

## Chapter 75

### FARMING

§ 75-1. Legislative intent and purpose.

§ 75-2. Definitions.

§ 75-3. Right to undertake agriculture practices.

§ 75-4. Notice to prospective neighbors.

**[HISTORY: Adopted by the Town Board of the Town of Rochester at time of adoption of Code (see Ch. 1, General Provisions, Art. I.) Amendments noted where applicable.]**

#### GENERAL REFERENCES

Subdivision of land — See Ch. 125.

Zoning — See Ch. 140.

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#### § 75-1. Legislative intent and purpose.

- A. The Town Board of the Town of Rochester finds that farming is an essential activity within the Town of Rochester.
- B. Farming, as defined herein, reinforces the special quality of life enjoyed by citizens, provides the visual benefit of open space and generates economic benefits and social well-being within the community. Therefore, the Town of Rochester emphasizes to newcomers that this town encourages its agriculture and requests newcomers to be understanding of the necessary day-to-day operations.
- C. It is the general purpose and intent of this chapter to maintain and preserve the rural tradition and character of the Town of Rochester, to permit the continuation of agricultural practices, to protect the existence and operation of farms, and to encourage the initiation and expansion of farms and agricultural businesses.
- D. For the purpose of reducing future conflicts between farmers and nonfarmers, it is necessary for notice to be given to future neighbors about the nature of agricultural practices.

#### § 75-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**AGRICULTURAL PRACTICES** — Includes all activities conducted on a farm necessary to the operation of a farm.

**FARM** — Includes livestock, dairy, poultry, furbearing animals, aquaculture, fruit, vegetable and field crop farms, plantations, orchards, nurseries, greenhouses or other similar operations used primarily for the raising of agricultural or horticultural commodities.

**§ 75-3. Right to undertake agriculture practices.**

Farmers, as well as those employed, retained or otherwise authorized to act on behalf of farmers, may lawfully engage in farming practices within the Town of Rochester at any and all such times and all such locations as are reasonably necessary to conduct the business of farming. For any activity or operations, in determining the reasonableness of the time, place and methodology of such operation, due weight and consideration shall be given to both traditional customs and procedures in the farming industry as well as to advances resulting from increased knowledge and improved technologies.

**§ 75-4. Notice to prospective neighbors.**

The following notice shall be included in building permits and on plats of subdivisions submitted for approval pursuant to Town Law § 276:

“This property may border a farm, as defined in Chapter 75 of the Town of Rochester Code. Residents should be aware that farmers have the right to undertake farm practices which may generate dust, odor, smoke, noise and vibrations and which may involve insecticides, herbicides, pesticides, etc.”