

## Local Law Filing

(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  
(Select one:)

of Augusta

Local Law No. #2 of the year 20 18

A local law " Right to Farm Law "  
(Insert Title)

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

☐ County ☐ City ☒ Town ☐ Village  
(Select one:)

of Augusta as follows:

" SEE ATTACHED "

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

(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. 2 of 20 18 of the (County)(City)(Town)(Village) of Augusta was duly passed by the Town Board on October 17 2018, 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 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20 , 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 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

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 \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**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 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, 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 20\_\_\_\_ 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 \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

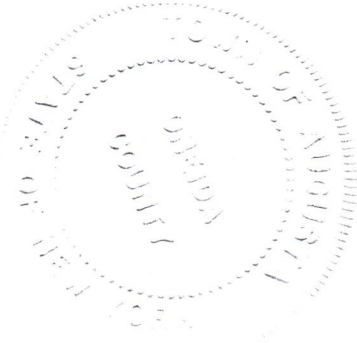
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the 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.

*Joseph M. Furness*  
Clerk of the county legislative body, City, Town or Village Clerk or  
officer designated by local legislative body  
Date: October 22, 2018

(Seal)





## **SECTION 1. LEGISLATIVE INTENT AND PURPOSES.**

The Town Board of the Town of Augusta finds, declares, and determines that farming is essential to the Township because it is a livelihood and provides employment opportunities; provides locally produced, fresh commodities; agricultural diversity promotes economic stability; agriculture maintains open space and promotes environmental quality; and, agricultural land does not increase the demand for services provided by local governments. In order to maintain a viable farming economy in the Town of Augusta, farmers must be afforded protection allowing them the right to farm. When non-agricultural land uses extend into agricultural areas, agricultural operations may become the subject of nuisance suits. As a result, agricultural operations are sometimes forced to cease operations or are discouraged from making investments in farm improvements.

It is the purpose of this law to reduce the loss to the Town of Augusta of its agricultural resources by limiting the circumstances under which farming may be deemed to be a nuisance and to allow agricultural practices inherent to and necessary for the business of farming to proceed and be undertaken free of unreasonable and unwarranted interference or restriction. The Town Board of the Town of Augusta further finds, declares, and determines that New York Agriculture and Markets Law, Section 300 et seq., provides an important foundation for achieving the right-to farm protection sought in the Town of Augusta and that in order to address the unique circumstances facing agriculture in the Town of Augusta, it is necessary to provide for a more comprehensive local right-to-farm protection.

## **SECTION 2. DEFINITIONS.**

a) "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 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, and pesticides all in accordance with local, state, and federal law and regulations and in accordance with manufacturer's 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, pesticides, fertilizers, agricultural products, and livestock, for the processing of animal wastes and agricultural products, for the sale of agricultural products, and for the use of farm labor, as permitted by local and state building codes and regulations; including construction and maintenance of fences.

b) "Agricultural Products" shall mean those products as defined in Section 301(2) of Article Twenty-five-AA (25-AA) of the Agriculture and Markets Law.



c) "Farm" shall mean the land, buildings, and machinery used in the production, whether for profit or otherwise, of Agricultural Products.

d) "Farmer" shall mean any person, organization, entity, association, partnership or corporation engaged in the business of agriculture, whether for profit or otherwise, including the cultivation of land, the raising of crops, or the raising of livestock.

e) "Generally accepted agricultural practices" shall mean those practices which are feasible, lawful, inherent, customary, necessary, reasonable, normal, safe, and typical to the industry or unique to the commodity as they pertain to the practices listed in Section 2a) entitled "Agricultural Practices."

### **SECTION 3. RIGHT TO FARM DECLARATION.**

Farmers, as well as those employed, retained, or otherwise authorized to act on behalf of Farmers, may lawfully engage in Agricultural Practices within the Town of Augusta, at all such 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 and improved technologies. 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 Agricultural Practices, 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 or safety or cause injury to health or safety of any person, and 6) Conducted in a manner which does not unreasonably obstruct the free passage or use of navigable waters or public roadways. Nothing in this Local Law shall be construed to prohibit an aggrieved party from recovering damages for bodily injury or wrongful death.

### **SECTION 4. NOTICE TO REAL ESTATE BUYERS AND PROSPECTIVE NEIGHBORS**

a) In order to promote harmony between farmers and their neighbors, the Town of Augusta requires land holders and/or their agents and assigns to comply with § 310 of Article 25-AA of the State Agriculture and Markets Law and provide notice to prospective purchasers and occupants as follows: "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 notice is to inform prospective residents that farming activities occur within the

Town. Such farming activities may include, but are not limited to, activities that cause noise, dust, smoke, and odors."

b) A copy of this notice shall be included as an addendum to the purchase and sale contract at the time an offer to purchase is made.

c) In addition, this notice shall be included in building permits and on plats of subdivision submitted for approval pursuant to Town Law § 276.

#### **SECTION 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.

#### **SECTION 6. EFFECTIVE DATE.**

This Local Law shall be effective immediately upon filing, pursuant to Section 27 of the Municipal Home Rule Law.

Be it enacted this 17<sup>th</sup> day of October, 2018 by the Town Board of the Town of Augusta, Oneida County, New York, to be effective upon filing with the Secretary of State.

Suzanne Collins, Supervisor

Suzanne M. Collins

James Dowd, Councilman

James W Dowd

Dean Kimball, Councilman

Dean Kimball

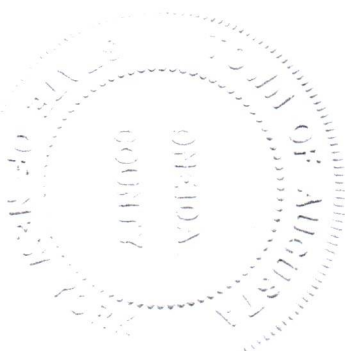
Richard Ritenour, Councilman

Richard Ritenour

Travis Wright, Councilman

Travis Wright

SEAL



ATTEST

Sonya M. Furness

Sonya M. Furness, Town Clerk



STATE OF NEW YORK  
**DEPARTMENT OF STATE**

ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001  
WWW.DOS.NY.GOV

ANDREW M. CUOMO  
GOVERNOR

ROSSANA ROSADO  
SECRETARY OF STATE

November 5, 2018

Sonya M Furness  
Town Clerk  
185 N Main Street, PO Box 686  
Oriskany Falls NY 13425

**RE: Town of Augusta, Local Law 2 2018, filed on October 26 2018**

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, [www.dos.ny.gov](http://www.dos.ny.gov).

Sincerely,  
State Records and Law Bureau  
(518) 473-2492



**Department  
of State**