

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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

~~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.

(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. 1 of 1994 of the ~~(County)~~(City)(Town)(Village) of Jackson was duly passed by the Town Board on May 4, 1994, 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 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.)

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.)

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 _____, above.

Jane Keys, Clerk
Clerk of the County legislative body, City, Town or Village Clerk **Jane Keys**
or officer designated by local legislative body

Date: 5 / 9 / 94

(Seal)

(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.

D. Alan Wray Jr.
Signature

Town Attorney
Title

~~CITY~~
~~TOWN~~ of Jackson
~~VILLAGE~~

Date: 5 / 5 / 94

NYS DEPARTMENT OF STATE
BUREAU OF STATE RECORDS
162 Washington Avenue
Albany, NY 12242-0500

5/12/94

MUNICIPALITY		
Town of Jackson		
LOCAL LAWS NO.	YEAR	FILED DATE
1	1994	5/11/94

Local Law Acknowledgment

— |
D. ALAN WRIGLEY JR.
27 WEST MAIN STREET
PO BOX 255
CAMBRIDGE NY 12816
— |

The above-referenced material was received
and filed by this office as indicated.

Additional local law filing forms will be
forwarded upon request.