LOCAL LAW NO. 2 OF 1991
A LOCAL LAW ENTITLED
THE OTSEGO COUNTY RIGHT TO FARM LAW

BE IT ENACTED, by the Otsego County Board of Representatives as follows:

SECTION 1. Title. This Local Law shall be known as the Otsego County Right to Farm Law.

SECTION 2. Legislative Intent and Purpose. It is the general purpose and intent of this Local Law to maintain and preserve the rural tradition and character of the County of Otsego in recognition of the fact that farming makes a substantial economic contribution to the County. It is our intent to permit the continuation of the practice of farming within the County, to protect the existence and operation of established farms, and to encourage the initiation and expansion of farming practices. In recognition of the fact that there are many practices and activities which are inherent to and necessary for the practice of farming, it is the specific purpose and intent of this Local Law to attain the aforementioned goals and objectives by providing that such practices and activities may proceed and be undertaken free of unreasonable and unwarranted interference of restrictions. It is also recognized that it is desirable for farmers to be good neighbors.

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) "Farmer" shall mean any person, organization, entity, association, partnership or corporation engaged in the practice of agriculture, whether for profit or otherwise, including the
cultivation of land, raising of crops, raising of livestock and the grazing of pasture.

(c) "Farmland" shall mean land used primarily for bona fide agricultural production of those items and products set forth in the Agriculture and Markets Law of New York, Section 301.

SECTION 4. Right to Farm. Farmers, as well as those employed, retained, or otherwise authorized to act on behalf of farmers, may lawfully engage in farming practices within the County of Otsego at any and all such times and all such locations as are necessary to conduct the practice of farming. Farming practices shall include any activity now permitted by law, engaged in by a farmer as defined herein, in connection with and in furtherance of the business of farming; and shall include the production, collection, transportation, distribution and storage of farm products; the collection, transportation, distribution and storage of animal waste; storage, transportation and use of equipment for tillage, planting and harvesting; transportation, storage and use of legally permitted fertilizers, lime and pesticides, all in accordance with local, state and federal law and regulation and in accordance with the manufacturer's instruction and warnings; and construction of farm structures and facilities as permitted by local and state building code regulation, including construction and maintenance of fences.

SECTION 5. Interference Prohibited.

(a) No person, group, entity, association, partnership or corporation will engage in any conduct, or act in any manner so as to intentionally, knowingly, and deliberately interfere with, prevent, or in any way deter the reasonable practice of farming within the County of Otsego.

(b) Notwithstanding any other provision of this Local Law, agricultural activities conducted on farmland, if consistent with
recognized 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 commercial 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.

SECTION 6. Construction with Other Laws. This Local Law
and the provisions set forth herein are in addition to and not in
lieu of all other applicable laws, rules and regulations, which
are therefore continued in full force and effect and unaffected
by this Local Law. Conversely, 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 or County
of Otsego which may now or hereafter obtain.

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.
The Otsego County Board of Representatives hereby declares that
it would have passed this Local Law and each section and
subsection thereof, irrespective of the fact that any one or more
of these sections, subsections, sentences, clauses or phrases may
be declared unconstitutional or invalid.

SECTION 8. Effective Date. This Local Law shall be
effective immediately upon filing, pursuant to Section 27 of the
Municipal Home Rule Law.

SECTION 9. Enforcement. The provisions of this Local Law
may be enforced upon the complaint of any peace officer or other
law enforcement agency, as those terms are defined in the
Criminal Procedure Law of the State of New York, including the
Office of the Sheriff of the County of Otsego; enforcement being available in any court of authorized jurisdiction within the County of Otsego. Enforcement proceedings shall also include the right of any complaining party to proceed by injunction or other appropriate proceeding in civil court.

This Local Law is sponsored by the Health, Educational Services and Agriculture Committee.
RESOLUTION NO. 204

RESOLUTION - ADOPTING A LOCAL LAW
FOR THE YEAR 1991

SHIELDS, GATES, MULLER

WHEREAS, there was duly presented to the Board of Representatives of the County of Otsego at a regular meeting duly held in the Meeting Room of the Board of Representatives in the Otsego County Office Building, Cooperstown, New York on July 3, 1991, a Local Law for the year 1991 entitled "The Otsego County Right to Farm Law"; and

WHEREAS, a public hearing was duly held on the proposed Local Law at the Meeting Room for the Board of Representatives in the Otsego County Office Building, Cooperstown, New York on the 17th day of July, 1991 at 7:30 p.m., at which time all interested persons were heard; now, therefore, be it

-RESOLVED, that a local law of the County of Otsego for the year 1991, as above set forth, be and the same is hereby adopted.

STATE OF NEW YORK:

COUNTY OF OTSEGO:

I, Laura A. Child, Clerk of the Board of Representatives of Otsego County, New York, DO HEREBY CERTIFY that I have compared the foregoing copy of resolution with the original resolution on file in my office and that the same is a true and complete copy thereof as duly adopted by said Board of Representatives while in session on the 17th day of July, 1991.

WITNESS my hand and the official seal of the Board of Representatives of Otsego County, New York, this 18th day of July, 1991.

(SEAL)

Clerk, Board of Representatives
Otsego County, New York