

RIGHT TO FARM LAW OF THE TOWN OF BRISTOL

SECTION 1. Statement of Legislative Findings and Intent.

(A) It is hereby found and declared by the Town Board of the Town of Bristol that agricultural lands are irreplaceable assets. To that end, the Town Board finds farming to be an essential activity within the Town which greatly contributes to the economic viability of the Town. Farming also reinforces the special quality of life enjoyed by the Town's residents, providing a visual product of pastoral appearances and general economic benefits. Therefore, the Town Board emphasizes to both the Town's current residents and prospective newcomers to the Town, that it is the policy of this Town to conserve, protect and encourage the development and improvement of agricultural land.

(B) Furthermore, the Town Board hereby supports those farmers, as well as all those employed, retained or otherwise authorized to act on behalf of farmers, in their efforts to lawfully and responsibly engage in the time honored profession of farming. The Town Board hereby expresses its support of the enactment by the State Legislature of Chapter 797 of the Laws of 1992 of the State of New York which, among other things, added a new section to the Agriculture and Markets Law of the State of New York by establishing for the first time a statutory Right to Farm by prohibiting the commencement of private nuisance suits against farmers who engage in sound agricultural practices.

(C) The Town Board, in an effort to promote and foster a harmonious relationship between the residents of the Town and those who contemplate purchasing land within the Town of Bristol, and to conserve, protect and encourage the development and improvement of agricultural land for the production of food and other products, hereby declares that it shall be the policy of this Town to provide the following notice to prospective landowners that farming activities may occur on neighboring lands.

(D) Definitions.

(1) "Agricultural Practices" shall mean all activities conducted by a farmer on a farm to produce agricultural products and which are inherent and necessary to the operation of a farm including, but not limited to, the collection, transportation, distribution, storage and land application of animal wastes; storage, transportation and use of equipment

for tillage, planting, harvesting, irrigation, fertilization and pesticide application; storage and use of legally permitted fertilizers, limes and pesticides all in accordance with local, state and federal laws and regulations and in accordance with manufacturers' instructions and warnings; storage, use and application of animal feed and foodstuffs; construction and use of farm structures and facilities for the storage of animal wastes, farm equipment, pesticides, fertilizers, agricultural products and livestock, for the processing of animal wastes and agricultural products, for the sale of agricultural products, and for the use of farm labor, as permitted by local and state building codes and regulations, including construction and maintenance of fences and lanes;

(2) "Agricultural Products" shall mean all those products as defined in subdivision 2 of section 301 of the Agriculture and Markets Law;

(3) "Farm" shall mean the land, buildings and equipment contributing to the production, preparation and/or marketing of agricultural products.

(4) "Farmer" shall mean any person, organization, entity, association, partnership or corporation engaged in the raising of crops or the raising of livestock or livestock products as defined in subdivision 2 of section 301 of the agriculture and markets law, or the business of agriculture, including the cultivation of land, the raising of poultry, fish, or fur-bearing animals, the harvesting of timber or the practice of horticulture, aquaculture, apiculture or viticulture;

(5) "Generally accepted agricultural practices" shall mean those practices which are lawful, customary, reasonable, and necessary to the industry as they pertain to the practices listed in section 1 under definitions.

(6) "Agricultural Advisory Committee" shall mean the committee which advises the Town on any and all agriculture matters, including but not limited to, questions from Town residents regarding agricultural practices, location of drainage lines and farmland protection techniques. The committee is composed of five (5) representatives, three (3) from the food and agricultural industry in the Town of Bristol and two (2) non farm landowners representatives from the Town of Bristol. In the event the Town Agricultural Advisory Committee is unable to develop a recommendation, the Town will contact the County Agricultural Enhancement Board.

SECTION 2. Notice to Prospective Grantees

(A) (1) Upon the submission of a preliminary subdivision plat to the Planning Board of the Town of Bristol, pursuant to Section 276 of the Town Law of the State

of New York, and the applicable subdivision regulations of the Town, the applicant, in addition to any other requirements, shall submit a separate statement to the Planning Board stating whether the boundaries of the proposed subdivision are to be located partially, wholly or within 500 feet of either an Agricultural District or land for which an individual commitment has been received pursuant to Section 305 or 306 of the Agriculture and Markets Law of the State of New York.

(2) Upon the submission of any application for a building permit for a multi-family residence, the applicant, in addition to any other requirements, shall submit a statement to the building inspector stating whether any portion of the proposed multi-family residential premises is to be located partially, wholly or within 500 feet of either an Agricultural District or land for which an individual commitment has been received pursuant to Section 305 or 306 of the Agriculture and Markets Law of the State of New York.

(B) Should any proposed subdivision or multi-family residence be located partially, wholly or within 500 feet of either an Agricultural District or land for which an individual has been received pursuant to Section 305 or 306 of the Agriculture and Markets Law of the State of New York, then the following notice shall appear on (1) all contracts of sale, purchase or exchange of residential real property, (2) final subdivision plats or, in the case of a multi-family residential dwellings, on the building permits:

"It is the policy of this State and the Town of Bristol to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly in, or within 500 feet of, either an agricultural district or land for which an individual commitment has been received pursuant to Section 305 or 306 of the Agriculture and Markets Law of the State of New York, and that farming activities occur in such district or land. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors."

SECTION 3. Resolution of Disputes.

(1) Should a controversy arise regarding an inconvenience or discomfort occasioned by agricultural operations, including but not limited to noises, odors, fumes, dust, the

operation of machinery of any kind during any hour of the day or night, the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and/or pesticides, the parties will submit the controversy to the Town of Bristol Agricultural Advisory Committee as set forth below in an attempt to resolve the matter prior to the filing of any court action.

(2) Controversy between parties may be submitted to the Code Enforcement Officer, whose decision shall be advisory only, within thirty (30) days or as soon as possible, of the date of the occurrence of the particular activity giving rise to the controversy or of the date a party became aware of the occurrence.

(3) The controversy shall be presented to the Agricultural Advisory Committee by written consent of one of the parties within the time specified herein. Thereafter, the Agricultural Advisory Committee will investigate the facts of the controversy, but must, within thirty (30) days or as soon as possible, hold a meeting with both parties to consider the merits of the matter, and within twenty (20) days after meeting with both parties, the Agricultural Advisory Committee, will render a written decision to the parties. At the time of the initial meeting, both parties shall have an opportunity to present what each considers to be pertinent facts.

(4) The decision of the Agricultural Advisory Committee shall not be binding. If one of the parties is not satisfied with the Committee's decision, the matter shall be submitted to the Town Board according to the procedures set forth as follows:

- (a) The controversy between the parties shall be submitted to the Town Board upon consent of one of the parties.
- (b) The Town Board shall review the controversy with a report from the Agricultural Advisory Committee. Within thirty (30) days, or as soon as possible, a written decision will be issued to the all parties.

SECTION 4. PENALTIES

Non-compliance with any provision of this local law, shall not affect title to real property, no prevent the recording of any document. Violation of any provisions of this local law may constitute an offence punishable by law with a fine of not less than Twenty-five and No/100 Dollars (\$25.00) nor more than One Hundred Fifty and No/100 Dollars (\$150.00) for each day's violation or continuation of the violation.

In addition, an action to restrain or enjoin any violation of this local law may be brought in a court of competent jurisdiction by any aggrieved entity and/or the Town of Bristol.

SECTION 5. SEVERABILITY

Each separate provision of this local law shall be deemed independent of all other provisions herein, and if any provision shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

SECTION 6. EFFECTIVE DATE

This local law shall take effect upon filing as required by law.