

Town of Ancram Local Law No. 1 of 2016
A Local Law enacting a Right to Farm Law for the Town of Ancram

Article I. Title, Legislative Intent and Purpose

A. This Local Law may be cited as “the Right to Farm Law of the Town of Ancram.”

B. The Ancram Town Board recognizes farming as an essential enterprise and an important industry which enhances the economic base, natural environment and quality of life in the Town of Ancram. The Ancram Town Board further declares that it shall be the policy of this Town to support agriculture and foster understanding by all residents of the necessary day-to-day operations involved in farming so as to encourage cooperation with those practices.

C. It is the general purpose and intent of this law to maintain and preserve the rural traditions and character of the Town, to permit the continuation of agricultural practices, to protect the existence and operation of farms, to support the initiation of farms, farm enterprises and agri-business, to promote and encourage the use of “AGRICULTURAL BEST MANAGEMENT PRACTICE SYSTEMS”, compiled by the NYS Soil and Water Conservation Committee, April 16, 2014, attached as Appendix A, and to promote new ways to resolve disputes concerning agricultural practices and farm operations. In order to maintain a viable farming economy in the Town of Ancram, it is necessary to limit the circumstances under which farming may be deemed to be a nuisance and to allow agricultural practices inherent to and necessary for commercial farming activities to proceed and be undertaken free of unreasonable and unwarranted interference or restriction. At the same time, the comprehensive farming rights that are outlined in this local law come with responsibilities for farmers to act as good neighbors and careful stewards of the land.

Article II. Definitions

A. “Farm” 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 crops, livestock and livestock products and woodland products as a commercial enterprise, or commercial horse boarding operations, or not-for-profit enterprises operating a farm under section 501c3 of the US Tax Code. Such farms may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

B. “Farmer” shall mean any person, organization, entity, association, partnership, limited liability company, corporation or 501c3 not-for-profit entity engaged in agriculture as a commercial enterprise, including but not limited to the cultivation of land, the raising of crops, or the raising of livestock.

C. “Farmland” shall mean land used to produce agricultural products.

D. “Agricultural products” shall mean those products as defined in section 301(2) of Article 25AA of the State Agriculture and Markets Law, including but not limited to:

1. Field crops, including but not limited to corn, wheat, rye, barley, hay potatoes and dry beans;
2. Fruits, including but not limited to apples, peaches, grapes, cherries and berries;
3. Vegetables, including but not limited to tomatoes, snap beans, cabbage carrots, beets and onions;
4. Horticultural specialties, including but not limited to nursery stock, ornamental shrubs, ornamental trees and flowers;
5. Livestock and livestock products, including but not limited to cattle, sheep, hogs, goats, horses, poultry, llamas, ratites, such as ostriches, emus, rheas and kiwis, farmed deer, farmed buffalo, fur bearing animals, milk and milk products, eggs, furs, and poultry products;

6. Maple sap and sugar products;
7. Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump;
8. Aquaculture products, including but not limited to fish, fish products, water plants and shellfish;
9. Short rotation woody crops raised for bioenergy;
10. Production and sale of woodland products, including but not limited to logs, lumber, posts and firewood;
11. Apiary products, including but not limited to honey, royal jelly, pollen, beeswax, and propolis;
12. Compost products; and
13. Actively managed log-grown woodland mushrooms.

E. "Agricultural practices" shall mean all activities conducted by a farmer on a farm to produce agricultural products and which are inherent and necessary to the operation of a farm and the on-farm production, processing, and marketing of agricultural products, 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, herbicides 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, herbicides, 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 operation" shall be defined in section 301(11) in the State of Agriculture and Markets Law.

Article III. Right-to-Farm Declaration

A. Farmers, as well as those employed, retained, or otherwise authorized to act on behalf of farmers, may lawfully engage in agricultural practices within this Town at all times and all such locations as are reasonably necessary to conduct the business of agriculture. For any agricultural practice, in determining the reasonableness of the time, place, and methodology of such 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, research and improved technologies.

B. Agricultural practices conducted on farmland shall not be found to be a public or private nuisance if such agricultural practices are:

1. Reasonable and necessary to the particular farm or farm operation,
2. Conducted in a manner which is not negligent or reckless,
3. Conducted in conformity with generally accepted and sound agricultural management practices, including—but not limited to—those cited in Appendix A, attached.
4. Conducted in conformity with all local, state, and federal laws and regulations,
5. Conducted in a manner which does not constitute a threat to public health and safety; or cause injury to public health, safety and the environment, or cause injury to the health or safety of any person, and
6. Conducted in a manner which does not reasonably obstruct the free passage or use of navigable waters or public roadways.

C. Nothing in this local law shall be construed to prohibit an aggrieved party from recovering damages for bodily injury or wrongful death due to a failure to follow sound agricultural practice.

Article IV. Notification of Real Estate Buyers

A. In order to promote harmony between farmers and their neighbors, the Town requires land holders and/or their agents and assigns to comply with Section 310 of Article 25-AA of the New York State Agriculture and Markets Law and provide notice to prospective purchasers and occupants when any purchase and sale contract is presented for the sale, purchase, or exchange of real property located partially or wholly within an agricultural district. The prospective grantor shall present to the prospective grantee a disclosure notice which states the following:

“It is the policy of this state and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This disclosure notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors. Prospective residents are also informed that the location of property within an agricultural district may impact the ability to access water and/or sewer services for such property under certain circumstances. Prospective purchasers are urged to contact the New York State Department of Agriculture and Markets to obtain additional information or clarification regarding their rights and obligations under article 25-AA of the Agriculture and Markets Law.”

B. Such disclosure notice shall be signed by the prospective grantor and grantee prior to the sale, purchase or exchange of such real property.

C. Receipt of such disclosure notice shall be recorded on a property transfer report form prescribed by the commissioner of taxation and finance as provided for in section three hundred thirty-three of the real property law.

D. This notice shall be provided to all prospective purchasers of property within the Town of Ancram.

E. A copy of this notice shall be included by the seller or seller’s agent as an addendum to the purchase and sale contract of properties subject to this notice at the time an offer to purchase is made.

F. In addition, this disclosure notice shall be included on a subdivision plat or site plan of properties subject to this notice submitted for Town approval.

Article V. Resolution of Disputes

A. Should any controversy arise regarding any inconveniences or discomfort occasioned by agricultural operations which cannot be settled by direct negotiation between the parties involved, either party may submit the controversy to the Town of Ancram Agricultural Advisory Council. If the matter is not resolved through the Agricultural Advisory Council, either party may submit the matter to the NYS Agricultural Mediation Program (www.nysamp.com).

Article VI. Severability

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 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 articles, subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Article VII. Precedence

This Local Law and its provisions are in addition to all other applicable laws, rules and regulations.

Article VIII. Effective Date

This Local Law shall be effective immediately upon filing with the New York Secretary of State.

APPENDIX A to Ancram Right to Farm Law

AGRICULTURAL BEST MANAGEMENT PRACTICE SYSTEMS

Source: Catalog compiled by NYS Soil and Water Conservation Committee, April 16, 2014

Agricultural System Descriptions	No. of Systems Included	Dates Descriptions Published
Access Control System	13	2007, 2010-2013
Agrichemical Handling and Storage System	9	2009-2012
Composting System – Animal	9	2009-2012
Erosion Control System – Structural	16	1985, 2002-3, 2009-13
Feed Management System	1	Oct 2012
Integrated Pest Management System	10	2010, 2011
Irrigation Water Management System	13	2010, 2011, 2013
Livestock Heavy Use Area Runoff Management System	24	2009 - 2013
Manure and Agricultural Waste Treatment System	11	2010 – 2013
Nutrient Management System – Cultural	2	2007, 2013
Pathogen Management System	17	2007-8, 2010-11, 2013
Petroleum and Oil Products Storage System	6	2010, 2011
Prescribed Rotational Grazing System	23	2007, 2010-13
Process Wash Water Management System	10	2006-7, 2009, 2011-13
Riparian Buffer System	21	2009-2013
Silage Leachate Control and Treatment System	17	2009-2013
Soil Conservation System – Cultural	9	2008-2011
Stream Corridor and Shoreline Management System	12	1987, 2007, 2010-11
Waste Storage and Transfer System	22	2006, 2009-13

For details on the individual systems, click on the link below for the catalog:

http://www.nys-soilandwater.org/aem/forms/Ag_BMP_Catalogue.pdf