

CHAPTER 102. PENNSYLVANIA AGRICULTURAL FAIR PROGRAM

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Authority

The provisions of this Chapter 102 issued under the Pennsylvania Agricultural Fair Act (3 P. S. §§ 1501—1508), unless otherwise noted.

Source

The provisions of this Chapter 102 adopted April 22, 1988, effective April 23, 1988, 18 Pa.B. 1918, unless otherwise noted.

Subchapter A. GENERAL PROVISIONS

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§ 102.1. Objectives.

The Pennsylvania Agricultural Fair Act (3 P. S. §§ 1501—1508) was enacted to make funds available to encourage the further development and improvement of Pennsylvania’s agricultural fairs. The Department is authorized to make grants to eligible organizations from monies appropriated annually by the General Assembly.

§ 102.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—The Pennsylvania Agricultural Fair Act (3 P. S. §§ 1501—1508).

Activity day—The conducting of a minimum of 6 hours of events, activities or programs within a calendar day.

Agricultural Fair—An annual agricultural exhibition contributing to the development of several or many phases of agriculture or agribusiness by the conduct of educational programs, activities, demonstrations, contests and exhibits.

Class A Fair—An annual agricultural event which operates on 40 acres or more of land and pays \$10,000 or more in premiums to winners of agricultural or agribusiness contests or exhibits.

Class B Fair—An annual agricultural event which operates on 30 acres or more of land and pays \$7,500 to \$9,999 in premiums to winners of agricultural or agribusiness contests or exhibits.

Class C Fair—An annual agricultural event which operates on 20 acres or more of land and pays \$5,000 to \$7,499 in premiums to winners of agricultural or agribusiness contests or exhibits.

Class D Fair—An annual agricultural event which operates on 10 acres or more of land and pays \$2,500 to \$4,999 in premiums to winners of agricultural or agribusiness contests or exhibits.

Class E Fair—An annual agricultural event which operates on fewer than 10 acres of land and pays less than \$2,500 in premiums to winners of agricultural or agribusiness contests or exhibits.

Danish System—A method of judging agricultural contests and exhibits that permits a judge to conclude that several entries are equally meritorious which would allow several entries judged to be first place winners, several entries judged to be second place winners, and so forth.

Department—The Department of Agriculture of the Commonwealth.

Open class—An event for which agricultural or agribusiness premiums are paid and which is open to participants who need not be associated with a particular organization.

Operating costs—Costs involved in the general operation of the fair, including but not limited to, the cost of exhibiting agricultural or agribusiness products, materials and equipment; conducting agricultural or agribusiness educational activities and demonstrations, and awarding premiums to contest and exhibit winners.

Premiums—A cash award, ribbon or trophy awarded to winners of types of approved contests and exhibits as listed in the *State Premium Guidelines Book*.

Secretary—The Secretary of the Department.

State Premium Guidelines Book—A listing, approved by the Secretary, of agricultural and agribusiness contests and exhibits which are eligible for reimbursement of premiums. Copies are available from the Department of Agriculture, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110-9408, Attention: Pennsylvania Agricultural Fair Program Administrator.

Statewide Agricultural Organization—An agricultural organization or association that is chartered or recognized by the Commonwealth and is representative of the mutual interests of those engaged in the production, processing, marketing or distribution of specific farm products or other agricultural commodities relative to agriculture or agribusiness.

Youth Activities Group—A countywide or Statewide 4-H, FFA or combined FFA/FHA units of boys and girls under 21 years of age which operate in the interest of agriculture or agribusiness.

§ 102.3. Advisory Committee.

(a) *Function and duties.* The Advisory Committee shall assist and advise the Secretary, review proposed Departmental regulations and the Annual Plan for the administration of the act, and periodically review the operation of the program and make recommendations on the disbursement of funds.

(b) *Quorum.* No business may be transacted by the Advisory Committee in the absence of a quorum, which shall consist of four members.

(c) *Membership.*

(1) The Advisory Committee shall be composed of the following:

(i) The Secretary of Agriculture, who shall be the Chairperson.

(ii) The Chairperson of the Agriculture and Rural Affairs Committee of the House of Representatives or a designee.

(iii) The Chairperson of the Agriculture and Rural Affairs Committee of the Senate or a designee.

(iv) Four additional members to be appointed by the Secretary, including three representatives of the agricultural fairs and one member who shall represent the public at large.

(2) The appointed members shall serve for terms of 2 years commencing with the date of their respective appointments, and shall serve at the pleasure of the Secretary.

Cross References

This section cited in 7 Pa. Code § 102.31 (relating to submission and processing of applications).

§ 102.4. Annual Plan.

(a) *Preparation.* The Secretary shall prepare, with the advice and the assistance of the Advisory Committee, an Annual Plan setting forth a program and formula under which moneys appropriated annually by the General Assembly shall be distributed in accordance with the act and this chapter. In formulating the Annual Plan, the Secretary and the Advisory Committee shall consider, among other things, the following:

(1) The amount of moneys appropriated or expected to be appropriated by the General Assembly.

(2) The General Assembly's declaration of purpose set forth at section 2 of the act (3 P. S. § 1502).

(3) The number of applications for grants submitted or expected to be requested.

(4) An equitable geographic distribution of grant moneys throughout the Commonwealth.

(b) *Filing.* The Secretary shall cause the plan to be submitted to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* as a notice under 45 Pa.C.S. § 725(b) (relating to additional contents of *Pennsylvania Bulletin*) by September 1 in the fiscal year which the plan covers.

§ 102.5. Grant cancellation.

A grant may be cancelled by the Secretary upon a determination that the funds are not being properly utilized.

§ 102.6. Right of recovery.

The Department has the right to make a claim for and receive from the applicant monies not expended in accordance with the act, this chapter or the Grant Agreement.

§ 102.7. Deficits.

The Department's financial obligation is limited to the amount of the grant. The Department is not responsible for funding cost overruns incurred by applicants.

§ 102.8. Records.

(a) The applicant shall maintain books, records and other evidence pertinent to costs incurred in connection with the application for funds under either Subchapter B or C (relating to grants for operating costs; and capital improvement matching grant). The books and records shall be maintained according to generally accepted accounting principles.

(b) Financial records, supporting documents, statistical records and other records pertaining to the grant shall be retained by the applicant for 7 years following the date payment is made. The records and documents shall be available for inspection or audit at reasonable times by the Commonwealth, its agencies and instrumentalities.

Subchapter B. GRANTS FOR OPERATING COSTS

- Sec.
102.21. Submission and processing of applications.
102.22. Amount of grant.
102.23. Eligibility.
102.24. Probationary organizations.

Cross References

This subchapter cited in 7 Pa. Code § 102.8 (relating to records).

§ 102.21. Submission and processing of applications.

(a) *Submission.* An applicant desiring to be considered for a grant shall submit in quadruplicate to the Department, on a form prepared by the Department, an application for the grant under the act. An applicant requesting reimbursement of operating expenses in connection with an annual agricultural fair shall submit a copy of the fair's premium book, and an applicant requesting funds for conducting harness racing shall submit an official racing program and a copy of the judges' racing sheets.

(b) *Processing.* Upon receipt of an application as specified in subsection (a), the Department will review the application for completeness and accuracy. If the form is found to be incomplete or inaccurate, additional data will be requested and final processing of the application will be discontinued until the requested data is supplied by the applicant.

(c) *Deadline.* An application shall be filed with the Department by November 15 of the year for which the funds are requested. An application shall be considered filed when a completed and accurate application, on a form prepared by the Department, is received by the Department at its offices at 2301 North Cameron Street, Harrisburg, Pennsylvania 17110-9408, Attention: Pennsylvania Agricultural Fair Program Administrator.

Cross References

This section cited in 7 Pa. Code § 102.24 (relating to probationary organizations).

§ 102.22. Amount of grant.

(a) The amount of a grant awarded under this subchapter shall be calculated in a manner and awarded in an amount established by the Secretary in the Annual Plan. The grant may not exceed the statutory amounts set forth at section 5 of the act (3 P. S. § 1505).

(b) In calculating the amount of a grant, no premiums will be reimbursable if awarded under the Danish System.

(c) A grant awarded to an applicant conducting an annual agricultural fair may not exceed the amount of operating costs incurred and premiums awarded. Expenses of judges, mileage allowances or meals are expenses of the applicant and are not reimbursable as premiums.

(d) Grants will be made to an applicant on or before February 1 in the year following the filing of an application.

§ 102.23. Eligibility.

(a) *Applicant conducting an annual agricultural fair.* An applicant, to be eligible for a grant under section 5(1) of the act (3 P. S. § 1505(1)), shall conduct a fair which meets the following requirements:

- (1) Exhibits agricultural or agribusiness products, materials and equipment.

- (2) Conducts agricultural or agribusiness educational activities and demonstrations.
 - (3) Awards premiums to agricultural or agribusiness contest and exhibit winners with a top award for first place and proportionate awards to runners-up adjudged by position following the winner, but not to exceed ten in number.
 - (4) Provides proper first aid through medical personnel and adequate sanitary facilities which meet Commonwealth and local requirements. Fairgrounds shall be sprayed properly to control insects prior to opening of the fair or activity.
 - (5) Provides supervision of activities by an officially-appointed committee or a board of directors of at least five persons.
 - (6) Files reports, forms and applications and maintains records required by this chapter.
 - (7) Provides that at least 25% of the events for which agricultural or agribusiness premiums are paid are open class events.
 - (8) Holds a program contributing to the development of several or many phases of agriculture or agribusiness for at least 5 consecutive activity days for Class A, B and C fairs, and at least 3 consecutive activity days for Class D and E fairs.
 - (9) Takes adequate precautions against fire and keeps wind hazards to a minimum. Barns which are fire hazards may not be used to house livestock. Proper fire fighting equipment shall be reasonably available.
- (b) *Harness racing.* An applicant applying for a grant for conducting harness racing as part of its Annual Agricultural Fair shall:
- (1) Conduct the racing under the guidance of the Department.
 - (2) Comply with, and require that those participating in the race comply with, the applicable rules of the United States Trotting Association and, during the course of its race meeting, display the license issued by the United States Trotting Association for the current year.
- (c) *Youth activities group.* An applicant, to be eligible for a grant under section 5(3) of the act (3 P. S. § 1505(3)), shall meet the following requirements:
- (1) Application shall be made through, and the organization shall be represented by, an adult advisory group and both groups shall be recognized by their respective county governments or by the Commonwealth.
 - (2) Conduct 18 hours or more of activities annually that pertain to the improvement or progress of agriculture or agribusiness. The activities may include training and instruction in grading of livestock and poultry breeding and raising livestock or poultry, grading eggs, marketing, public speaking, packaging, holding agricultural contests for premiums or ribbons, planting, demonstrations, planning, fitting or another phase of agriculture or agribusiness.
 - (3) Provide the Department with a list of current members, their addresses and birth dates.

(d) *Statewide agricultural organization.* An applicant, to be eligible for a grant under section 5(2) of the act (3 P. S. § 1505(2)), shall meet the following requirements:

- (1) Have members representing a majority of the counties in this Commonwealth.
- (2) Conduct an annual event which meets the following requirements:
 - (i) Hold an annual event of at least 3 consecutive activity days.
 - (ii) Provide proper first aid through medical personnel and adequate sanitary facilities which meet Commonwealth and local requirements.
 - (iii) Provide supervision of activities by an officially-appointed committee or a board of directors of at least five persons.
 - (iv) File reports, forms and applications and maintain records required by this chapter.

(e) *Conditions applicable to applicants.* To be eligible for a grant under section 5(1), (2) or (3) of the act, an applicant shall have complied with, and agree to continue to comply with, the following requirements:

- (1) Maintain and preserve for a period of 3 years or more, the books and records of the organization including books and records relating to the payment of premiums.
- (2) Make its books and records, including books and records relating to the payment of premiums, readily available for audit or inspection by the Department through its designated agent or another interested Commonwealth agency through its designated agent.
- (3) Conduct contests and exhibits in the following manner:
 - (i) Employ qualified judges and keep for a period of 3 years the names and addresses of judges so employed.
 - (ii) Judge contests in an area where participants and spectators are not permitted and where judges will be without interference or distraction from other sources, even by officers who are permitted in the same area for administrative purposes. Youth groups, harness horse racing and judging done in conjunction with an educational experience are exempt from this subsection.
 - (iii) Judges may not enter exhibits in classes in which they are serving.
 - (iv) Entry tags or identification cards shall be supplied and posted for each exhibit and winning ribbons or stickers shall be attached immediately after awards are made. If a group of the same breed of cattle, hogs or sheep is stalled or penned together, one large banner or sign can be displayed so that they can be readily recognized by the viewers.
 - (v) Publish and distribute a premium book or premium list showing the activities of the event, classes of exhibits and displays and amounts of premiums offered for each class. This subparagraph does not apply to youth activities groups.
 - (vi) No exhibit may show the name of the exhibitor before judging has been completed except in cases where judging is done at another location.

(vii) Establish uniform procedures for the standard recording of the operating costs and premiums in accordance with a system approved by the Department.

(viii) Premiums, awards and operating expenses shall be paid by check.

(ix) No livestock or poultry from a premises under quarantine for a contagious or infectious disease is eligible to be exhibited.

(x) No livestock or poultry showing visible, clinical signs of contagious or infectious disease is eligible to be exhibited.

(xi) Livestock or poultry not representative of their species due to conformation, conditioning or of a fractious nature is not eligible to be exhibited.

Cross References

This section cited in 7 Pa. Code § 102.24 (relating to probationary organizations); and 7 Pa. Code § 102.33 (relating to eligibility).

§ 102.24. Probationary organizations.

(a) *Applicant conducting an annual agricultural fair.* An applicant conducting an annual agricultural fair is not entitled to a grant until it has notified the Department of its intent to conduct and has, in fact, conducted three consecutive annual fairs under § 102.23(a) (relating to eligibility), and in connection with each of the three annual fairs, filed an application under § 102.21 (relating to submission and processing of applications). In notifying the Department of its intent to conduct an annual fair, an applicant shall file a notice with the Department, which can be a letter addressed to the Secretary, that complies with the following requirements:

(1) It shall be received prior to conducting the first of the three fairs described in this subsection.

(2) It shall state with specificity the location of the fair.

(3) It shall state the dates on which the fair will be held.

(4) It shall state the complete names and addresses of the directors and officers of the applicant as well as the name, address and telephone number of the person the Department can contact for further information.

(5) It shall include a description of the agricultural exhibits and events that the applicant intends to conduct, as well as a statement of how the applicant will contribute to the development of many phases of agriculture.

(6) It shall state that the applicant will apply for a grant in its 4th year.

(b) *Statewide agricultural organization.* A Statewide agricultural organization is not entitled to a grant under this subchapter until it has notified the Department of its intent to conduct and has, in fact, conducted three consecutive annual events under § 102.23(c), and in connection with each of the three consecutive annual events filed an application under § 102.21. In notifying the Department

of its intent to conduct an annual event, an applicant shall file a notice with the Department, which can be a letter addressed to the Secretary, that complies with the following requirements:

(1) It shall be received prior to conducting the first of three annual events described in this subsection.

(2) It shall state with specificity the location of the annual event.

(3) It shall state the dates on which the event will be held.

(4) The complete names and addresses of the directors and officers of the applicant, as well as the name, address and telephone number of the person the Department can contact for further information, shall be shown.

(5) A description of the event the applicant intends to conduct, as well as a statement of how the event will contribute to the development of many phases of agriculture or agribusiness, shall be given.

(6) It shall state that the organization will apply for a grant in its 4th year of operation.

(c) *Nonapplicability.* Subsections (a) and (b) do not apply to an organization conducting an annual fair or a Statewide organization that may have temporarily discontinued its fair or event for a period of not more than 2 consecutive years.

(d) *Youth activities group.* A youth activities group is not required to serve a probationary period before being eligible for a grant under this chapter. However, before a youth activities group may receive a grant, it shall submit a letter from its respective county government or the Commonwealth, recognizing both the youth activities group and its adult advisory group.

Subchapter C. CAPITAL IMPROVEMENT MATCHING GRANT

Sec.

102.31. Submission and processing of applications.

102.32. Amount of grant.

102.33. Eligibility.

102.34. Certification of completion.

Cross References

This subchapter cited in 7 Pa. Code § 102.8 (relating to records).

§ 102.31. Submission and processing of applications.

(a) *Submission.* An applicant desiring to be considered for a capital improvement matching grant shall submit to the Department, on a form prepared by the Department, an application for the grant. The application shall include, but is not limited to, the following:

(1) Detailed information regarding the project for which the grant is sought.

(2) Evidence satisfactory to the Department showing that matching funds required by § 102.32(b) (relating to amount of grant) are available for the project.

(b) *Processing.* Upon receipt of an application as specified in subsection (a), the Department will review the application for completeness and accuracy. If the form is found to be incomplete or inaccurate, additional data will be requested and final processing of the application will be discontinued until the requested data is supplied by the applicant.

(c) *Deadline.* An application shall be filed with the Department by June 30 of each year. An application shall be considered filed when a fully-completed and accurate application, on a form prepared by the Department, is received by the Department at its offices at 2301 North Cameron Street, Harrisburg, Pennsylvania 17110-9408, Attention: Pennsylvania Agricultural Fair Program Administrator.

(d) *Reapplication.* If an applicant has, in a prior year, filed an application with the Department for a grant for capital improvement matching funds in connection with a specific project and has not received full payment of the amount reimbursable, it shall reapply with the Department if it continues to desire to receive funds for the project. An applicant reapplying for a grant is not required to file a new application form under this section, but shall, in a letter addressed to the Secretary, declare its intention to reapply for a grant and state how, if at all, its previously filed application should be amended. An applicant is not permitted to amend an application to request increased funding for a project or for funding of a new or different project. To be considered for a grant, the letter shall be filed with the Department by June 30 of each year.

(e) *Review and approval of application.*

(1) The Advisory Committee described in § 102.3 (relating to Advisory Committee) shall review pending applications and make a recommendation of approval or rejection of the applications to the Secretary along with restrictions or special conditions. The Secretary has final authority on whether or not a grant is made.

(2) Upon approval of an application for a matching grant, the applicant shall execute a matching grant agreement on a form provided by the Department. The grant agreement shall specify that, if an improvement funded by a matching grant is sold within 10 years of completion or the date of the grant agreement, whichever is later, the amount of the grant shall be refunded to the Department.

§ 102.32. Amount of grant.

(a) The amount of the grant awarded under this subchapter shall be calculated in a manner and awarded in an amount established by the Secretary in the annual plan. A grant will not be awarded contrary to the limitations set out in subsections (b)—(e).

(b) A grant shall be matched at least dollar-for-dollar by the applicant to whom an award is made.

(c) An applicant may not be awarded more than \$25,000 for a specific project.

(d) A grant may be provided to reimburse actual approved expenditures. If funding is approved in advance of actual expenditures, the applicant will not be reimbursed until the applicant complies with § 102.34 (relating to certification of completion).

(e) A grant may be awarded to an organization for the following types of projects:

(1) Construction of new buildings and improvements to existing buildings utilized for conducting fairs and located upon fair grounds owned by the applicant or leased to the applicant for a term not less than the expected useful life of the improvement.

(2) Improvements to fair grounds and the purchase of additional fair ground land to be utilized primarily for the conducting of fairs.

Cross References

This section cited in 7 Pa. Code § 102.31 (relating to submission and processing of applications).

§ 102.33. Eligibility.

To be eligible for a capital improvement matching grant, an applicant shall conduct an annual agricultural fair under § 102.23(a) (relating to eligibility), and shall be eligible for a grant under section 5(1) of the act (3 P. S. § 1505(1)), both in the year the application for capital improvements matching funds is filed, and in the year the project for which the grant is sought is, or will be, constructed or purchased.

§ 102.34. Certification of completion.

Within 30 days of completion of a project funded by a matching grant, the applicant shall file with the Department a certificate of completion, signed by its president or treasurer, stating that the funds were expended in accordance with section 5(1)(ii) of the act (3 P. S. § 1505(1)(ii)) and this subchapter.

Cross References

This section cited in 7 Pa. Code § 102.32 (relating to amount of grant).

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