

<b>Topic:</b>	Agriculture; Right-to-Farm
<b>Resource Type:</b>	Regulations
<b>State:</b>	Connecticut
<b>Jurisdiction Type:</b>	Municipal
<b>Municipality:</b>	Town of New Milford
<b>Year (adopted, written, etc.):</b>	2008
<b>Community Type – applicable to:</b>	Suburban; Rural
<b>Title:</b>	Town of New Milford Proposed Ordinance Concerning the Right-to-Farm
<b>Document Last Updated in Database:</b>	January 27, 2016

### ***Abstract***

The town of New Milford established this right to farm ordinance limiting circumstances under which any such operation may be considered a nuisance. The ordinance specifies that any dispute over farming practices will be handled through mediation through the mayor's office.

### ***Resource***

#### **Purpose and Intent**

Agriculture is a significant part of the Town of New Milford's heritage and a vital part of the Town's future. It is therefore the declared policy of the Town of New Milford and legislative determination of the New Milford Town Council to conserve and protect agricultural land and to encourage agricultural operations and the sale of local farm products within the Town. It is the purpose and intent of this ordinance to promote and advance the Town's policy and reduce the loss of local agricultural resources by limiting circumstances under which any such operation may be considered a nuisance. It is hereby further legislatively determined that whatever impact may be caused to others through normal agricultural practices, such impact is offset and ameliorated by the benefits of farming to the neighborhood, community, and society in general. Methods of farming that comport with generally accepted farming practices are also deemed to comport with community standards at large. This ordinance is not to be construed as modifying or abridging state law relative to the abatement of nuisances, but is to be used in the interpretation and characterization of activities and in considering and implementing enforcement of the provisions of the Code of the Town of New Milford and other applicable Town regulations, consistent with the provisions of Connecticut General Statutes § 19a-341. Additionally, the terms of this ordinance may be used in determining whether the methods and practices that may come under review conform to community standards.

#### **Declaration**

No present or future agricultural operations conducted or maintained in a manner consistent with accepted customs and standards of the agricultural industry, including, without limitation, those practices prevailing in Litchfield County, on a recognized farm which is engaged in the act of farming as defined in this ordinance shall become or be considered, a nuisance solely because such activity resulted or results in any changed condition of the use of adjacent land. Agricultural operations may occur on holidays, weekends and weekdays by night or day provided such activities do not violate applicable health, safety, fire, life safety or building codes and regulations shall include, without limitation,:

- 1) The incidental noise from livestock or farm equipment used in normal, generally acceptable farming practices, including, without limitation, those practices prevailing in Litchfield County;
- 2) Odors from livestock, manure, fertilizer or feed;
- 3) Dust and fumes associated with normally accepted farming practices, including, without limitation, those practices prevailing in Litchfield County;
- 4) The use of agricultural chemicals, pesticides and fertilizers associated with normally accepted farming practices, including, without limitation, those practices prevailing in Litchfield County; and
- 5) Irrigation and water management associated with normally accepted farming practices, including, without limitation, those practices prevailing in Litchfield County.

These provisions shall not apply whenever a nuisance results from the negligent or improper operation of any such agricultural operation.

## **Definitions**

*Agricultural operations* means activities relating to agricultural use including, but not limited to, the cultivation and tillage of soil, the burning of agricultural waste products or other agricultural burning, protection of crops and livestock from insects, pests, diseases, birds, predators or other pests damaging or could potentially damage crops, the proper and lawful use of agricultural chemicals, including but not limited to the application of pesticides, herbicides, and fertilizers, or the raising, production, irrigation, pruning, harvesting, or processing of an agricultural commodity, including any type of crop or livestock, and any forestry improvements and timber harvesting and processing. Such operations also include the operation and transportation of farm equipment over roads within the Town and conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided the activities are related to marketing the agricultural output or services of the farm and local produce and livestock products and provided same do not conflict with any provisions of the zoning regulations. For purposes of this ordinance, such operations do not include the slaughtering of animals not raised on the premises where they are to be slaughtered.

*Farm* means a premises on which farming is conducted, including, without limitation, farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoop houses and other temporary structures or other structures used primarily for the raising

and, as incidental and adjunctive to ordinary farming operations, the sale of locally grown or raised agricultural or horticultural products.

*Farming* means cultivation of soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment. Farming does not include the storage, display or sale of crops, harvested products or produce that are not locally grown or raised, nor does it include the slaughtering of animals not raised on the premises where they are to be slaughtered.

### **Dispute Resolution and Advisory Opinions**

The Mayor, with the approval of the Town Council, shall appoint a panel of five (5) persons to a Farming Practices Panel ("Panel") to hear and mediate disputes that may arise out farming practices and to issue advisory opinions concerning questions as to agricultural practices. Three (3) such members shall serve an initial two (2) year term followed by a four (4) year term. The other two members shall serve four (4) year terms. One (1) member of the panel shall be the New Milford Zoning Enforcement Officer, one (1) member shall be the Director of Health for the Town of New Milford, and one (1) member shall be a member of the Farmland Preservation Committee. The remaining two (2) members shall be electors of the Town of New Milford.

An interested person may submit a written request to the Panel care of the Mayor's office for an opinion as to whether a particular agricultural operation constitutes a nuisance or is an activity that is incidental to normal and customary farming activity and comports with community standards. In the event a dispute arises between an agricultural operator and a resident in the Town of New Milford as to whether a particular agricultural operation constitutes a nuisance, either interested party may submit a written request to the Panel for an advisory opinion or to mediate the dispute. The Panel may promulgate such regulations and procedures as it deems necessary for the implementation of this section. Nothing herein shall preclude any party from either appealing said advisory determination to the Superior Court for the Judicial District of Litchfield and/or commencing a direct action in said court to abate the claimed nuisance.

Proposed: Dan Readyoff 1/07/08

Revised:                   3/30/08  
                                  4/29/08  
                                  4/30/08  
                                  6/24/08  
                                  7/2/08  
                                  7/7/08  
                                  7/8/08

7/15/08