

Local Right to Farm Ordinances



Background:

A local right to farm ordinance provides a policy statement that a municipality supports and encourages local agriculture.

Key Points:

- A local right to farm ordinance helps inform new and prospective residents that they are moving into a farming community.
- A local right to farm ordinance helps provide guidance to municipal enforcement officials on how to respond to issues related to the nuisances covered in the state Right to Farm Law (**CGS Section 19a-341**).
- A local right to farm ordinance should mirror the state statute with a provision that the ordinance does not negate or diminish the authority of the various local regulatory agencies and commissions.
- A local right to farm ordinance is adopted through a vote of the municipal legislative authority.

Statute:

CGS Section 19a-341: (a) Notwithstanding any general statute or municipal ordinance or regulation pertaining to nuisances to the contrary, no agricultural or farming operation, place, establishment or facility, or any of its appurtenances, or the operation thereof, shall be deemed to constitute a nuisance, either public or private, due to alleged objectionable (1) odor from livestock, manure, fertilizer or feed, (2) noise from livestock or farm equipment used in normal, generally acceptable farming procedures, (3) dust created during plowing or cultivation operations, (4) use of chemicals, provided such chemicals and the method of their application conform to practices approved by the Commissioner of Environmental Protection or, where applicable, the Commissioner of Public Health, or (5) water pollution from livestock or crop production activities, except the pollution of public or private drinking water supplies, provided such activities conform to acceptable management practices for pollution control approved by the Commissioner of Environmental Protection; provided such agricultural or farming operation, place, establishment or facility has been in operation for one year or more and has not been substantially changed, and such operation follows generally accepted agricultural practices. Inspection and approval of the agricultural or farming operation, place, establishment or facility by the Commissioner of Agriculture or his designee shall be *prima facie* evidence that such operation follows generally accepted agricultural practices.

(Over)

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FAQs:

Q: Is a farm protected under Connecticut's Right to Farm Law if the municipality in which it is located does not adopt a local right to farm ordinance?

A: Yes. The state Right to Farm Law (CGS 19a-341) is applicable in every municipality in Connecticut whether the municipality adopts a local right to farm ordinance or not.

Q: Does a local right to farm ordinance protect a farm from complaints or infractions related to municipal zoning or wetlands regulations or state building or health codes?

A: No. A right to farm ordinance strictly addresses complaints related to the five nuisances identified in the state statute, which should be reiterated in the local ordinance. Farms must still comply with all applicable municipal zoning and wetlands regulations as well as state building and health codes.

Q: There are other state laws, but local ordinances are not created for every state law on the books. Why should a municipality adopt a local right to farm ordinance?

A: Many state laws are further implemented through local municipal regulations. A local right to farm ordinance helps reaffirm the intent of the state Right to Farm Law and helps provide guidance especially to new and beginning farmers, the non-farming community and municipal enforcement agents.

Q: How should a municipality respond to a complaint related to the five nuisances addressed in the ordinance and state statute?

A: Based on the complaint, the municipal enforcement agent should meet with the farmer to determine the cause of the complaint. If it appears the complaint is related to an issue that is covered under the Right to Farm Law, the enforcement agent should contact the Connecticut Department of Agriculture for a determination of whether the farmer is following generally accepted agricultural practices. The enforcement agent may also consult with the local agricultural commission before contacting the Connecticut Department of Agriculture, if this is one of the charges of the commission.

Notes: