

X Township of Helena
27466 Delmar Ave
New Prague Mn. 56071

Doc. No. A 806853

OFFICE OF THE COUNTY RECORDER
SCOTT COUNTY, MINNESOTA

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Pat Boeckman, County Recorder

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Fee: \$ 46.00

Helena Township
Scott County - State of Minnesota

An Ordinance Establishing a
Right to Farm in Helena Township

The Board of Supervisors of Helena Township does hereby ordain as follows:

Section 1. Preamble

WHEREAS, it is necessary to preserve the residents of Helena Townships' right to farm and to put potential residents and businesses on notice of farming activities currently undertaken in Helena Township.

Section 2. Notice of Farming and Related Activities

The Township of Helena does hereby state and provide notice that the following conditions exist in Helena Township:

- a. Agricultural structures that include but are not limited to confinement buildings, dairy and livestock barns, grain storage and grain elevator legs;
- b. Manure, manure pits, spreading manure and the odor of manure;
- c. Noise and dust from corn dryers;
- d. Noise and dust and road use of combines, tractors, wagons and farm equipment;
- e. Application of herbicides, insecticides and fertilizers;
- f. 2nd and 3rd class gravel roads;
- g. Blacktop and gravel trucks hauling on township and county roads;
- h. Gravel Pits and Blacktop plants;
- i. Residue from farming activities;
- j. Dusk and after-dark farming activities; and
- k. Other farm related activities.

Section 3. Purpose

This Ordinance recognizes that farming and farming related activities has been and is an ongoing livelihood for residents of Helena Township. The purpose of this ordinance is to protect our resident's right to farm and to engage in farming and farm related activities now and into the future.

Section 4. Continuation of Farming Operations

Any farm land that is in existence at the time of the execution of this Ordinance may continue to be farmed and developed as a farming enterprise including the construction of agricultural buildings, the maintenance of livestock, the employment of manure storage facilities and any and all agricultural practices that are employed by the land owner or their successors or assigns subsequent to the execution of this Agreement, provided, that such activities are in accord with Township, County, State and Federal laws.

Section 5. Existing Rural Uses

The Town Board acknowledges that certain uses exist within the Township that may lead to conflict as residential properties are developed adjacent to these rural uses. The Town Board further acknowledges that Minnesota Statute Section 462.357 Subd. 1c provides that a municipality must not enact, amend, or enforce an ordinance providing for the elimination or termination of a use by amortization which use was lawful at the time of its inception.

Section 6. Notification of Rural Uses

The Town Board requires that Developers seeking to develop land within the Township provide notice to potential builders and homeowners that their land is located in an agricultural area and as such is subject to sounds and smells associated with agricultural production.

Section 7. Right to Farm Acknowledgement

Any person or business applying for any new home permit or license in Helena Township shall execute an acknowledgment of receipt of notice of the Right to Farm Ordinance.

Section 8. Repealer

All parts of Ordinances in so far as they are inconsistent with the provisions of this Ordinance are hereby repealed.

Section 9. Separability

It is hereby declared to be the intention that the several provisions of this Ordinance are separable in accordance with the following: If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.

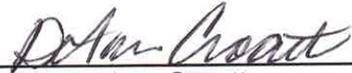
Section 10. Effective Date

This Ordinance becomes effective from and after its passage and publication.

Adopted by the Town Board of Helena Township, this 1st day of July 2008.



Chairman Terry Maas



Clerk DeAnn Croatt