

## 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 use italics or underlining to indicate new matter.

~~XXXXXX~~

~~XXX~~ of

MORIAH

Town

~~VILLAGE~~

Local Law No. 2 of the year 2004

A local law

THE RIGHT TO FARM LAW

(Insert Title)

Be it enacted by the

TOWN BOARD

of the

(Name of Legislative Body)

~~XXXXXX~~

~~CMY~~ of

MORIAH

Town

~~VILLAGE~~

as follows:

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

**Local Law No. 2 for 2004**  
**The Right to Farm Law**  
**Town of Moriah**

**Section 1.** Legislative Intent and Purpose

The Town Board of the Town of Moriah finds that farming is an essential activity within the Town of Moriah.

Farming, as defined herein, reinforce 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, the Town of Moriah emphasizes to its residents and newcomers that this town encourages its agriculture and requests its residents and newcomers to be understanding of the necessary day to day operations of farming.

It is the general purpose and intent of this Local Law to maintain and preserve the rural tradition and character of the Town of Moriah, to permit the continuation of agricultural practices, to protect the existence and operation of farms, and to encourage the initiation and expansion of farms and agricultural businesses.

For the purpose of reducing future conflicts between farmers and non-farmers, it is necessary for notice to be given to future neighbors about the nature of agricultural practices.

**Section 2.** Definitions

- a. "Farm" – includes, livestock, dairy, poultry, fur bearing animal, aquiculture, apiculture, fruit, vegetable and field crop farms, plantations, orchards,

nurseries, greenhouses, or other similar operations used primarily for the raising of agricultural or horticultural commodities.

b. "Agricultural Practices" includes all activities conducted on a farm. Activity necessary to the operation of a farm, must generate \$10,000.00 per year for farming to qualify as a farm.

### **Section 3.** The Right to Undertake Agricultural Practices

Farmers, as well as those employed, retained, or otherwise authorized to act on behalf of farmers, may lawfully engage in farming practices within the Town of Moriah at any and all such time and all such locations as are reasonable necessary to conduct the business of farming. For any activity or operation in determining the reasonableness of the time, place and methodology of such operation, 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.

### **Section 4.** Notice to Prospective Residents

The following notice shall be included in building permits and on plots of subdivisions submitted for approval pursuant to Town Law Section 276 or Village Law 7-728.

"This property may border a farm, as defined in Town Law. Residents should be aware that farmers have the right to undertake farm practices which may generate dust, odor, smoke, noise and vibration".

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**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.

(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 04 of the ~~XXXXXX~~ (Town) ~~XXXXXX~~ of MORIAH was duly passed by the TOWN BOARD on 10/12 20 04, 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.

Elaine C. Adkins  
Clerk of the county legislative body, City, Town or Village Clerk or  
officer designated by local legislative body **ELAINE C. ADKINS**

(Seal)

Date: 10/13/04

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF ESSEX

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

William J. Potkowski  
Signature **WILLIAM J. POTSKOWSKI**  
**TOWN ATTORNEY**  
Title

XXXXXX  
XXXXX  
Town  
XXXXXX

MORIAH

Date: 10/13/04