

Ordinance Concerning the Right to Farm in the Town of North Stonington

Purpose:

Pursuant to the powers conferred upon by Section 7 – 148 (c) (7) (e), (8), and (10) (A), and in furtherance of the goals of Section 19 a-341 of the General Statutes, the Town of North Stonington adopts this ordinance to recognize the importance of protecting prime farmland, to identify those parcels for which preservation is a priority, and to foster farming as a way of life by declaring this municipality's support of the farmer's right to farm.

Definitions:

Except as otherwise specifically defined, the words "agriculture" and "Farming" shall include cultivation of the soil, dairying, forestry, raising or harvesting of any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the operation management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in preparation of such fruits or vegetables as an incident to the direct sale. Farmers sometimes work around the clock, often that work involves the use of large farm implements. Your daytime and nighttime peace and quiet can be disturbed by common agricultural practices, especially during the spring and fall field work seasons.

The term "farm" includes farm building, and greenhouses, hoopouses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities.

The Right to Farm:

Notwithstanding, any general statute or municipal ordinance or regulation pertaining to nuisances to the contrary, no agricultural or farming operation, place, establishment or facility, or any of its appurtenances, or the operation thereof, shall be deemed to constitute a nuisance, either public or private, due to alleged objectionable

- (1) Odor from livestock, manure, fertilizer or feed,
- (2) noise from livestock, or farm equipment used in normal, generally acceptable farming procedures,
- (3) dust created during plowing or cultivation operations,
- (4) use of chemicals, provided such chemicals and the method of their

application conform to practices approved by the Commissioner of Environmental Protection, or, where applicable, Commissioner of Health Services, or (5) water pollution from livestock or crop production activities, except the pollution of public or private drinking water supplies, provided such activities conform to acceptable management practices for pollution control approved by the Commissioner of Environmental Protection; provided such agricultural or farming operation, place, establishment or facility has been in operation for one year or more, and has not been substantially changed and such operation follows generally accepted agricultural practices. Inspection and approval of the agricultural or farming operation, place, establishment or facility by the Commissioner of Agriculture or his designee shall be prima facie evidence that such operation follows generally accepted agricultural practices.

Willful or Reckless Misconduct Not Protected:

The provisions of this ordinance shall not apply whenever a nuisance results from negligence or willful or reckless misconduct in the operation of any such agricultural or farming operation, place, establishment or facility, or any of its appurtenances.

Impact Upon Zoning:

Nothing contained in this ordinance shall restrict the power of the North Stonington Planning and Zoning Commission under Chapter 124 of the General Statutes. The Commission is urged to adopt regulations consistent with this ordinance, and to make the permanent preservation of farmland within this municipality, a criterion in its planning and policy decisions.

Effective Date:

This ordinance shall be effective (15) fifteen days after publication thereof in a newspaper having substantial circulation in the Town of North Stonington.