

COMMONWEALTH OF KENTUCKY
MEADE COUNTY FISCAL COURT
ORDINANCE NO. 2024-10

Summary Version

AN ORDINANCE AMENDING MEADE COUNTY PLANNING AND ZONING ORDINANCE
920.00.

This is a summary version of an ordinance adopting Agriculture Land Acquisition to the Meade County Zoning Ordinance.

The full version of this ordinance can be obtained in the Meade County Judge Executive's Office at the Meade County Courthouse, 516 Hillcrest Drive, Brandenburg, Kentucky 40108.

Given First Reading on the 11th day of June, 2024, and approved by at least a majority of the fiscal court members.

This ordinance will be read again, considered again, and possibly adopted by the Meade County Fiscal Court, 516 Hillcrest Drive, Brandenburg, Kentucky, on the 9th day of July 2024.

ORDINANCE NO. 2024-10, SERIES 2024

**AN ORDINANCE PROTECTING MEADE COUNTY'S AGRICULTURAL
LANDS FROM IMPERMISSIBLE FOREIGN ENTITIES**

SPONSORED BY: MEADE COUNTY FISCAL COURT MEMBER

WHEREAS, House Bill 575 related to the ownership of agricultural lands by any nonresident alien, foreign business, foreign agent, trustee, or fiduciary who has a legal relationship with or is legally bound to take instruction from or execute decisions for the government of any proscribed country referenced in 22 C.F.R. sec. 126.1, as amended, was introduced in the Kentucky legislature, but failed to receive approval of both the Kentucky House of Representatives and the Kentucky Senate in order to be presented to the Governor to sign into law in the 2024 legislative session, however, Meade County desires to implement the pertinent provisions of House Bill 575 effective upon the passage of this Ordinance;

WHEREAS as it used in the following, (a) "Agricultural land" has the same meaning as in 7 U.S.C. sec. 3508; (b) "Fiduciary" has the same meaning as in KRS 131.010; (c) "Foreign agent" has the same meaning as in 18 U.S.C. sec. 1839; (d) "Foreign business" has the same meaning as in 26 C.F.R. sec. 301.7701-5; (e) "Nonresident alien" has the same meaning as in 26 C.F.R. sec. 1.871-2; and (f) "Trustee" has the same meaning as in KRS 218A.405;

WHEREAS, notwithstanding any other provision of law to the contrary, except as provided in any other provisions listed herein, on or after the effective date of this Ordinance, a nonresident alien, foreign business, foreign agent, trustee, or fiduciary who has a legal relationship with or is legally bound to take instruction from or execute

decisions for the government of any proscribed country referenced in 22 C.F.R. 17 sec. 126.1, as amended, shall be prohibited from:

(a) The purchase, lease, or acquisition of any interest in public or private agricultural land located in Meade County; and

(b) Participation in programs administered by the Department of Agriculture, Agricultural Development Board, and Kentucky Agricultural Finance Corporation; to the extent they are applicable to or administered in Meade County;

WHEREAS, any agricultural land purchased, leased, or acquired by a nonresident alien, foreign business, foreign agent, trustee, or fiduciary who has a legal relationship with or is legally bound to take instruction from or execute decisions for the government of any proscribed country referenced in 22 C.F.R. sec. 126.1, as amended, prior to the effective date of this Ordinance may continue to own or hold the agricultural land, but shall not purchase, lease, or acquire any additional agricultural land or interest in agricultural land in Meade County;

WHEREAS, notwithstanding the prior provisions, nothing in this Ordinance shall prohibit:

(a) An existing foreign business who has a legal relationship with or is legally bound to take instruction from or execute decisions for the government of any proscribed country referenced in 22 C.F.R. sec. 126.1, as amended, located in Meade County, from purchasing, leasing, or acquiring agricultural land adjacent to the land that the foreign business owns and operates in order to expand the operation of its business; and

(b) A nonresident alien, foreign business, foreign agent, trustee, or fiduciary who has a legal relationship with or is legally bound to take instruction from or execute decisions for the government of any proscribed country referenced in 22 C.F.R. sec.

126.1, as amended, from the purchase, lease, or acquisition of up to three hundred fifty (350) acres of agricultural land, located in Meade County, for agricultural research and development or experimental purposes, including testing, development, or production of any crop production inputs for sale or resale to farmers, including but not limited to seeds, plants, pesticides, soil amendments, biologicals, or fertilizers;

WHEREAS, nothing in this Ordinance shall exempt a nonresident alien, foreign business, foreign agent, trustee, or fiduciary who has a legal relationship with or is legally bound to take instruction from or execute decisions for the government of any proscribed country referenced in 22 C.F.R. sec. 126.1, as amended, from:

(a) To the extent they are applicable to or administered in Meade County, the provisions of the Agricultural Foreign Investment Disclosure Act, 7 U.S.C. sec. 3501 et. seq., and its accompanying regulations at 7 C.F.R. pt. 781 et. seq. or any amendments thereto; and

(b) To the extent it is applicable to or administered in Meade County, filing a copy of the required report pursuant to 7 U.S.C. sec. 3501 et. seq and its accompanying regulations at 7 C.F.R. pt. 781 et. seq., or amendments thereto, with the Department of Agriculture within the time period specified therein;

WHEREAS, if any Department or Office of the Meade County Local Government has reason to believe that a violation of this section may have occurred, said Department or Office shall refer evidence of noncompliance to the Office of the Attorney General. The Office of the Attorney General may bring an action pursuant to KRS Chapter 15 to enforce the provisions of this section;

WHEREAS, if any Court of competent jurisdiction finds that agricultural land has been purchased or acquired in violation of this section, then said Court shall declare the

agricultural land escheated to Meade County and order the sale of the agricultural land in the manner provided by law for the judicial foreclosure of a mortgage on real estate for default of payment. After the Office of the Attorney General has been reimbursed for all actual costs incurred from the enforcement of this provision, the proceeds of the sale of the agricultural land pursuant to this paragraph through judicial foreclosure shall be disbursed in the following order:

1. Payment of delinquent ad valorem taxes;
2. Payment to mortgage and other lien holders, in the priority determined by the court; and
3. Deposit in the applicable Budgetary Department or Office of Meade County's Local Government;

WHEREAS, if any Court of competent jurisdiction finds that agricultural land has been leased in violation of this section, then said Court shall rescind the lease and it shall be rendered null and void; and

WHEREAS, the Meade County Fiscal Court intends to adopt and incorporate all aforementioned provisions herein into the Meade County Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE MEADE COUNTY FISCAL COURT AS FOLLOWS:

SECTION I: All aforementioned provisions are hereby incorporated into the Meade County Ordinances; and

SECTION II: The Meade County Planning and Zoning Department, Meade County Planning Commission, Meade County Fiscal Court, or any other related Department or Office of Meade County Local Government, shall make notice of any violation of all aforementioned provisions for reporting to all applicable state agencies;

and

SECTION III: The Meade County Planning and Zoning Department, Meade County Planning Commission, Meade County Fiscal Court, or any other related Department or Office of Meade County Local Government, shall facilitate the resulting directives that come from these applicable state agencies; and

SECTION IV: This Ordinance shall take effect upon its immediate passage and approval.

Given first reading on the 11th day of June, 2024. Given second reading on the ____ day of _____, 2024, 7:00 pm EST at the Meade County Courthouse, 516 Hillcrest Drive, Brandenburg, Kentucky, 40108; Adopted by the Fiscal Court of Meade County, Kentucky on the ____ day of _____, 2024.

MEADE COUNTY FISCAL COURT:

BY: _____
TROY KOK
MEADE COUNTY JUDGE EXECUTIVE

ATTEST:

BY: _____
KYLEIGH FRYMIRE
FISCAL COURT CLERK

APPROVED:

BY: _____
SIDNEY DURHAM
MEADE COUNTY ATTORNEY