

## Local Law Filing

(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 ☒ Town ☐ Village  
(Select one.)

of Guilford

Local Law No. 5 of the year 2019

A local law entitled Right to Farm Local Law  
(Insert Title)

Be it enacted by the Town Board of the  
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village  
(Select one.)

of Guilford

as follows:

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

(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. 5 of 2019 of the ~~(County)(City)(Town)(Village)~~ of Guilford was duly passed by the Town Board on December 11, 2019, 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 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body)  
(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer\*)  
on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body)  
(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. (Elective Chief Executive Officer\*)

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 \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**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 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body)  
(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* 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 chairperson 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.)**

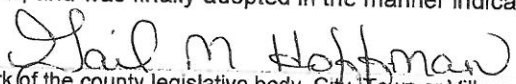
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, 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 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, 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 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 \_\_\_\_\_<sup>1</sup> above.

  
Clerk of the county legislative body, City, Town or Village Clerk or  
officer designated by local legislative body

(Seal)

Date: \_\_\_\_\_ 12/11/19 \_\_\_\_\_

**TOWN OF GUILFORD, NEW YORK**

**A LOCAL LAW NO. 5 OF THE YEAR 2019 ENTITLED**

**"RIGHT TO FARM LOCAL LAW"**

**Section 1: Title.**

This Local Law shall be known as the Guilford Right to Farm Law.

**Section 2: Legislative Authority.**

This Local Law is enacted pursuant to the provisions of the Agricultural and Markets Law of the State of New York and the Municipal Home Rule Law of the State of New York.

**Section 3: 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 Town of Guilford, to permit the continuation of the practice of farming within the Town, 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 and restrictions. It is also recognized that it is desirable for farmers to be good neighbors.

**Section 4: Definitions.**

- A. Unless specifically defined below, the words, phrases, terminology used in this Local Law shall have the same definitions as contained in Section 301 of the State Agricultural and Markets Law as existing or hereinafter amended and in those instances where interpretation is still required such terminology, words, and phrases 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. "Operator" shall mean a farmer and any other person, organization, entity, association, partnership, limited liability company, or corporation engaged in "Agricultural Practices" as below herein defined, whether for profit or otherwise, for the production of "agricultural products" as below herein defined, including, but not necessarily limited to, the cultivation of land, raising of crops, raising livestock, and grazing of pasture.
- C. "Farmland" shall mean land located within the Town of Guilford, Chenango County, New York, used primarily for bona fide "Agricultural Practices" as defined herein for the production of "agricultural products" as defined below herein and in section 301 (2) of the Agricultural and Markets Law as existing and as hereinafter amended. Farmland may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.
- D. "Agricultural Products" shall mean those products as defined in section 301 (2) of Article 25AA of the State Agriculture and Markets Law and farmed elk, honey and beeswax.

- E. "Agricultural Practices" shall mean those activities or practices engaged in by an "Operator" as above defined herein, necessary for on-farmland production, preparation, marketing, keeping or raising of "agricultural products" as above defined herein 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 law 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 sale of agricultural products, and for the use of farm labor, as permitted by local and state building codes and regulations; including the construction and maintenance of fences.
- F. "Farm Operations" shall mean the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation, and marketing of "agriculture products" as above defined herein, whether for profit or otherwise, and including a horse boarding or horse breeding operation, whether for profit or otherwise. Such Farm Operations may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

#### **Section 5: Right to Farm.**

Operators and farmers, as well as those employed, retained, or otherwise authorized to act on behalf of an Operator or farmer, may lawfully engage in Agricultural Practices and engage in Farm Operations upon Farmland, at any and all such times of the day and night without restriction and all such locations as are reasonable and necessary to conduct and engage in Agricultural Practices and Farm Operations. In determining the reasonableness of time, place, and methodology of any agricultural practice, 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.

Agricultural Practices and Farm Operations on Farmland shall not be found to be a public or private nuisance if such Agricultural Practices and Farm Operations are:

- A. Reasonable and necessary to the particular farm or Farm Operation,
- B. Conducted in a manner which is not negligent or reckless,
- C. Conducted in conformity with general accepted and sound Agricultural Practices,
- D. Conducted in conformity with all local, state, and federal laws and regulations,
- E. Conducted in a manner which does not constitute a threat to public health and safety or cause injury to the health or safety of any person, and
- F. Conducted in a manner which does not unreasonably obstruct the free passage or use of navigable waters or public roadways.

#### **Section 6: Interference Prohibited.**

- A. No person, group, entity, association, partnership, limited liability company, or corporation

shall engage in any conduct or act in any manner so as to unreasonably, intentionally, knowingly, and deliberately impede, interfere with, prevent or in any manner deter an Operator or farmer, from conducting or engaging in Agricultural Practices and/or conducting or engaging in Farm Operations upon Farmland.

- B. Notwithstanding any other provision of this Local Law, agricultural activities and Farm Operations conducted upon Farmland, if consistent with recognized (sound-best management) 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 agricultural or farming operation, place, establishment or facility, shall be or shall become a nuisance, as a result of changed conditions on 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 7: Protection of rights.**

The provisions of Section 6 shall not affect or defeat the right of any person, firm, corporation, or other entity to recover damages for any personal injury or property damage suffered or incurred by them or it on account of the pollution of, or change in the condition of the waters of an underground aquifer, spring, well, pond, lake, or stream located upon the lands of such injured party, or on account of the overflow of same located upon the lands of the offending party, which said injury or damages are due to Agricultural Practices or farming operations conducted upon Farmlands by an Operator or farmer.

#### **Section 8: Resolution of Disputes.**

Any issue of controversy that arises which cannot be resolved directly between the parties involved, and is not addressed by other laws or regulations, will be referred to New York State Department of Agriculture and Markets.

#### **Section 9: 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, County of Chenango, or Town of Guilford, which may now or hereafter obtain.

#### **Section 10: Notice to Prospective Real Estate Buyers.**

In order to promote harmony between farmers and their neighbors, the Town requires landholders and/or their agents and assigns to provide notice to prospective purchasers and occupants as follows: "The Town of Guilford is a rural agricultural community, and that active farms and agricultural operations are supported and protected by state and local Right-to-Farm Laws. One should be aware of the inherent potential conditions associated with such farms and operations including, but are not limited to, noise, odors, fumes, dust, smoke, insects, operation of machinery

during any hour, day or night, storage and disposal of plant and animal waste products, and the applications of chemical fertilizers, soil amendments, herbicides, and pesticides by ground or aerial spraying or other methods. Purchasing or occupying land within the Town of Guilford means that one should expect and accept such conditions as a normal and necessary aspect of living in such an area.”

**Section 11: 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 Guilford Town Board 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 12: Effective Date.**

This Local Law shall be effective immediately upon filing with the Secretary of State, pursuant to Section 27 of the Municipal Home Rule Law.