

LOCAL LAW
INTRODUCTORY NO 32 -95
CHAUTAUQUA COUNTY

A LOCAL LAW ESTABLISHING THE RIGHT TO FARM

BE IT ENACTED by the County Legislature of the County of Chautauqua as follows:

Section 1. Legislative Findings and Intent. The County of Chautauqua Legislature finds, declares, and determines that farming is important to Chautauqua County because it provides employment for agriservices, provides locally produced, fresh commodities, promotes economic stability, maintains open space, promotes environmental quality, and does not increase the demand for services provided by local governments. In order to maintain a viable farming economy in Chautauqua County, farmers must be afforded protection allowing them the right to farm. When non-agricultural land uses extend into agricultural areas, agricultural operations may become the subject of nuisance suits. As a result, agricultural operations are sometimes forced to cease operations or are discouraged from making investments in farm improvements. Chapter 797 of the Laws of 1992 of the State of New York provides an important foundation for achieving the right to farm protection sought by the Chautauqua County Legislature. In order to address the unique circumstances facing agriculture in Chautauqua County, it is necessary to provide for more comprehensive local right to farm protection as provided in this Local Law.

Section 2. Right to Farm. On any land which may be lawfully used for agricultural purposes in the County of Chautauqua, whether or not it is located in an agricultural district, an agricultural practice shall not constitute a public or private nuisance, provided such agricultural practice constitutes a sound agricultural practice pursuant to an opinion issued upon request by the New York State Commissioner of Agriculture and Markets under Section 308 of the New York State Agriculture and Markets Law. Nothing in this Local Law shall be construed to prohibit an aggrieved party from recovering damages for bodily injury or wrongful death.

Section 3. Severability. If any provision of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such adjudication shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the particular provision directly involved in the controversy in which such judgment shall have been rendered.

Section 4. Effective Date. This Local Law shall take effect immediately upon filing with the Secretary of State.

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