

LOCAL LAW NO. 3 OF 2023

A LOCAL LAW ESTABLISHING THE RIGHT TO FARM

1. Purpose.

The purpose of this Local Law is to establish a means to conserve, protect and encourage the use of agricultural land for the production of food and other agricultural products. It is the purpose of this Local Law to reduce the loss of agricultural resources within the Town by limiting the circumstances under which agricultural operations may be deemed to be a nuisance.

2. Legislation.

-1. DEFINITIONS. As used in this Local Law, the following terms shall have the meanings indicated:

A. Those activities involved in the production of crops, livestock, and livestock products by farm operations, all as defined in Section 301 of Article 25-AA of the New York Agriculture and Markets Law of New York.

-2. RESTRICTIONS ON PRIVATE NUISANCE. Notwithstanding any other provision of this Local Law, agricultural activities conducted on farmland within the Town of Greenville, if consistent with sound agricultural practices as may be determined by the New York State Commissioner of Agriculture and Markets and with Federal, State, and local laws, regulations or ordinances, are deemed to be reasonable and shall not constitute a nuisance.

-3. NOTICE TO PROSPECTIVE NEIGHBORS/NOTICE OF FARM USE. For the purpose of giving due notice of agricultural activities to proposed new residential areas adjacent to unimproved land being farmed or suitable, this Local Law encourages and supports a local Planning Board requirement that any applicant for an adjacent major or minor subdivision, as a condition of approval of such application, 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 activities exist throughout the town and that there are presently or may in the future be farm uses adjacent or in close proximity to the within-described premises. The grantee acknowledges that farmers have the right to undertake sound agricultural activities as

defined by the State of New York which may generate dust, odor, fumes, noise and vibrations associated with agricultural practices, and that these activities are permitted under the town, or, in the absence of a local right-to-farm law, Orange County's Right-to-Farm Law, and, by acceptance of this conveyance, the grantee does hereby waive objection to such activities

- 4. CERTAIN ACTIONS NOT AFFECTED. The provisions of this Local Law shall not defeat the right of any person, firm or corporation to recover damages for any injuries or damages sustained by them on account of any pollution of, or change in condition of, the waters of any stream or on account of any overflow of lands of any such person, firm or corporation.
- 5. 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.

PLEASE TAKE NOTICE TO THE EXTENT THAT THIS LOCAL LAW MAY CONFLICT WITH APPLICABLE PORTIONS OF THE TOWN LAW OF THE STATE OF NEW YORK, IT IS THE STATED INTENTION OF THE TOWN TO EXERCISE ITS AUTHORITY TO SUPERSEDE AND AMEND, AS GRANTED UNDER THE MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK, SECTION 10. THE TOWN HEREBY PROVIDES NOTICE THAT IT IS EXERCISING ITS AUTHORITY TO SUPERSEDE AND AMEND PURSUANT TO MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK SECTION 22.