

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County Putnam
City of
Town
Village

Local Law No. 2 of the year 19 92

A local law Right to Farm Law

Be it enacted by the Town Board of the
(Name of Legislative Body)

County Putnam
City of as follows:
Town
Village

Section 1. Authority.

Under Section 10 of the Municipal Home Rule Law the Town of Putnam adopts the Right to Farm Law.

Section 2. Definitions.

As used in this Law No. 1 of 1992:

(a) "Agricultural Land" shall mean all that real property within the boundaries of the Town of Putnam currently used for agricultural operations or upon which agricultural operations may in the future be established.

(b) "Agricultural Farm Operation" shall mean any person, organization, entity, association, partnership or corporation engaged in the business of agriculture, whether for profit or otherwise.

(c) "Agricultural Practices" shall mean any activity including the cultivation of land, the raising of crops, or the raising of livestock, poultry, horticulture, timber, apiculture and fur bearing animals. Further, agricultural practices shall mean any activity now permitted by law, engaged in by a farmer as defined herein, in connection with and in furtherance of the business of farming and shall include, without limitation, the collection, transportation, distribution and storage of animal and poultry wastes; storage, transportation, and use of equipment for tillage, plowing and harvesting; transportation, storage and use of legally permitted fertilizers and limes, insecticides, herbicides, and pesticides all in accordance with local, state, and federal law and regulation and in accordance with the manufacturer's instructions and warnings; construction of farm structures and facilities as permitted by local and state building code and regulation; construction and maintenance of fences.

(d) "Town" shall mean the Town of Putnam, Washington County, New York and its Town Board.

Section 3. Findings and Policy.

(a) It is the declared policy of this Town to enhance and encourage agricultural operations within the Town. It is the further intent of this Town to provide to the residents of this Town proper notification of the Town's recognition and support through this law of those persons' and/or entities' right to farm.

(b) Where non-agricultural land uses extend into agricultural areas or exist side by side, agricultural operations frequently become the subjects of nuisance complaints due to lack of information about such operations. As a result agricultural operators are forced to cease or curtail their operations. Such actions discourage investments in farm improvements to the detriment of adjacent agricultural uses and the economic viability of the Town's agricultural industry as a whole. It is the purpose and intent of this section to reduce the loss to the Town of its agricultural industry as a whole. It is the purpose and intent of this section to reduce the loss to the Town of its agricultural resources by clarifying the circumstances under which agricultural operations may be considered a nuisance. This law is not to be construed as in any way modifying or abridging any New York State Law or any other applicable provisions of State law relative to nuisances, rather it is only to be utilized in the interpretation and enforcement of the provisions of this Town Law.

(c) An additional purpose of this law is to promote a "good neighbor" policy by advising purchasers and users of property adjacent to or near agricultural operations of the inherent potential problems associated with such purchase or residence. Such concerns may include, but are not limited to, the noises, odors, dust, chemicals, smoke, and hours of operation they may accompany agricultural operations. It is intended that, through mandatory disclosures, purchasers and users will better understand the impact of living near agricultural operations and be prepared to accept attendant conditions as the natural result of living in or near rural areas.

Section 4. Nuisance.

No agricultural activity, operation, or facility or appurtenances thereof, conducted or maintained in a manner consistent with management practices such as those recommended by state and federal agencies within the educational aspects of farmers and agricultural practices, herein and after referred to as accepted customs and standards, shall be or become a nuisance.

Section 5. Disclosure.

(a) The disclosure statement required by this chapter shall be used under the following circumstances and in the following

manners:

Upon any transfer of real property by sale, exchange, installment land sale contract, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, or residential stock cooperative improvement with dwelling units, the transferor shall require that a statement containing the language set forth in subpart (b) shall be signed by the purchaser or lessee and recorded with the County Recorder in conjunction with the deed or lease conveying the interest in real property, provided, however, that the real property to be transferred is adjacent to real property upon which agricultural operations are conducted.

(b) The disclosure required by Section 5(a) is set forth herein, and shall be made on a copy of, the following disclosure form:

REAL ESTATE TRANSFER DISCLOSURE STATEMENT

THIS DISCLOSURE STATEMENT CONCERNS THE REAL PROPERTY SITUATED IN THE TOWN OF PUTNAM, STATE OF NEW YORK. THIS STATEMENT IS A DISCLOSURE OF THE CONDITION OF THE ABOVE DESCRIBED AGRICULTURAL PROPERTY AND MAY APPLY TO THIS LOCAL LAW NO. 2 OF THE TOWN OF PUTNAM AS OF THE FILING DATE 1/19/93. IT IS NOT A WARRANTY OF ANY KIND BY THE SELLER(S) OR ANY AGENT(S) REPRESENTING ANY PRINCIPAL(S) IN THIS TRANSACTION, AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THE PRINCIPAL(S) MAY WISH TO OBTAIN.

I SELLERS INFORMATION

The Seller discloses the following information with the knowledge that even though this is not a warranty, prospective Buyers should consider this information in deciding whether and on what terms to purchase the subject property. Seller hereby authorizes any agent(s) representing any principal(s) in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property. THE FOLLOWING IS INFORMATION MADE BY THE SELLER(S) AS REQUIRED BY THE TOWN OF PUTNAM AND ARE NOT THE REPRESENTATIONS OF THE AGENT(S), IF ANY. THIS INFORMATION IS A DISCLOSURE AND IS NOT INTENDED TO BE PART OF ANY CONTRACT BETWEEN THE BUYER AND SELLER.

1. The Town of Putnam permits operation of accepted customs and standards for agricultural operations within the Town. If the property you are purchasing is located near agricultural lands or operations or included within an agricultural district, you may be subject to inconveniences or discomfort arising from such operations. Such discomfort or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery during any hour of the day or night, storage and disposal of manure, and the application by spraying or

otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. One or more of the inconveniences described may occur as a result of any agricultural operation still within conformance with existing laws and regulations and accepted customs and standards. If you live near an agricultural area, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a Town with a strong rural character and an active agricultural sector. The Town of Putnam has established a grievance committee to assist in the resolution of any disputes which might arise between residents of this Town regarding agricultural operations.

2. Additional Town requirements.

Seller certifies that the information herein is true and correct to the best of Seller's knowledge as of the date signed by the Seller.

Seller _____ Date _____

Seller _____ Date _____

II

BUYER(S) AND SELLER(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE AND/OR INSPECTIONS OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN BUYER AND SELLER(S) WITH RESPECT TO ANY ADVICE/INSPECTIONS/DEFECTS.

I/WE ACKNOWLEDGE RECEIPT OF A COPY OF THIS STATEMENT.

Seller _____ Date _____

Seller _____ Date _____

Buyer _____ Date _____

Buyer _____ Date _____

Agent (Broker obtaining the Seller)

_____ By _____ Date _____
(Associate Licensee or Broker Signature)

Agent (Broker obtaining the offer)

_____ By _____ Date _____
(Associate Licensee or Broker Signature)

State of _____ On this the ___ day of _____,
County of _____ :ss: before me, the undersigned Notary
Public, personally appeared _____

Personally known to me. _____ Provided to me on the basis of
satisfactory evidence to be the person(s) whose name(s) _____
_____ subscribed to the _____ within
instrument and acknowledged that _____
executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

Present A.P. No. _____

A REAL ESTATE BROKER IS QUALIFIED TO ADVISE ON REAL ESTATE. IF YOU DESIRE LEGAL ADVICE, CONSULT YOUR ATTORNEY.

Section 6. Refusal to Sign Disclosure Statement.

If a Buyer refuses to sign the Disclosure Statement set forth in Section 5(b) the transferor may comply with the requirements of this chapter by delivering the statement to the Buyer as provided in Section 5(b) and affixing and signing the following declaration to the statement:

I, _____, have delivered a copy of the foregoing disclosure statement as required by law to _____ who has refused to sign.

I declare the foregoing to be true.

Date _____ Sign _____
Print Name:

Section 7. Penalty for Violation.

Noncompliance with any provision of this chapter shall not affect title to real property, nor prevent the recording of any document. Any person who violates any provision of this chapter is guilty of an infraction punishable by a fine not exceeding one hundred dollars (\$100.00).

Section 8. Separability.

If any section, subsection, sentence, clause or phrase of this law is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of the law.

Section 9. Precedence.

This local law and the proscriptions set forth herein are in addition to all other applicable laws, rules and regulations.

Section 10. Resolution of Disputes.

(a) Should any controversy arise regarding any inconveniences or discomfort occasioned by agricultural operations, including, but not limited to noises, odors, fumes, dust, the operation of machinery of any kind during any hour of the day or night, the

storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides, the parties will submit the controversy to a grievance committee as set forth below in an attempt to resolve the matter prior to the filing of any court action.

(b) Any controversy between the parties may be submitted to a grievance committee whose decision shall be advisory only, within thirty (30) days of the date of the occurrence of the particular activity giving rise to the controversy or of the date a party became aware of the occurrence.

(c) The committee shall be composed of five (5) members selected from the community by the Town Board of which two (2) shall be active farmers, one (1) agribusinessman, one (1) Town Board member and one (1) member-at-large.

(d) The effectiveness of the grievance committee as a forum for resolution of disputes is dependent upon full discussion and complete presentation of all pertinent facts concerning the dispute in order to eliminate any misunderstandings. The parties are encouraged to cooperate in the exchange of pertinent information concerning the controversy.

(e) The controversy shall be presented to the committee by written consent of one of the parties within the time specified. Thereafter the committee may investigate the facts of the controversy, but must, within thirty (30) days, hold a meeting to consider the merits of the matter and within twenty (20) days of the meeting render a written decision to the parties. At the time of the meeting both parties shall have an opportunity to present what each considers to be pertinent facts.

(f) The decision of the committee shall not be binding. If one of the parties is not satisfied with the committee's decision, upon agreement of both parties, the matter may be submitted to the Town Board according to the procedures set forth in subsection (g) below.

(g) Town Board Procedures:

- (1) The controversy between the parties shall be submitted to the Town Board upon written agreement of both parties.
- (2) The Town Board shall review the controversy with a report from the proceedings of the grievance committee. Within thirty (30) days of the written request the Town Board shall render a written decision to the parties.

Section 11. Posting of Law.

Right to Farm signs will be maintained throughout the Town.

Section 12. Filing.

This local law shall become effective upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 1992 of the ~~(County)(City)(Town)(Village)~~ of Putnam was duly passed by the Town Board on Nov. 12 1992, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____ in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Kim Seerup
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

Date: November 13, 1992

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF Washington

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Michael E. Cusack
Michael E. Cusack
Asst. Town Attorney
Town of Putnam
November 13, 1992

Kim Seerup
Signature
Town Clerk
Title

County _____
City _____
Town of Putnam

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

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(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Kim Seerup
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

Date: _____ November 13, 1992

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF Washington

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Michael E. Cusack
Michael E. Cusack
Asst. Town Attorney
Town of Putnam
November 13, 1992

Kim Seerup
Signature
Town Clerk
Title

County _____
City _____
Town of Putnam