

Town of Seneca
“Right to Farm Law”

As recommended by:

Town of Seneca Comprehensive Plan
Agricultural Subcommittee

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Be it enacted by the Town of Seneca as follows:

Section 1. TITLE

This local law shall be known as the “Right to Farm Law of the Town of Seneca.”

Section 2. DECLARATION OF POLICY AND PURPOSE

It is hereby found and declared by the Town Board of the Town of Seneca that agriculture lands are irreplaceable assets. To that end, the Town Board affirms that farming is an essential activity. Farming, as defined in the Right to Farm Law, reinforces the special quality of life enjoyed by citizens, provides the visual benefit of open space and generates economic benefits and social well-being within the community. Therefore, it is emphasized to residents that this municipality encourages its agriculture and requests its residents to understand the necessary day-to-day operations associated with agricultural land use.

It is the general purpose and intent of this local law to maintain and preserve the rural tradition and character of the Town of Seneca, to permit the continuation of agriculture practices and the business of farming, initiation and expansion of farms and agricultural businesses. 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, in an effort to promote and foster a harmonious relationship between the residents of the Town of Seneca, and to conserve, protect and encourage the development and improvement of agriculture land for the production of food and other products, hereby declares that it shall be the policy of the Town of Seneca to provide reasonable notice to prospective landowners that farming activities will occur on neighboring lands.

Section 3. DEFINITIONS

Unless specifically defined below, words or phrases used in this local law shall be interpreted so as to give them the meaning they have in common usage and to give this local law its most reasonable and effective application.

As used in this local law, the following terms shall have the meaning indicated:

“AGRICULTURAL LAND” -- shall mean any single or multiple, contiguous or noncontiguous parcel or parcels, that together represent all that real property within the boundaries of the Town of Seneca currently used for agriculture farm operations or upon which agriculture practices are being utilized or upon which agriculture farm operations or agriculture practices may in the future be established or utilized.

“AGRICULTURAL FARM OPERATIONS” – shall mean any person, organization, entity, association, partnership or corporation engaged in the business of agriculture or farming or agriculture practices whether for profit or otherwise.

“AGRICULTURE PRACTICES”-- shall mean any activity, including the cultivation of land, the raising of crops, the raising of livestock, dairy, poultry, horticulture, timber; the production, whether for sale to others or home use or consumption, of plants and animals, fruit, vegetable and field crops; plantations, orchards, nurseries, greenhouses, or other similar agricultural practices used primarily for the raising, marketing, or sales of on-premises produced agricultural, horticultural or agricultural and horticultural value-added commodities. Further, agricultural practices shall include any activity now permitted by law or recommended by the NYS Agricultural Experiment Station, Natural Resources Conservation Service or Soil and Water Conservation District engaged in by or on behalf of a farmer in connection with and furtherance of the business of agriculture or farming and shall include without limitation, the collection, transportation, distribution and storage of animal and poultry waste; 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 fungicides, all in accordance with local, state, and federal law and in accordance with the manufacturer’s instructions and warnings; the generation of noise; construction of farm structures and facilities as permitted by local and state building code regulation; construction and maintenance of fences and other enclosure; and the use and/or maintenance of related pastures, idle or fallow land, woodland, wetland, farm ponds, farm roads and certain farm buildings and other structures related to the agriculture practices.

The following examples are intended to be illustrative of common agricultural practices covered within this definition, but are not inclusive:

1. Providing for the wholesale and retail marketing, including U-pick marketing, and sales of the agricultural output of the farm and value-added related products that contribute to farm income, including the sale at the owner’s farm stand of agricultural products.
2. Replenishing soil nutrients, including but not limited to the spreading of manure and applying approved chemical and organic fertilizers.
3. Using federally approved products, in accordance with label instructions, as recommended by the New York Agricultural Experiment Station, the United States Environmental Protection Agency, and the New York Department of Environmental Conservation for the control of pests, predators, varmints, diseases affecting plants and livestock, and for the control of weed infestation.
4. Transporting large, slow-moving equipment over roads within the Town of Seneca, in accordance with local, state, and federal law and regulation.

5. Occasional traffic and travel inconveniences due to weather conditions (e.g. extreme heat, rain, mud) are to be expected on highways in the Town of Seneca.

The foregoing uses, activities and rights when reasonable and necessary for agricultural or horticultural production and when conducted in accordance with generally accepted agricultural practices may occur on holidays, Sundays and weekends, by day or night.

“FARMER” – Shall mean any person, organization, entity, association, partnership or corporation engaged in the agricultural farm operation or agricultural practices as defined herein.

“FARMING”—shall mean the act of engaging in an agricultural farm operation and/or agricultural practices as defined herein.

Section 4. RIGHT TO FARM

Farmers, as well as those employed or otherwise authorized to act on behalf of farmers, may lawfully engage in agricultural practices or an agricultural farm operation within the Town of Seneca at any and all such times and at all such locations as are reasonably necessary to carry on an agricultural farm or agriculture value-added operation or agricultural practice. In determining the reasonableness of the time, place, and methodology of such operation, due weight and consideration shall be given to both traditional customs, procedures and sound agricultural practices in the agricultural industry as well as to advances resulting from increased knowledge or improved technologies.

Section 5. NUISANCE

No agricultural practice or appurtenances thereto, 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 hereafter referred to as accepted customs and standards, shall be or become either a public or private nuisance.

Section 6. INTERFERENCE PROHIBITED

No person, group, entity, association, partnership, or corporation shall 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 Seneca.

Section 7. PENALTIES

Non-compliance with any provision of this local law shall not affect title to real property, nor prevent the recording of any document. Violation of any provision of this local law

may constitute an offense punishable by law with a fine of not less than Twenty-five and No/100 Dollars (\$25.00) nor more than One Hundred Fifty and No/100 Dollars (\$150.00) for each day's violation or continuation of the violation.

In addition, an action to restrain or enjoin any violation of this local law may be brought in a court of competent jurisdiction by any aggrieved entity and /or the Town of Seneca.

Section 8. AGRICULTURE ADVISORY COMMITTEE

The Town Board should create an Agriculture Advisory Committee. The purpose of the committee is to advise the Town on any and all agriculture matters including but not limited to questions from Town residents regarding agricultural practices, location of drainage lines, and farmland protection techniques. The committee should be composed of five (5) representatives from the food and agriculture industry in the Town of Seneca and two (2) non-farm landowner representatives from the Town of Seneca.

Section 9. RESOLUTION OF DISPUTES

Should any controversy arise regarding any inconveniences or discomfort occasioned by any agricultural operations or agricultural practices, as defined in Section 3 of this local law, the parties will submit the controversy to the Town of Seneca Agricultural Advisory Committee as set forth below in an attempt to resolve the matter prior to the filing of any court action.

Any controversy between the parties will be submitted to the Agricultural Advisory Committee, whose decision shall be advisory only, 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 became aware of the occurrence.

The effectiveness of the Agricultural Advisory committee as a forum for the 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.

The controversy shall be presented to the Agricultural Advisory Committee by written consent of one of the parties within the time specified herein. Thereafter, the Committee may investigate the facts of the controversy, but must, within thirty (30) days, hold a public 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.

The decision of the Agricultural Advisory 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 fourth as follows:

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 from the proceedings of the Agricultural Advisory Committee. Within thirty (30) days of the written request, the Town Board shall render a written decision to the parties.

Section 10. NOTICE TO PROSPECTIVE NEIGHBORS/NOTICE OF FARM USE

AGRICULTURE DATA STATEMENT: The Town of Seneca will encourage and support the requirement for agriculture data statements as prescribed in NYS Agriculture and Markets Law Article 25AA Sec. 305(a).

AGRICULTURAL DISCLOSURE NEW RESIDENTIAL DEVELOPMENT: For the purpose of giving due notice of nearby farming uses to proposed new residential areas adjacent to the unimproved land then being farmed or suitable therefore, the Planning Board shall require any applicant for an adjacent major or minor subdivision, as a condition of approval of such application, to include a provision in each and every deed conveying all or any portion of the lands thereby subdivided, as well as on filed final subdivision maps, the following record notice to and waiver by grantees of such present or future proximate farming uses, which provision shall be made to run with the land.

“The grantee hereby acknowledges notice that agricultural operations exist throughout the Town of Seneca and that there are presently or may in the future be farm uses adjacent or in close proximity to the described premises. The grantee acknowledges that farmers have the right to undertake farm practices which may generate dust, odor, fumes, noise, vibrations, and temporary traffic inconveniences associated with agricultural practices, and that these practices are permitted under the Town of Seneca Right to Farm Law, and, by acceptance of this conveyance, the grantee does hereby waive objection to such activities.

The risk of any impact of these agricultural uses on the purchase of property is specifically to be borne by the purchaser of that property.

AGRICULTURAL DISCLOSURE AT TIME OF PROPERTY TRANSFER: The Town of Seneca encourages the County of Ontario to foster and support the agriculture disclosure requirement as prescribed in NYS Agriculture and Markets Law Article 25AA Sec. 310.

Section 11. SUPERSESSION CLAUSE

Insofar as the provisions of this local law are inconsistent with the provisions of any other local law, rule or ordinance, the provisions of this local law shall supersede those found inconsistent and prevail.

Section 12. 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.

Section 13. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.