

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

~~City~~ of Chenango
~~Town~~
~~Village~~

Local Law No. 3 of the year 19 91.

A local law The Chenango County Right To Farm Law
(Insert Title)

Be it enacted by the Chenango County Board of Supervisors of the
(Name of Legislative Body)

County

~~City~~ of Chenango as follows:
~~Town~~
~~Village~~

THE CHENANGO COUNTY RIGHT TO FARM LAW

The Agriculture, Buildings and Grounds Committee offered the following local law for enactment:

Be it enacted by the Chenango County Board of Supervisors as follows:

SECTION 1. TITLE. This local law shall be known as the Chenango County Right to Farm Law.

SECTION 2. Legislative Intent and Purpose. It is the general purpose and intent of this Local Law to maintain and preserve the rural tradition and character of the County of Chenango, to permit the continuation of the practice of farming within the County, to protect the existence and operation of established farms, and to encourage the initiation and expansion of farming practices. In recognition of the fact that there are many practices and activities which are inherent to and necessary for the practice of farming, it is the specific purpose and intent of this Local Law to attain the aforementioned goals and objectives by providing that such practices and activities may proceed and be undertaken free of unreasonable and unwarranted interference of restrictions. It is also recognized that it is desirable for farmers to be good neighbors.

SECTION 3. Definitions.

(a) Unless specifically defined below, words or phrases used in this Local Law shall be interpreted so as to give them the meanings they have in common usage and to give this Local Law its most reasonable application.

(b) "Farmer" shall mean any person, organization, entity, association, partnership, or corporation engaged in the practice of agriculture, whether for profit or otherwise, including the cultivation of land, raising of crops, raising of livestock and the grazing of pasture.

(c) "Farmland" shall mean land used primarily for bona fide agricultural production of those items and products set forth in the Agriculture and Markets Law of New York, Section 301.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

SECTION 4. Right of Farm. Farmers, as well as those employed, retained, or otherwise authorized to act on behalf of farmers, may lawfully engage in farming practices within the County of Chenango at any and all such times and all such locations as are reasonable necessary to conduct the practice of farming. For any activity or operation, in determining the reasonableness of the time, place and methodology of such operation, due weight and consideration shall be given to both traditional customs and procedures in the farming industry as well as to advances resulting from increased knowledge and improved technologies.

SECTION 5. Interference Prohibited.

(a) No person, group, entity, association, partnership or corporation will engage in any conduct or act in any manner so as to unreasonably, intentionally, knowingly, and deliberately interfere with, prevent, or in any way deter the reasonable practice of farming within the County of Chenango.

(b) Notwithstanding any other provision of this Act, agricultural activities conducted on farmland, if consistent with recognized agricultural practices and established prior to surrounding nonagricultural activities, are presumed to be reasonable and do not constitute a nuisance unless the activity has a substantial adverse effect on the public health and safety. No commercial agricultural or farming operation, place, establishment or facility, shall be or shall become a nuisance, as a result of changed conditions in or around the locality of such agricultural or farming operation, place, establishment, or facility which has been in operation for one year or more and if it was not a nuisance at the time it began operation. This section, however, shall not apply whenever a nuisance injurious to health, results from the operation of any such agricultural or farming operation, place, establishment, or facility or any of its appurtenances.

SECTION 6. Protection of Rights.

The provisions of Section 5 shall not affect or defeat the right of any person, firm, or corporation to recover damages for any injuries or damages sustained by them on account of any pollution of, or change in condition of, the waters of any stream or on the account of any overflow of lands of any such person, firm, or corporation.

SECTION 7. Construction with Other Laws. This Local Law and the provisions set forth herein are in addition to and not in lieu of all other applicable laws, rules and regulations which are therefore continued in full force and effect and unaffected by this Local Law. Conversely, this Local Law is not intended to contradict or contravene any law, rule, regulation, restriction or proscription of the United States, State of New York or County of Chenango, which may now or hereafter obtain.

SECTION 8. Severability Clause. If any part of this Local Law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this Local Law. The Chenango County Board of Supervisors hereby declares that it would have passed this Local Law and each section and subsection thereof, irrespective of the fact that any one or more of these sections, subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

SECTION 9. Effective Date. This Local Law shall be effective immediately upon filing, pursuant to Section 27 of the Municipal Home Rule Law.

Seconded by Mr. Powers

Results of a roll call vote were: Yes-2,012, No-335, Absent-124

No: Supervisors Briggs and Knoll

Absent: Supervisor Schlafer

The Chairman declared the Local Law duly adopted.