

ORDINANCE FOR A RIGHT TO FARM IN THE TOWN OF POMFRET

Purpose

Pursuant to the powers conferred upon by Section 7-184 (c) (7) (e) (8) and (10) (A), and in furtherance of the goals of Section 19a-341 of the Connecticut General Statutes, the Town of Pomfret adopts this ordinance to recognize the importance of protecting prime farmland, to identify those parcels for which preservation is a priority, and to foster farming as a way of life by declaring this municipality's support of the farmer's right to farm.

Definition

Except as otherwise specifically defined, the words "agriculture" and "farming" shall include cultivation of the soil, dairying, forestry, raising or harvesting of 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, and the raising or harvesting of oysters, clams, mussels, and other mollusks and shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in preparation of such fruits or vegetables as an incident to the direct sale.

The term "farm" includes farm buildings, and 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 "aquaculture" means the production of protein food, including fish, oysters, clams, mussels and other mollusks and shellfish, on leased, franchised and public underwater farmlands.

The Right to Farm

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, Commissioner of Health Services, 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.

Willful or Reckless Misconduct Not Protected

The provisions of this ordinance shall not apply whenever 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.

Adopted at Special Town Meeting held January 23, 2008.