

TOWN OF HARWINTON
Annual Town Meeting
Tuesday, April 23, 2013

Ordinance Concerning the Right to Farm

Section 1: Purpose and Intent

Agriculture plays a significant role in Harwinton's heritage and future. The Town of Harwinton officially recognizes the importance of farming to its rural quality of life, heritage, public health, scenic vistas, tax base, wetlands and wildlife, and local economy. This Right to Farm Ordinance encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmland within Harwinton by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town of Harwinton agencies. It is the declared policy of the Town of Harwinton to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food and other agricultural products and for its natural and ecological value. It is hereby further determined that whatever impact may be caused to others through generally accepted agricultural practices, such impact is offset and ameliorated by the benefits of farming to the neighborhood, community and society in general.

Section 2: Authorization and Definitions

This Ordinance is adopted pursuant to Connecticut General Statutes, Section 19a-341. The terms "agriculture" and "farming" shall have the same meaning as set forth in Connecticut General Statutes, Section 1-1(q).

Section 3: Right to Farm

The Right to Farm is hereby recognized to exist within the Town of Harwinton. No present or future agricultural operation conducted or maintained in a manner consistent with accepted agricultural practices, which is 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 adjacent land. Agricultural operations may occur any day or night provided such activities do not violate applicable health, safety, fire, wetlands, or environmental codes and regulations and shall include, without limitation:

- a. The incidental noise from livestock or farm equipment used in generally acceptable farming practices;
- b. Odors from livestock, manure, fertilizer or feed;
- c. Dust and fumes associated with normally accepted farming practices;
- d. The use of agricultural chemicals provided such chemicals and the method of their application conform to practices approved by the State of Connecticut; and
- e. Irrigation and water management associated with normally accepted farming practices.

Inspection and approval of the agricultural or farming operation, place, establishment or facility by the Commissioner of Agriculture or his/her designee shall be prima facie evidence that such

operations follow generally accepted agricultural practices. Nothing contained in this Ordinance shall restrict the powers of the local Health Department under Connecticut General Statutes.

Section 4: Effective Date

This Ordinance shall take effect fifteen (15) days after publication of a summary of its provisions in accordance with Connecticut General Statutes, Section 7-157(b).

Adopted at town meeting on: April 23, 2013

Published in the Republican-American on April 25, 2013

Effective date: May 10, 2013

Harwinton Town Records: Volume 8, Pages 67 - 68