

(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 Hampton

Local Law No. 2 of the year 1997

A local law Town of Hampton, Right to Farm Law
(Insert Title)

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

~~COUNTY~~

~~CITY~~

Town

~~VILLAGE~~

of Hampton as follows:

Section 1. Findings and Policy.

(a) It is the declared policy of this Town to maintain agricultural operations within the Town. It is the further intent of this Town to provide to the residents of this Town proper notification of the Town's recognition and support through this law of those persons' and/or entitles' right to farm.

(b) Where non-agricultural land uses extend into agricultural areas or exist side by side, agricultural operations frequently become the subjects of nuisance complaints due to lack of information about such operations. As a result agricultural operators are forced to cease or curtail their operations. Such actions discourage investments in farm improvements to the detriment of adjacent agricultural uses and the economic viability of the Town's agricultural industry as a whole. It is the purpose and intent of this section to reduce the loss to the Town of its agricultural industry as a whole. It is the purpose and intent of this section to reduce the loss to the Town of its agricultural resources by clarifying the circumstances under which agricultural operations may be considered a nuisance. This law is not to be construed as in any way modifying or abridging any New York State Law or any other applicable provisions of State law relative to nuisances, rather it is only to be utilized in the interpretation and enforcement of the provisions of this Town Law.

(c) An additional purpose of this law is to promote a "good neighbor" policy by advising purchasers and users of property adjacent to or near agricultural operations of the inherent potential problems associated with such purchase or residence. Such concerns may include, but are not limited to, the noises, odors, dust, chemicals, smoke, and hours of operation that may accompany agricultural operations. It is intended that, through mandatory disclosures, purchasers and users will better understand the impact of living near agricultural operations and be prepared to accept attendant conditions as

(If additio

the natural result of living in or near rural areas.

Section 2. Authority.

Under Section 10 of the Municipal Home Rule Law the Town of Hampton adopts the Right to Farm Law.

Section 3. Definitions.

As used in this Law No. 2 of 1997:

(a) "Agricultural Land" shall mean all the real property within the boundaries of the Town of Hampton currently used for agricultural operations or upon which agricultural operation may in the future be established.

(b) "Agricultural Farm Operation" shall mean any person, organization, entity, association, partnership or corporation engaged in the business of agriculture, whether for profit or otherwise.

(c) "Agricultural Practices" shall mean any activity including the cultivation of land, the raising of crops, the raising of livestock, poultry, horticulture, timber, agriculture and fur bearing animals, or maple sugar processing. Further, agriculture practices shall mean any activity now permitted by law, engaged in by a farmer as defined herein, in connection with and in furtherance of the business of farming and shall include, without limitation, the collection, transportation, distribution, and storage of animal and poultry wastes; storage, transportation, and use of equipment for tillage, planting, harvesting and marketing; transportation, storage and use of legally permitted fertilizers and limes, insecticides, herbicides, and pesticides all in accordance with local, state, and federal law and regulation and in accordance with the manufacturer's instructions and warnings; construction of farm structures and facilities as permitted by local and state building code regulation; construction and maintenance of fences.

(d) "Town" shall mean the Town of Hampton, Washington County, New York and its Town Board.

Section 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 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 customs and procedures

in the farming industry as well as to advances resulting from increased knowledge and improved technologies.

Section 5. Nuisance.

No agricultural activity, operation, or facility or appurtenances thereof, conducted or maintained in a manner consistent with management practices such as those recommended by state and federal agencies within the educational aspects of farmers and agricultural practices, herein and after referred to as accepted customs and standards, shall be or become a nuisance, private or public.

Section 6. Disclosure.

The Town shall publish an abbreviated copy of Law, including Section 1 in the local newspaper to draw attention to the existence of the law.

Section 7. Separability.

If any section, sentence, clause or phrase of this law is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of the law.

Section 8. Precedence.

This local law and the proscriptions set forth herein are in addition to all other applicable laws, rules and regulations.

Section 9. Resolution of Disputes.

(a) Should any controversy arise regarding any inconveniences 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 pesticides, the parties will submit the controversy to the Town Board as set forth below in an attempt to resolve the matter prior to the filing of any court action.

(b) Any controversy between the parties may be submitted to the Town Board whose decision shall be advisory only, within (30) days 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.

(c) The committee shall be composed of the Town Board.

(d) The effectiveness of the Town Board as a forum for resolution of disputes is dependent upon full discussion and complete presentation of all pertinent facts concerning the dispute in order to eliminate any misunderstandings. The parties are encouraged to cooperate in the exchange of pertinent information concerning the controversy.

(e) The controversy shall be presented to the Town Board by written consent of one of the parties within the time specified. Thereafter the Town Board 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 an opportunity to present what each considers to be pertinent facts.

(f) The decision of the Town Board shall not be binding.

Section 10. Posting the Law.

Right to Farm signs will be maintained throughout the Town.

Section 11. Filing.

This local law shall become effective upon filing with the Secretary of State.

(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. 2 of 1997 of the ~~(County)(City)(Town)(Village)~~ of Hampton was duly passed by the Town Board on June 18 1997, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. ~~(Passage by local legislative body with approval, disapproval or repassage after disapproval by the Elective Chief Executive Officer*)~~ N/A

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 approved)(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)~~ N/A

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 approved)(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)~~ N/A

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 approved)(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 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 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 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...1....., above.

Stephanie Wicks
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: Aug 20, 1997

(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 Washington

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.

Michael S. Martin
Signature
Michael S. Martin
Town Attorney
Title

~~XXXXX~~
~~XXY~~ of Hampton
Town
~~XXXXX~~

Date: June 18, 1997
August 20