

Farmers Dispute

(Continued from Page A27)

penation for any harms caused by corporate farming may be difficult to obtain through a corporation and that corporations have fewer reasons to respect the natural environment and township communities than do natural persons."

The lawsuit claims that statement to be "unlawfully discriminatory and violative of the U.S. and Pennsylvania constitutions," and charges that the township did develop a proper record to support it.

Other claims made by the lawsuit against the legality of the ordinance include:

- The township does not have the authority under Pennsylvania's township code to prohibit or regulate corporate ownership or operation of farmland or farming operations.
- The regulation illegally interferes with business and con-

tractual relations.

- The regulation is preempted by Pennsylvania's Nutrient Management Law.

- The regulation conflicts with and is preempted by Pennsylvania's Business Corporation Law.

At the heart of the lawsuit's claim against the water regulation ordinance is Garrison's assertion that the township's authority to control non-municipal water supplies is preempted by state law and by the authority of interstate watershed agencies.

The lawsuit also claims that the ordinance does not provide for due process of law and that "the 3,000-gallon cutoff is arbitrary and unsupported."

According to Kristen Wolf, spokesperson for the Pennsylvania Department of Environmental Protection (DEP), the state has no law in place to govern private water withdrawal.

Disputes over local water regulations ultimately need to be resolved in court at this point, she said.

However, legislation has been proposed that would give the DEP authority to monitor and regulate the state's water supplies, Wolf said.

Garrison charged that all three ordinances adopted by Belfast Township are unconstitutional and vague.

According to Belfast Township Secretary Paula Shives this week, the three-member board of supervisors was seeking counsel and unable to comment on the case.

Carlton Walker, Belfast Township solicitor, also declined comment.

Shives said that no zoning laws designating land use are in place in Belfast Township, which has a population of about 1,300 people.

The township has been given until the second week in January to respond to the lawsuit.

In agricultural litigation last

Lancaster Farming, Saturday, December 22, 2001-A45

year, an ordinance in Granville Township, Bradford County was overturned in court.

The ordinance to regulate the

permitting process on ag operations was judged to be preempted by Pennsylvania's Nutrient Management Act.



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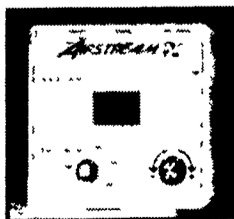
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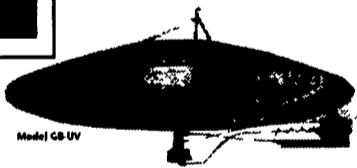
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