

Local Law Number 2 of the year 1993

A local law The Right to Farm Law of the Town of Sweden

Be it enacted by the Town Board of the Town of Sweden as follows:

Section 1. Statement of Legislative Finding and Intent:

- A. It is hereby found and declared by the Town Board of the Town of Sweden that agricultural lands are irreplaceable assets. To that end, the Town Board finds farming to be an essential activity within the Town which greatly contributes to the economic viability of the Town. Farming also reinforces the special quality of life enjoyed by the town's residents, provides the visual benefit of open space and generates economic benefits and social well-being within the community. Therefore, the Town Board emphasizes to both the Town's current residents and prospective newcomers to the Town that it is the policy of this Town to conserve, protect and encourage the development and improvements of agricultural land for the production of food, and other products, and also for its natural and ecological value.
- B. Furthermore, the Town Board hereby supports those farmers, as well as all those employed, retained, or otherwise authorized to act on behalf of farmers, in their efforts to lawfully and responsibly engage in the time honored profession of farming. The Town Board hereby expresses its support of the enactment by the State Legislature of Chapter 797 of the Law of 1992 of the State of New York which, among other things, added a new section to the Agriculture and Markets Law of the State of New York by establishing for the first time a statutory Right to Farm by prohibiting the commencement of private nuisance suits against farmers who engage in sound agricultural practices.
- C. The Town Board, in an effort to promote and foster a harmonious relationship between the residents of the Town and those who contemplate purchasing land within the Town of Sweden, and to conserve, protect and encourage the development and improvement of agricultural land for the production of food and other products, hereby declares that it shall be the policy of this Town to provide reasonable notice to prospective landowners that farming activities may occur on neighboring lands.

Section 2. Notice to Prospective Grantees:

- A. Upon the submission of a preliminary subdivision plat or a multi-family residential site plan to the Planning Board of the Town of Sweden, pursuant to Article 16 of the Town Law of the State of New York, the applicant, in addition to any other requirement, shall submit a separate statement to the Planning Board stating whether the boundaries of the proposed subdivision or multi-family residential dwelling are to be located partially, wholly or within or are within 500 feet of either an Agricultural District or land for which an individual commitment has been received pursuant to Section 305 or 306 of the Agriculture and Markets Law of the State of New York, then the following notice shall appear on either the final subdivision plat or final site plan: "It is the policy of the Town of

Sweden to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural ecological value. This notice is to inform prospective grantee that the property they are about to acquire lies partially, wholly or within 500 feet of either an agricultural district or land for which an individual commitment has been received pursuant to Section 305 or 306 of the Agriculture and Markets Law of the State of New York, and that farming activities may occur on such property. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors.”

- B. In addition to the requirements of the notice in Section 2-A. of this local law, the Planning Board shall also require as a condition of final subdivision or site plan approval, that prior to the initial sale, purchase or exchange of any real property within such subdivision or multi-family residence, the grantor shall also deliver to the prospective grantee a typewritten document containing the notice set forth in Section 2-A. Further, grantor shall incorporate said notice in any deeds wherein title to any such property is to be initially conveyed to a grantee.

Section 3. Severability Clause:

- A. If any part of this Local Law is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remainder of this Local Law.

Section 4. Effective Date:

- A. This Local Law shall be effective immediately upon filing in the Office of the Secretary of State of the State of New York, pursuant to Section 27 of the Municipal Home Rule Law.

Filed New York Department of State on 6/28/93.