proceedings, the Township rescinded the ordinance and the lawsuit was dismissed.

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ACRE ACT 38

*Agriculture,
Communities and
Rural Environment*



Dave Sunday

Pennsylvania Attorney General

ACRE

ACT 38



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What is ACRE?

On July 6, 2005, Act 38 also known as “ACRE” (Agriculture, Communities and Rural Environment) went into effect to ensure that ordinances adopted by local governments to regulate normal agricultural operations are not in violation of state law. A local ordinance cannot exceed, duplicate or conflict with state law.

An “unauthorized local ordinance” is an ordinance enacted or enforced by a local government unit which does either of the following:

- Prohibits or limits a normal agricultural operation unless the local government unit has authority under state law to adopt the ordinance and it is not prohibited or preempted under state law.
- Restricts or limits the ownership structure of a normal agricultural operation.

How it can help you

An owner or operator of a normal agricultural operation may request that the Office of the Attorney General review a local ordinance that the owner or operator believes to be unauthorized.

The Office of the Attorney General reviews the local ordinance after receiving the request from the owner or operator. If the Office believes that the ordinance violates ACRE, the Office and the local government work together to bring the ordinance into compliance with state law. If a resolution cannot be reached, the Office has the option of filing a lawsuit in the Commonwealth Court.

After examining all relevant information, the Office of the Attorney General will advise the owner or operator whether or not the Office plans to file a lawsuit to challenge the ordinance.

If the Attorney General decides not to file a lawsuit, the owner or operator still can file a lawsuit in Commonwealth Court to challenge the ordinance.

How to Request Review of an Ordinance

Requests for review should be sent, in writing, to the following address:

PA Office of Attorney General
Attn: ACRE
15th Floor, Strawberry Square
Harrisburg, PA 17120

or by email:
ACRE@attorneygeneral.gov.

Requests for review should include a copy of the ordinance, a short explanation of the objection the farm owner or operator has to the ordinance, and any other materials that will aid the Attorney General’s review.

ACRE on attorneygeneral.gov

Visit www.attorneygeneral.gov for information on ACRE cases the Office of Attorney General has reviewed since the start of 2017. Check the website for updates on existing and newly received cases and for the ACRE acceptance letters that the Office of the Attorney General has sent to Townships starting in 2006 and running to the present.