

The following law **“Creates the Urban Agriculture Program of the Municipality of Governador Valadares.”**

The objective of the program to which this law refers is the cultivation of produce, perennial plants, medicinal plants, fruits, and garden or decorative plants, as well as the raising of small animals and fish and the small-scale production of food and drink for human consumption within the limits of the city and its districts.

## **PROPOSED LAW Nº 5.265 OF 29 DECEMBER 2003**

### **Creating the Urban Agriculture Program of the Municipality of Governador Valadares**

The Municipal Council of Governador Valadares, State of Minas Gerais, approves:

Art. 1 – The Urban Agriculture Program of the Municipality of Governador Valadares is hereby created.

Para. 1 – For the purposes of this law, urban agriculture is understood as any activity aimed at the cultivation of produce, perennial plants, medicinal plants, fruits, and garden or decorative plants, as well as the raising of small animals and fish and the small-scale production of food and drink for human consumption within the limits of the city and its districts.

Para. 2 – The implementation of the program will take place on public land, through a land grant contract, and in private unused lands and aquatic spaces such as lakes and rivers, located in the Municipality of Governador Valadares which are zoned for urban agriculture activities.

Para. 3 – Private land is to be understood as properties, lots, estates and any area belonging to an individual or entity, built-up or not, with sufficient dimensions for the purposes of this program.

Art. 2 Following are the objectives of the Urban Agriculture Program of the Municipality of Governador Valadares:

I – combat hunger and malnutrition;

II – generate employment and income;

III – promote social inclusion;

IV – encourage social agriculture and economies of solidarity;

V – stimulate production for self-consumption;

VI – encourage association;

VII – foment agro-eco-tourism;

VIII – improve the urban environment through the recuperation and conservation of empty spaces;

IX – encourage direct sales by the producer;

X – reduce the cost of access to food for low-income consumers;

XI – encourage the use of medicinal plants and aromatherapy.

Singular paragraph: Any excess production can be commercialized at popular prices. Profits from this commercialization will be re-invested in production, will complement the income of the people involved in the cultivation, and will be used for the acquisition of inputs and tools to carry out the cultivation.

Art. 3 – The Executive will carry out the identification of the public areas appropriate for the implementation of the program.

Art. 4 – The Executive will survey privately-owned properties compatible for the implementation of the program, with the consent of the owners.

Para. 1 – To encourage urban agriculture in the municipality, the public authority can make use of fiscal incentives, the reduction of water, trash collection and sewer tariffs, incentives for the composting of organic waste and incentives for the capture of rainwater and run-off water.

Para. 2 – The private lands used for raising crops through this program will be considered as property which serves a social purpose, according to article 182, Para. 2 of the Federal Constitution.

Art. 5 – By virtue of serving a social purpose, the private lands used by the urban agriculture program will not be subject to progressive taxation as per article 7 of Federal Law 10.257/2001. The property tax (IPTU) will be constant as long as cultivation under the program continues.

Art. 6 – For effects of the IPTU property tax, private unimproved property and destined for urban agricultures will be considered improved non-residential property, with a rate of 0.6%, if the following requirements are met:

I – The property is registered with the Municipal Secretary of Environment, Agriculture and Food Supply – SEMA;

II – 10% (ten per cent) of the production will be donated to a philanthropic or educational institution registered with SEMA;

III – urban agriculture activity is to be maintained for at least 2 (two) years;

Para. 1. The requirement of clause II will only be required after six months following registration with the following municipal bodies:

- a) SEMA – Municipal Secretary of Environment, Agriculture and Food Supply
- b) SEPLAN – Municipal Secretary of Planning
- c) SMF – Municipal Housing Secretary

Para. 2 - The provisions contained in this article have the principle of seniority.

Para. 3 – Space appropriated for urban agriculture which is located in an area where the IPTU is not applied should also comply with conditions I, II and III, in order to fulfill this law.

Singular Paragraph. To comply with this article, the owner should sign a proper contract together with the responsible bodies of the Municipal Prefecture of Governador Valadares.

Art. 8 – In cases where the user does not practice UA, as defined conventionally, the user must return to the public treasury an amount equivalent to the reduction in tariffs and taxes referred to in Art. 6.

Art. 9 – The Executive will create a database of public and private lands appropriate for the implementation of the Program, and make the data available via internet.

Art. 10 – The Executive is authorized to sign agreements with private entities that carry out activities in the public interest for the implementation of the program.

Para. 1 – The Executive will regulate the criteria for the registry of the entities referred to in this article.

Para. 2 – The entities which have the longest records of community and social work and which comply with the remaining regulations of the Executive will have priority.

Art. 11 – Following are the priorities of the program:

I – the local production of food through within the perspective of agro-ecology;

II – A policy of agricultural credit and insurance;

III – guaranteed technical assistance and public research aimed at enhancing the program;

IV – incentives for the constitution of solidarity-based forms of production and commercialization of products;

V – incentives for the formation of cooperatives for the production and commercialization of products;

VI – finding ways and instruments to add value to the products;

VII – The creation of sales and distribution centers in the periphery of the city;

VIII – bringing producers and consumers of the same region closer together;

IX – encouraging merchants to sell local products in agricultural fairs and municipal markets;

X – the purchase of products from the program to supply schools, nurseries, shelters, community kitchens, hospitals and other service organizations

Art. 12 – The Executive guarantees the provision of courses and training in subjects related to the purposes of this law, as well as technical assistance to communities in the implementation of the program.

Art. 13 – The executive shall adopt measures so that the basic principles of agro-ecology are included in the content of certain educational disciplines, in accordance with the respective public institutions.

Art. 14 – The Executive is hereby authorized to sign agreements and contracts with the Union, the state, cooperatives, micro, small, medium, and large enterprises, as well as national and international entities in the interest of fulfilling this law.

Art. 15 – The expenses deriving from the execution of this law will be assigned in a separate budget line, to be supplemented if necessary.

Art. 16 – This Law enters into force on the date of its publication, revoking any existing contrary dispositions.

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Municipal Mayor

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Municipal Secretary of Environment, Agriculture and Food Supply

ESTER RODRIGUES ESPESCHIT  
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