

1991-3

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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~~

FILED
1991 FEB 15 PM 3:32
COUNTY CLERK'S OFFICE
CHENANGO COUNTY, N.Y.

Local Law No.3..... of the year 19 91..

A local lawThe Chenango County Right To Farm Law.....
(Insert Title)

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

County
~~City~~ ofChenango..... 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.)
(1)

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.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 1991 of the (County)(City)(Town)(Village) of Chenango was duly passed by the Board of Supervisors on February 11 1991, in accordance with the applicable provisions of law. (Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____ in accordance with the applicable provisions of law. (Name of Legislative Body) (Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law. (Name of Legislative Body) (Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____ in accordance with the applicable provisions of law. (Name of Legislative Body) (Elective Chief Executive Officer*)

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.



[Signature]
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

Date: February 15, 1991

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF Chenango

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Richard W. Buesler
Signature
County Attorney
Title
County
City
Town
Village
of Chenango
Date: February 15, 1991

Chenango County, SS
Recorded on this 15th Day
of February 1991 at 3:37
o'clock P. M., in Liber 1 of
Local Laws
at Page 127 and examined
Fred A. DePal Clerk