

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
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(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~~

of JACKSON

Local Law No. 1 of the year 1994

A local law known as RIGHT TO FARM LAW OF THE TOWN OF JACKSON

(Insert Title)

Be it enacted by the Town Board of the

(Name of Legislative Body)

~~COUNTY~~

~~CITY~~

Town

~~VILLAGE~~

of Jackson as follows:

1. **TITLE:** This local law shall be known as the Right to Farm Law of the Town of Jackson.

2. **DECLARATION OF POLICY 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 Jackson to permit the continuation of the business of farming within the town, to protect the existence and operation of existing farms, and to encourage the initiation and expansion of farming businesses, consistent with the declared policy of the State of New York in Article XIV of the State Constitution and further enumerated in the Agriculture and Markets Law, Section 25-AA. In recognition of the fact that there are many practices and activities which are inherent to and necessary for the business 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 or restrictions. The Town Board further finds that the continued maintenance and growth of farming are essential elements in the economic stability of the Town of Jackson, and so declares that agriculture is the preferred and dominant land use. An additional purpose is to promote a good neighbor policy between agricultural and nonagricultural residents of the town and

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

encourage farmers to be considerate, responsible and careful with their practices so as to minimize the effect on others as much as possible.

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) As used in this Local Law, the following terms shall have the meaning indicated:

**FARMER** - Any person, organization, entity, association, partnership or corporation engaged in the business of agriculture, whether for profit or otherwise, including but not limited to the cultivation of land, the raising of crops, the raising of livestock, poultry, fur bearing animals or fish, the harvesting of timber, or the practicing of horticulture or apiculture.

**FARMING PRACTICES** - Any legal activity engaged in by a farmer in connection with the furtherance of the business of farming and shall include but not be limited to: 1) the collection, transportation, distribution and storage of animal and plant wastes; 2) the storage, transportation and use of equipment for tillage, planting and harvesting; 3) the transportation, storage and use of legally permitted fertilizers and limes, insecticides, herbicides and pesticides, in accordance with the manufacturer's instructions and warnings and local, state and federal regulations; and 4) the construction of farm structures, fences and facilities as permitted by local and state building codes and regulations.

4. RIGHT TO FARM: Farmers, as well as those employed or otherwise authorized to act on behalf of farmers, may lawfully engage in farming practices within the Town of Jackson at any and all such times and at all locations to conduct the business 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 custom and procedures in the farming industry as well as to advances resulting from increased knowledge and improved technologies.

5. RESOLUTION OF DISPUTES by Grievance Committee:

Any issue or controversy that arises which cannot be resolved directly between the parties involved, and is not addressed by other laws or regulations, may be promptly and inexpensively resolved by referral to the local Grievance Committee.

A - The Grievance Committee shall be appointed by the Town Board and will consist of three (3) members. At least two

(2) of these members shall be residents of the Town of Jackson, one of the two will be from an agricultural related business and the other from a non-agricultural related background. Selection of the third member may be at-large from Washington County such as a county extension agent or other county official. The original appointments shall have terms of one for one year, one for two years and one for three years. Thereafter one member will be appointed annually for a three year term.

B - Any controversy between the parties shall be submitted to a grievance committee within thirty (30) days of the date of the occurrence of the particular activity giving rise to the controversy or of the date a party becomes aware of the occurrence.

C - The parties recognize the value and importance of full discussion and complete presentation and agreement concerning all pertinent facts in order to eliminate any misunderstandings. The parties will cooperate in the exchange of pertinent information concerning the controversy.

D - The controversy shall be presented to the committee by written request of one of the parties within the time limits specified. Thereafter the committee may investigate the facts of the controversy but must, within thirty (30) days, hold a meeting to consider the merits of the matter and within twenty (20) days of the meeting render a written decision to the parties. At the time of the meeting both parties shall have the opportunity to present what each considers to be pertinent facts.

E - The decision of the committee shall not be binding. If one of the parties is not satisfied with the committee's decision, upon agreement of both parties, the matter may be submitted to the Town Board according to the procedures set forth in sub-section F below.

F - Town Board Procedures:

(1) The controversy between the parties shall be submitted to the Town Board upon written agreement of both parties.

(2) The Town Board shall review the controversy with a report submitted from the proceedings of the Grievance Committee. Within thirty (30) days of the written request the Town Board shall render a written decision to the parties.

6. INTERFERENCE PROHIBITED: 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/or deliberately interfere with, prevent or in any way

deter the practice of farming within the Town of Jackson. Such actions may constitute an offense, punishable by law with a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred fifty dollars (\$150.00) for each day's violation or continuance of violation. The costs of any litigation arising from such related incidents shall be borne by the losing party.

7. CONSTRUCTION WITH OTHER LAWS: Pursuant to the declaration of policy set forth in Section 2, farming practices in the Town of Jackson shall not be considered a public or private nuisance, provided such farming practices are consistent with management practices recommended by the United States Department of Agriculture Soil Conservation Service or the New York State Department of Agriculture and Markets with due consideration of both traditional farming practices used in the Town of Jackson and advances resulting from increased knowledge and improved technologies. This Local Law and the prescriptions set forth herein are in addition to all other applicable laws, rules and regulations.

8. NOTIFICATION OF REAL ESTATE BUYERS: In order to promote harmony between farmers and their new neighbors, the Town of Jackson requires land holders and/or their agents and assigns to provide notice to prospective purchasers and occupants as follows: "This property is within the Town of Jackson. It is the policy of the Town to conserve, protect, and encourage the development and improvement of farm operations within our borders for the production of food and other products and one should be aware of the inherent potential conditions associated with such purchases or residence. Such conditions may include but are not limited to noise, odor, fumes, dust, smoke, insects, operation of machinery during any hour, day or night, storage and disposal of plant and animal waste products, and the application of chemical fertilizers, soil amendments, herbicides and pesticides by ground or aerial spraying or other methods. Occupying land within the Town of Jackson means that one should expect and accept such conditions as a normal and necessary aspect of living in such an area."

9. 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 Town Board of the Town of Jackson 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.

10. EFFECTIVE DATE: This Local Law shall be effective immediately upon filing, pursuant to Section 27 of the Municipal Home Rule Law.