

(Please Use this Form for Filing your 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

██████ of Montgomery

Local Law No. 3 of the year 19 92

A local law Establishing a Montgomery County Right to Farm Law
(Insert title)

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

County

██████ of Montgomery as follows:

SECTION 1. Title

This Local Law shall be known as the Montgomery County Right to Farm Law.

SECTION 2. Legislative Intent and Purpose

It is the general purpose and intent of this Local law to maintain and preserve the rural tradition and character of the County of Montgomery in recognition of farming's substantial economic contribution to the County.

It also is the intent to permit continuation of the practice of farming within the County, to protect existence and operation of established farms and to encourage the initiation and expansion of farming practices.

In recognition of the many practices and activities inherent to, and necessary for, the practice 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 of restrictions.

SECTION 3. Definitions.

(a) Unless specifically defined below, words or phrases used in this Local Law shall be interpreted so as to give them the meanings they have in common usage and to give this Local law its most reasonable application.

(b) "Farmer" shall mean any person, organization, entity, association, partnership or corporation engaged in the practice of agriculture, whether for profit or otherwise, including the cultivation of land, raising of crops, raising of livestock and the grazing of pasture.

(c) "Farmland" shall mean land used primarily for bona fide agricultural production of those items and products set forth in the Agriculture and Markets Law of New York, Section 301.

(If additional space is needed, please attach sheets of the same size as this and number each)

SECTION 4. Right to Farm.

Farmers, and those employed, retained, or otherwise authorized to act on behalf of farmers, may lawfully engage in farming practices within the County of Montgomery at such times and at such locations as are necessary to conduct the practice of farming.

Farming practices shall include any activity, now permitted by law, engaged in by a farmer, as defined herein, in connection with and in furtherance of the business of farming. Farming shall include production, collection, transportation, distribution and storage of farm products; collection, transportation, distribution and storage of animal waste; storage, transportation and use of equipment for tillage, planting and harvesting; transportation, storage and use of legally permitted fertilizers, lime and pesticides, all in accordance with local, state and federal law and regulations and in accordance with the manufacturer's instruction and warnings; and construction of farm structures and facilities as permitted by local and state building code regulation, including construction and maintenance of fences.

SECTION 5. Interference Prohibited.

(a) No person, group, entity, association, partnership or corporation will engage in any conduct, or act in any manner, to intentionally, knowingly, and deliberately interfere with, prevent, or deter the reasonable practice of farming within the County of Montgomery.

(b) Notwithstanding any other provision of this Local law, agricultural activities conducted on farmland, if consistent with recognized agricultural practices, and established prior to surrounding nonagricultural activities, are presumed to be reasonable and do not constitute a nuisance, unless the activity has a substantial adverse effect on the public health and safety. No commercial agricultural or farming operation, place, establishment or facility shall be, or shall become a nuisance, as a result of changed conditions in or around the locality of such agricultural or farming operation, place or establishment.

SECTION 6. Construction with Other Laws

Provisions of this Local law are in addition to, and not in lieu of, all other applicable laws, rules and regulations, which are continued in full force and effect and unaffected by this Local Law.

Conversely, this Local Law is not intended to contradict or contravene any law, rule, regulation, restriction or proscription of the United States, State of New York, County of Montgomery, or municipalities within the County of Montgomery which may now or hereafter obtain.

SECTION 7. 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 8. Effective Date.

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

SECTION 9. Enforcement.

The provisions of this Local law may be enforced upon the complaint of any peace officer or other law enforcement agency, as those terms are defined in the Criminal Procedure Law of the State of New York, including the Office of the Sheriff of the County of Montgomery; enforcement being available in any court of authorized jurisdiction within the County of Montgomery. Enforcement proceedings shall also include the right of any complaining party to proceed by injunction or other appropriate proceeding in civil court.

Law 4X

or: Kwiatkowski

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RESOLUTION ADOPTED UNANIMOUSLY.

Duly adopted upon roll call, all members present (1495) voting aye.

RESOLUTION NO. 229 of 1992
DATED: June 23, 1992

RESOLUTION APPOINTING MONTGOMERY COUNTY REPRESENTATIVES TO HUDSON- MOHAWK RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM COUNCIL

Resolution by Supervisor: VanKersen
Seconded by Supervisor: Keller

WHEREAS, Montgomery County is recognized as a supporting agency of the Hudson-Mohawk Resource Conservation and Development Program,

RESOLVED, that the Board of Supervisors hereby appoints John Cechnicki of the Town of Root as Montgomery County's representative to the Hudson-Mohawk Resource Conservation and Development Council, and

FURTHER RESOLVED, that the Board of Supervisors hereby appoints Jackson Douglass of the Town of Canajoharie as the County's alternate representative to said Council.

RESOLUTION ADOPTED UNANIMOUSLY.

Duly adopted upon roll call, all members present (1495) voting aye.

RESOLUTION NO. 230 of 1992
DATED: June 23, 1992

RESOLUTION ADOPTING INTRODUCTORY LOCAL LAW NO. 4 OF 1992, (LOCAL LAW NO. 3) A LOCAL LAW ESTABLISHING A MONTGOMERY COUNTY RIGHT TO FARM LAW

Resolution by Supervisor: Frasier
Seconded by Supervisor: Barone

WHEREAS, on June 9, 1992, a proposed Local Law for the County of Montgomery, entitled: "A Local Law Establishing a

Montgomery County Right to Farm Law," was presented to the Board of Supervisors for consideration, and

WHEREAS, on said 9th of June, a Resolution (No. 201 of 1992) was adopted authorizing and directing that a public hearing be held by the Board of Supervisors on the 23rd day of June, 1992, at the time and place appointed,

RESOLVED, that said Local Law, known as Introductory Local Law No. 4 (Local Law No. 3) for the year 1992, entitled: "A Local Law Establishing a Montgomery County Right to Farm Law," be, and it hereby is adopted and approved and is incorporated and attached hereto, and

FURTHER RESOLVED, that the Clerk of the Board of Supervisors of Montgomery County, be, and he hereby is, authorized, empowered and directed to file three certified copies thereof in the Office of the Secretary of State, and also to ensure that it is twice published in the County's designated legal newspapers, as is required by law.

MOTION by Supervisor Keller, seconded by Supervisor VanKersen, to have the Clerk of the Board cast one unanimous vote in favor of the Resolution, passed with Aye(1495).

RESOLUTION ADOPTED UNANIMOUSLY.

Duly adopted upon roll call, all members present (1495) voting aye.

OTHER

Supervisor Papa left the meeting at 10:34 p.m.

Supervisor Petrosino asked for a Resolution for the July 14 meeting opposing MOSA's use of active farm land as potential dump sites.

Supervisor Wills asked about the status of energy conservation proposals and weighted vote adjustment.

County Administrator Wayne Allen said three firms responded to the energy conservation proposal and asked for Board direction. He