

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, 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.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED

APR 15 1999

Allyn F. Pincus
Secretary of State

County
City of Caroline
Town
Village

Local Law No. 1 of the year 1999

A local law known as the Right to Farm Law
(Insert Title)

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

County
City of Caroline as follows:
Town
Village

SECTION 1. Legislative Intent and Purpose

a. The Town Board of the Town of Caroline finds that farming is an essential activity within the Town of Caroline.

b. Farming, as defined herein, reinforces the special quality of life enjoyed by residents of the Town, provides the visual benefit of open space and generates economic benefits and social well-being within the community. Therefore, the Town of Caroline emphasizes to newcomers and non-farmers that this Town encourages agriculture and requests newcomers and non-farmers to be understanding of the nature of day to day operations.

c. It is the general purpose and intent of this Local Law to maintain and preserve the rural tradition and character of the Town of Caroline, to permit the continuation of agricultural practices, to protect the existence and operation of farms, and to encourage the initiation and expansion of farms and agricultural businesses.

d. For the purpose of reducing future conflicts between farmers and non-farmers, it is important that notice to be given to future neighbors about the nature of agricultural practices.

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

SECTION 2. Definitions

a. "Farm" - includes livestock, dairy, poultry, furbearing animal, aquaculture, fruit, vegetable and field crop farms, plantations, orchards, nurseries, greenhouses or other similar operations used primarily for the raising of agricultural or horticultural commodities.

b. "Agricultural Practices" - includes all activities conducted on or in connection with a farm and necessary to the operation of a farm including, but not limited to, the following: operation of farm equipment; use of agricultural chemicals and other crop protection methods; storage and disposal of animal wastes; construction and use of agricultural structures; and direct sales to consumers of agricultural commodities or products.

SECTION 3. The Right to Undertake Agriculture Practices

Farmers, as well as those employed, retained, or otherwise authorized to act on behalf of farmers, may lawfully engage in farming practices within the Town of Caroline at any and all such times and at all such locations as are reasonably necessary 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, practices and procedures in the farming industry as well as to advances resulting from increased knowledge and improved technologies.

SECTION 4. Notice to Prospective Neighbors

The following notice shall be included in building permits and in any other situation where a permit is required to be issued by the Town of Caroline and on plats of subdivisions which propose the dedication to the Town of any road or other improvement.

"This property may border a farm, as defined in Town of Caroline Local Law No. 1 of the year 1999, a Local Law known as The Right to Farm Law or may be in an established agricultural district. Residents should be aware that farmers have the right to undertake good or acceptable farm practices which may generate dust, odor, smoke, noise, and vibration."

SECTION 5. SEVERABILITY CLAUSE

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

b. Nothing contained herein shall be construed as being inconsistent with any other local law, ordinance, rule or regulation of the Town of Caroline, the intention of this local law being to supplement and complement other local laws, ordinances, rules or regulations.

SECTION 6. EFFECTIVE DATE.

This Local Law shall be effective immediately upon filing, as provided by 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. _____ of 19__99 of the (County)(City)(Town)(Village) of Caroline was duly passed by the Town Board on April 8, 19__99, 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 _____¹_____, above.

Kim Martin Case

~~Clerk of the County, legislative body, City, Town or Village Clerk~~
~~or officer designated by local legislative body.~~

(Seal)

Date: April 9, 1999

(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 Tompkins

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.

Monlon R. Feun

Signature

Town Attorney

Title

~~County~~

~~City~~

Town

~~Village~~

Date: April 9, 1999