

## **TOWN OF EASTON RIGHT TO FARM ORDINANCE**

**Statutory Reference or Authority:** [Conn. General Stat.1-1\(q\)](#), [Conn. General Stat. 19a-341](#)

### **SECTION 1: PURPOSE AND INTENT.**

Agriculture is a significant part of the Town of Easton's heritage, and is an integral part of the Town's future. The Town officially recognizes the importance of farming to its rural quality of life, heritage, public health, scenic vistas, tax base, wetlands and wildlife, open space and local economy. This Right to Farm ordinance:

- Encourages the pursuit of agriculture
- Promotes agriculture-based economic opportunities
- Protects farmland within Easton by allowing agricultural uses and related activities to function with minimal conflict with abutting property holders and Town agencies, consistent with the Town Master Plan of Conservation and Development
- Acts as a policy statement providing an opportunity to educate Town residents from both the farming and non-farming communities about a farmer's "Right to Farm" under Connecticut General Statutes sections 1-1(q) and 19a-341.

It is the declared policy of the Town of Easton to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food and other agricultural products, for protection of the quality of the public water supply watershed, and for conservation of the natural and ecological value of Easton's land. It is hereby further determined that any impact caused to others through generally accepted agricultural practices shall be considered offset and ameliorated by the benefits of farming to the neighborhood, community and society in general.

### **SECTION 2: DEFINITIONS.**

The terms "agriculture" and "farming" shall have those meanings set forth in Section 1-1(q) of the Connecticut General Statutes, as amended.

### **SECTION 3: RIGHT TO FARM.**

No present or future agricultural operation which is conducted or maintained in a manner consistent with generally accepted agricultural practices\* and 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 the land. Agricultural operations may occur any time provided such activities do not violate applicable health, safety, fire, zoning, wetlands, life safety, environmental or building codes and regulations. The term "Agricultural Operations" shall include:

1. The incidental noise from livestock, poultry or farm equipment used in generally accepted farming practices.
2. Odors from livestock, manure, fertilizer or feed.
3. Dust and fumes associated with generally accepted farming practices.
4. Use of chemicals, provided such chemicals and the method of application conform to practices approved

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\* **Agricultural or farming operation is not deemed a nuisance. See Connecticut General Statutes Sec. 19a-341, 22a-430, 22a-471, 22a-471(a), 53-247 in respect to generally accepted agricultural practices.**

by the Commissioner of Energy and Environmental Protection, or where applicable the Commissioner of Public Health.

5. Irrigation and water management associated with generally accepted farming practices.

Inspection and approval of the agricultural or farming operation, place, establishment or facility by the Commissioner of the Dept. of Agriculture or his/her designee shall be prima facie evidence that such operations follow generally accepted agricultural practices. These practices must comply with the regulations and requirements of the Easton Conservation Commission, Planning and Zoning Commission, and Building or Health Departments pursuant to the Connecticut General Statutes.

Pursuant to Connecticut General Statutes Section 19a-341, Agricultural or farming operation is not deemed a nuisance.

#### **SECTION 4: ASSISTANCE IN RESOLUTION OF DISPUTES.**

Residents of Easton may seek assistance from the Agricultural Commission with any complaints or concerns they have with respect to any agricultural operation, place, establishment or facility located in Easton as well as from any other Easton official, board or commission. The Agricultural Commission, acting in an advisory capacity, may provide assistance with any complaint or concern brought to it or any other official, board or commission. Nothing herein prohibits residents from making complaints to the Connecticut Department of Agriculture.

#### **SECTION 5: IMPACT UPON LAND USE**

Nothing contained in this ordinance shall alter or restrict the powers of the Easton Conservation Commission, Planning and Zoning Commission, Building or Health Departments bestowed upon them by the Connecticut General Statutes. In addition, these Boards and Departments are encouraged to adopt regulations consistent with this ordinance and to make the permanent preservation of farmland within the Town an important consideration in their respective planning policy decisions.

#### **SECTION 6: WILLFUL OR RECKLESS CONDUCT NOT PROTECTED.**

The provisions of this ordinance shall not apply where a nuisance results from negligence or willful or reckless misconduct in the operation of any such agricultural or farming operation, place, establishment or facility, or any of its appurtenances.

#### **SECTION 7: CODIFICATION.**

In accordance with Connecticut General Statutes Section 7-148(b), the town has the right to create this right to farm ordinance.

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