

Farm fences

(Continued from Page A1)

the weathered face or hands of someone who spends most of his time outdoors, the ag audience started to feel more at ease with his opening words.

The judge continued: "A fence is not a building. It is not a structure to house livestock; it only encloses them.

"Therefore, setback requirements that apply to buildings do not apply to fences.

"The State Legislature in Act 1981-43, the Ag Security Law, recognizes the importance of farming and in protecting agriculture against nuisance ordinances preempts these local statutes."

With even deeper tones and conviction, the judge becomes a bit philosophical:

"When city folks move to rural areas, they must endure some of the hardships of country life in order to be able to share in the harvest of some of its fruits.

"Just as the florist must endure the thorns of the rose in order to enjoy the fragrance of its flowers.

"Therefore, I have decided that the farm fence shall remain and the case brought by the township supervisors against the farmer is dismissed."

Various cheers and other expressions of approval break forth from the audience.

Was this a real court case? No, it wasn't. But it could well be.

The courtroom scene was enacted this week in a vo-ag classroom at Lampeter-Strasburg High School taught by Dick Yencer.

"We teach so much theory and abstracts that I try to get the kids involved in the real world as much as possible," Yencer explained.

"We read about this fence controversy that's taking place in Lancaster County and decided to conduct a thorough research of the matter and a court case.

"The only problem was trying to get some of the kids on the non-farming side. Some of them had to be talked into it."

The vo-ag class researched the controversy that involves complaints by suburbanites against a farm neighbor who has reinstalled a fence around some adjoining pasture after the land had been open for a time.

The township has construed its zoning ordinance to say that a fence is a building and thus subject to setback requirements from roads and property lines. Needless to say, this would affect a lot of farm fences that have been erected since the ordinance went into effect in 1978 in the township.

The judge for the vo-ag court case was George W. Myers, of Willow Street, principal of the Lampeter-Strasburg Middle School.

Although he admits he's not a "sitting judge," he has some qualifications.

He's a former vo-ag teacher and still manages farms for absentee landlords and is well familiar with suburban-rural controversies that can arise.

His son, George Myers Jr., is a corporate lawyer and over the weekend the two consulted as the students' briefs were reviewed.

And, besides Myers was an MP after World War II and was a guard at the Nuremberg War Crimes Trials.

And a number of years ago, he taught the parents of some of the class and was well familiar with their commitment to agriculture.

And the vo-ag class took their roles quite seriously as the farm fence trial was conducted.

"Today, it was only a game," teacher Yencer explained.

"But who knows— five years from now, some of these future farmers may wake up and find themselves involved in just such a situation."



Vo-ag class at Lampeter-Strasburg gathers beneath FFA chapter banner following "historic" case concerning farm fences.



Principals in FFA farm fence case include, from left, "attornies" Randy Houser, Joe Rohrer, Michelle Dean "Judge" George Myers, and "attornies" Mark Heiser and Barry Harnish.

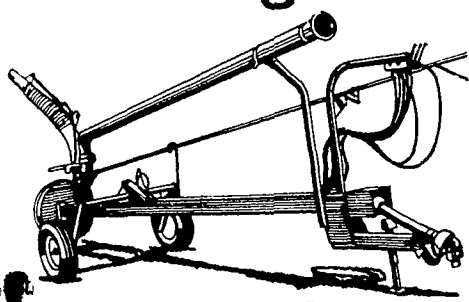
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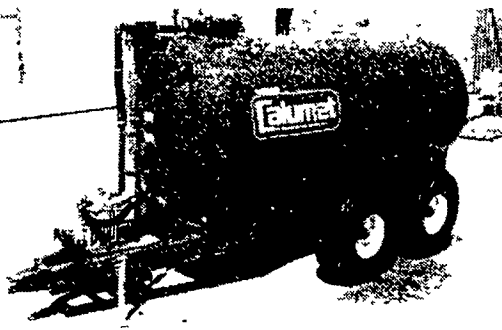
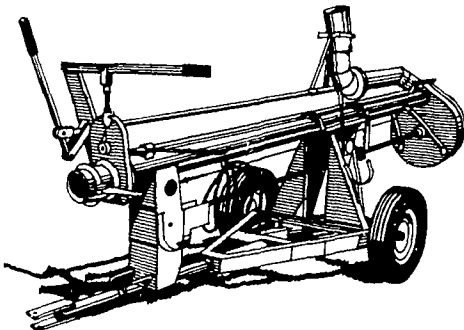
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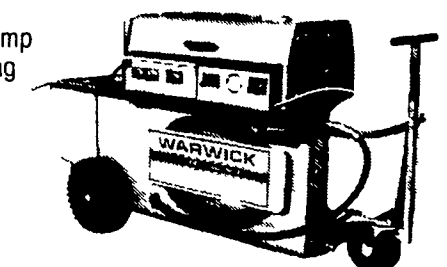
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