

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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 do not use italics or underlining to indicate new matter.

~~County~~

~~City~~

~~Town~~

~~Village~~

of Duanesburg

Local Law No. 1 of the year 1991

A local law Right to Farm Law of the Town of Duanesburg, providing
(Insert Title)
protection and encouragement of farming in the Town of Duanesburg.

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

~~County~~

~~City~~

~~Town~~

~~Village~~

of Duanesburg

as follows:

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF DUANESBURG, AS FOLLOWS:

Section 1. TITLE. This Local Law shall be known the Right to Farm Law of the Town of Duanesburg.

Section 2. LEGISLATIVE INTEND AND PURPOSE. It is the general purpose and intent of this Local Law to maintain and preserve the rural tradition and character of the Town of Duanesburg, to permit and encourage the continuation of the business of farming within the Town of Duanesburg, to protect the existence and operation of established farms, and to encourage the iniation and expansion of farming.

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) For the purpose of this act, agricultural activities are defined as the production of crops, livestock, and livestock products as defined, in Section 301 (2) of the Agricultural and Markets Law of the State of New York.

(c) For the purpose of this act, farmland is defined as land used in agriclultural production, as defined in Section 301 (4) of the Agricultural and Markets Law of the State of New York.

Section 4. RIGHT TO FARM. Farmers, both full-time and part-time,
(If additional space is needed, attach pages the same size as this sheet, and number each.)

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 Duanesburg at any and all such times and all such locations as are reasonably 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 5. DECLARATION. It is hereby declared that agricultural activities conducted on farmland, if consistent with good 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 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. If such facility has been in operation for one year or more and if it was not a nuisance at the time it began operation. This section, however, shall not apply whenever a nuisance injurious to the public health, or safety, results from the operation of any such agricultural or farming operation, place, establishment, or facility or any of its appurtenances.

Section 6. CONSTRUCTION WITH OTHER LAWS. 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 Schenectady or Town of Duanesburg, which may now or hereafter pertain and accordingly, such legislation and regulations shall be deemed continued in full force and effect and unaffected by this Local Law.

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 become effective upon filing with the New York State Secretary of State's Office.

(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. 1 of 1991 of the ~~(County)(City)~~(Town)(Village) of Duanesburg was duly passed by the ~~Duanesburg Town Board~~ on Oct. 10 1991, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. 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 _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, 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 19____ 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 _____ 19____, 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 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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.

Neil M. Senon

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: *Nov. 7, 1991*

(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 Schenectady

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.

Donald A. [Signature]

Signature

Town Attorney

Title

~~KNXX~~

~~KNY~~

Town

~~XMM~~

of Duanesburg

Date: *Nov 8, 1991*