

Chapter 69

“RIGHT TO FARM POLICY”

History: Adopted by Resolution – 3/8/2000

SECTION I - FINDINGS AND INTENT

The Town Board recognizes that farming and the related agricultural businesses are an important industry in the Town that generates substantial economic benefits, maintains open space and the natural environment, and contributes to the quality of life and social well-being within the community.

It is the declared policy of this Town to maintain, enhance, and encourage the existence and operation of farms and the initiation and expansion of farms and agricultural businesses within the Town. It is also the general purpose and intent of this policy to maintain and preserve the rural traditions and character of the Town.

SECTION II - DEFINITIONS

“Farmer” shall mean any person, organization, entity, association, partnership, limited liability company, or corporation engaged in the business of agriculture, whether for profit or otherwise, including the cultivation of land, and the raising of agricultural products.

“Farm Operation” shall mean the land and on-farm buildings, equipment and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, as determined by the owner and the assessors of the Town of Henderson.

SECTION III - RIGHT TO FARM DECLARATION

The Town Board accepts and supports the provisions of the Jefferson County Local Law No. 2 of 1998 - “Recognizing the Right to Farm” and accepts and supports the provisions of Article 25AA of the New York State Agriculture and Markets Law.

Also, it is the policy of this Town Board that when exercising its’ powers to enact and administer comprehensive plans, local laws, ordinances, and rules or regulations, that it shall exercise these powers in such manner as may realize this policy and shall not unreasonably restrict or regulate farm operations from conducting acceptable agricultural practices within the town, unless it can be shown that the public health or safety is threatened.

SECTION IV - SEVERABILITY CLAUSE

If any provision of the Policy shall be adjusted by any Court of competent jurisdiction to be invalid, such adjudication shall not effect, impair, or invalidate the remainder of the Policy.

SECTION V - PRECEDENCE

This Policy and its provisions are in addition to all other applicable laws, rules and regulations that the Town of Henderson has established, and will be filed in the Town of Henderson Codification as a Resolution!

SECTION VI - EFFECTIVE DATE

This Policy shall become effective immediately upon publishing in the Jefferson County Journal, Wednesday, March 15, 2000.