

ORDINANCE CONCERNING A RIGHT TO FARM

Insert Date -- VOLUME ____ -- PAGE ____

Purpose and Intent

Pursuant to the powers conferred by Section 7-148(c)(7)(e), (8), and (10)(A), and in furtherance of the goals of Section 19 a-341 of the Connecticut General Statutes, it is the declared policy of the Town of Thompson to conserve and protect agricultural land and to encourage agricultural operations within the Town. It is the purpose and intent of this ordinance to further the Town's policy and reduce the loss of agricultural resources and that whatever impact may be caused to others through the normal practice of agriculture is offset by the benefits of farming to the neighborhood, community, and society in general. This ordinance is not to be construed as modifying or abridging state law, but is to be utilized in the interpretation and enforcement.

Declaration

Present, or future, agricultural operations both conducted for commercial purposes, in a manner consistent with proper and accepted customs and standards of the agricultural industry, and on a recognized farm which is engaged in the act of farming, shall maintain a right to farm regardless of any changed condition of the use of adjacent land. A recognized farm shall conform to the criteria required by the Connecticut Department of Agriculture, the Connecticut Department of Revenue Services, and the United States Department of Agriculture. Agricultural operations may occur on holidays, weekends and weekdays by night or day and shall include the incidental noise, odors, dust and fumes associated with normally accepted farming practices. These provisions shall not apply to the negligent or improper operation of any such agricultural operation.

Definitions

The term *agricultural operations*, per Section 1-1q of the Connecticut State Statutes, means activities relating to agricultural use including, but not limited to, the cultivation and tillage of the soil, protection of crops and livestock from insects, pests, diseases, birds, predators or other pests damaging or could potentially damage crops, the proper and lawful use of agricultural chemicals, including but not limited to the application of pesticides and fertilizers, or the raising, production, irrigation, pruning, harvesting, marketing or processing of an agricultural commodity, including any type of crop or livestock, and any forestry improvements and timber harvesting and processing. This would also include the operation and transportation of farm equipment over roads within the Town and conducting agriculture-related educational, marketing and farm-based recreational activities, including agri-tourism, provided the activities are related to marketing the agricultural output or services of the farm.

The term *farm* includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoop houses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities.

The term *farming* shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife; the operation, management, conservation, marketing, improvement or maintenance of a farm and its buildings, tools and equipment.

Dispute Resolution

An interested party may submit a written request to the Thompson Board of Selectmen for an opinion as to whether a particular agricultural operation would be considered negligent or improperly operated. In responding to said written request, the Selectmen can require an inspection and approval of the agricultural or farming operation, place, establishment or facility by the State Commissioner of Agriculture or his designee which shall be prima facie evidence that such operation follows generally accepted agricultural practices.