

ARTICLE I
Right to Farm
[Adopted 10-15-2009]

§ 55-1. Purpose and intent.

- A. Agriculture plays a significant role in Colchester's heritage and future. The Town officially recognizes the importance of farming to its rural quality of life, heritage, public health, scenic vistas, tax base, wetlands, wildlife, and local economy. This Right-to-Farm Ordinance encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmland within Colchester by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies.
- B. It is the declared policy of the Town of Colchester 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.

§ 55-2. Definitions.

The terms "agriculture" and "farming" shall have all those meanings set forth in C.G.S. § 1-1(q), as amended.

§ 55-3. Right to farm.

- A. Pursuant to Connecticut General Statutes, no present or future agricultural operations conducted or maintained in a manner consistent with accepted customs and standards of the agricultural industry on a recognized farm which is engaged in the act of farming shall become or be considered a nuisance due to the identified impacts below solely because such activity resulted or results in any changed condition of the use of adjacent land, provided that best management practices for all activities are observed.
- (1) The incidental noise from livestock or farm equipment used in normal, generally acceptable farming practices;
 - (2) Odors from livestock, manure, fertilizer or feed in accordance with public health and Department of Environmental Protection standards;
 - (3) Dust and fumes associated with normally accepted farming practices;
 - (4) The use of agricultural chemicals, pesticides and fertilizers associated with normally accepted farming practices; 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.
- B. These provisions shall not apply whenever a nuisance results from the negligent or improper operation of any such agricultural operation or when best management practices are not followed.

- C. Inspection and approval of the agricultural or farming operation, place, establishment or facility by the State Commissioner of Agriculture or his/her designee shall be prima facie evidence that such operations follow generally accepted agricultural practices. Nothing contained in this article shall restrict the powers of Colchester's Wetlands Commission, Planning and Zoning Commission, Building or Health Department under Connecticut General Statutes.