

August 21, 2002

MOTION

ADOPTION OF LOCAL LAW NUMBER 2 OF 2002
GREENE COUNTY RIGHT TO FARM LAW

WHEREAS, a public hearing was held on August 21, 2002 to receive comments on the Introductory Local Law Number 2 of 2002, referred to as Greene County Right to Farm Law, as required by Municipal Home Rule Law Section 20 (5); and

WHEREAS, comments were received regarding the Right to Farm Law and duly noted;

NOW, THEREFORE, BE IT ENACTED, that the Greene County Legislature hereby adopts Local Law Number 2 of 2002, referred to as Greene County Right to Farm Law under Municipal Home Rule Law Sections 10 (5), (11) and (12).

Motion by Legislator Ohm

Seconded by Legislator full Legislature

ROLL CALL VOTE:

Ayes 12 Noes 0 Absent 1 Prest CARRIED

August 21, 2002

LOCAL LAW NUMBER 2 OF 2002

A LOCAL LAW regarding the Right To Farm Law

BE IT ENACTED by the County Legislature of the County of Greene, as follows:

SECTION 1: Legislative Intent and Purpose

The Legislature of the County of Greene finds, declares, and determines that farming is important to Greene County because it is a livelihood that preserves the rural traditions and character of the county; provides employment for agribusiness; provides locally produced, fresh commodities; agricultural diversity promotes economic stability; agriculture maintains open space and promotes environmental quality; and agricultural land does not increase the demand for services provided by local governments. In order to maintain a viable farming economy in the County of Greene, farmers shall be afforded protection allowing them the right to farm. When nonagricultural land uses extend into agricultural areas, agricultural operations may become the subject of nuisance suits. As a result, agricultural operations may be forced to cease operations or may be discouraged from making investments in farm improvements.

Chapter 797 of the Laws of 1992 of the State of New York provides the important foundation for achieving right to farm protection. It is the purpose of this Local Law to reduce the loss to the County of Greene of its agricultural resources by limiting the circumstances under which farming may be deemed to be a nuisance and to allow agricultural practices inherent to and necessary for the business of

*Filed with
Sec. of State
9/16/02*

farming to proceed and be undertaken free of unreasonable and unwarranted interference or restriction.

SECTION 2: Definitions.

The Legislature of the County of Greene incorporates herein for the purposes of this Local Law the definitions found in Section 301 of Article 25AA of the State Agriculture and Markets Law.

In addition to those definitions found in Section 301 of Article 25AA of the State Agriculture and Markets Law, the following definitions are also applicable for the purposes of this Local Law.

1. "Farmland" shall mean "land used in agricultural production", as defined in subdivision four of section 301 of Article 25AA of the State Agriculture and Markets Law.
2. "Farmer" shall mean any person, organization, entity, association, partnership, limited liability company, corporation or other entity engaged in "land used in agricultural production", as defined in subdivision four of section 301 of Article 25AA of the State Agriculture and Markets Law.
3. "Agricultural products" shall mean "Crops, livestock and livestock products" as defined in subdivision two of section 301 of Article 25AA of the State Agriculture and Markets Law.
4. "Agricultural practices" shall mean "Farm operation" as defined in subdivision eleven of section 301 of Article 25AA of the State Agriculture and Markets Law.

SECTION 3: Right to Farm Declaration.

The Legislature of the County of Greene hereby expresses and acknowledges its support of Section 308 of Article 25AA of the Agriculture and Markets Law, which added a new section to the Agriculture and Markets Law of the State of New York establishing for the first time a statutory right to farm. It addresses sound agricultural management practices in an attempt to limit the commencement of private nuisance suits against farmers. The state right to farm law provides that an agricultural practice shall not constitute a public or private nuisance, so long as it constitutes a sound agricultural practice.

SECTION 4: Right to Farm Disclosure.

In order to promote harmony between farmers and their neighbors, the Greene County Legislature hereby acknowledges and expresses its support of Section 310 of Article 25AA of the State Agriculture and Markets Law, which provides that, whenever any purchase or sale contract is presented for the sale, purchase, or exchange of real property located partially or wholly within an agricultural district, the prospective grantor shall deliver to the prospective grantee a notice which states the following:

"It is the policy of this state and this community 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 and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors. Prospective residents are also informed that the location of property within an agricultural district may impact the ability to access water and/or sewer services for such property under certain circumstances."

SECTION 5: Severability Clause.

If any part of this Local Law is for any reason held to be unconstitutional or invalid, such decision shall not effect the remainder of this Local Law.

SECTION 6: Effective Date.

This Local Law shall be effective immediately upon filing with the New York Secretary of State.