

Barley Snyder Pa. Supreme Court Win Protects Family Farmers

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Lancaster, Pa. - The Pennsylvania Supreme Court set an important environmental precedent Thursday when it agreed with partner Matthew M. Hennesy's argument in a long-running case that will benefit family farmers throughout Pennsylvania.

The case will ensure that the state's family farmers will not have to comply with municipal ordinances that are stricter than the state's own environmental laws.

"From the beginning, we saw this case as a family farmer and entrepreneur whose dream was being stifled by municipal regulations that were far more stringent than the state laws," Hennesy said. "Family farmers are some of the most important business people in our state, and they're facing new pressures every day just to stay in business. Municipal regulations that are more aggressive than our own state environmental laws shouldn't be an additional issue these businesses and potential businesses should have to face. We're very pleased the state's highest court agreed with us."

The case, which started as a municipal zoning dispute in 2013, has been a hot topic in the state's environmental industry as it climbed its way through appeals to the Pennsylvania Supreme Court. It began when a property owner near Bloomsburg received a special exception from a municipal zoning hearing board to build a swine nursery barn. Barley Snyder attorney Michael W. Davis represented the client in the initial municipal zoning matters before Hennesy jumped in when it reached the courtroom.

Local residents objected to the proposed barn, and the Pennsylvania Commonwealth Court found that the municipality's more stringent zoning regulations were not preempted by Pennsylvania's Nutrient Management Act, which limits municipal regulations of the largest and most intense animal agricultural operations.

But Hennesy helped convince the Pennsylvania Supreme Court that the state law should win out when the municipal regulations are more rigorous. The state's Supreme Court held that the municipal zoning regulations being imposed would have been stricter than those that the state imposes on larger corporations.

"(I)t would indeed be ironic if we found no preemption to exist under the circumstances presented, thus permitting local municipalities to impose upon small agricultural operations standards more burdensome than those placed upon large agricultural operations under the (Nutrient Management) Act," Justice Max Baer of

the Pennsylvania Supreme Court wrote in his decision.

The case took on such a statewide focus because it could have affected thousands of Pennsylvania farmers that the Pennsylvania Legislature chose to exempt from complying with the requirement of filing a Nutrient Management Plan.

"It's a big case," Barley Snyder agricultural and municipal attorney Timothy G. Dietrich said. "Smaller farming businesses across the state are breathing a sigh of relief because Matt was able to win this case, and municipalities now have a clear direction to know they can't exceed the standards contained in the Nutrient Management Act and must use traditional zoning regulations."

About Barley Snyder

Barley Snyder is a law firm based in central Pennsylvania with more than 100 attorneys practicing from offices located in Lancaster, York, Reading, Harrisburg, Malvern, Hanover, Gettysburg and Schuylkill Haven, Pa., and Hunt Valley and Columbia, Md. The firm serves businesses, individuals and organizations in all major areas of civil law including: business, employment, immigration, employee benefits, finance & creditors' rights, intellectual property, litigation, estate planning and administration, real estate, tax, construction, environment and energy, health care, education, municipal authority, hospitality, senior living and food and agribusiness. www.barley.com | [@BarleySnyder](https://twitter.com/BarleySnyder)

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