



Department of State
Corporations, State Records & UCC

New York State
Department of State
DIVISION OF CORPORATIONS,
STATE RECORDS AND
UNIFORM COMMERCIAL CODE
One Commerce Plaza
99 Washington Ave.
Albany, NY 12231-0001
dos.ny.gov

Local Law Filing

Pursuant to Municipal Home Rule Law §27

Local Law Number ascribed by the legislative body of the local government listed below:

1 of the year 20 25

Local Law Title: Right To Farm Law

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

☐ County ☐ City ☒ Town ☐ Village
(Select one)

of Washington as follows on the attached pages:
(Name of Local Government)

For Office Use Only

FILED
STATE RECORDS

DEC 22 2025

DEPARTMENT OF STATE

Department of State Local Law Index Number: 1 of the year 20 25

(The local law number assigned by the Department of State for indexing purposes may be different from the local law number ascribed by the legislative body of the local government.)

Local Law Filing

(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 ascribed as local law number 1 of 2025 of the (County)(City)(Town)(Village) of Washington was duly passed by the Town Board on December 11 2025 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, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____ 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, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____

(Name of Legislative Body)

(Elective Chief Executive Officer*)

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 _____ 20____ in accordance with the applicable provisions of law.

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, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____ 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 chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

Local Law Filing

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

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20 ____ of the City of _____ having 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 _____ 20 ____ became operative.

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

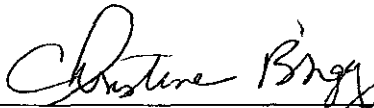
I hereby certify that the local law annexed thereto, ascribed as local law number _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 ____ pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and 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 the paragraph ¹ _____ above.

(Seal)

Christine Briggs



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

December 16, 2025

(Date)

TOWN OF WASHINGTON, NEW YORK

Resolution Introducing Proposed Local Law No. 1 of 2025

A Local Law Amending and Restating the Town's Right-to-Farm Law

WHEREAS, the Town Board of the Town of Washington "Town Board" recognizes the communal importance of the Town's agricultural heritage and the need to maintain and preserve the agricultural character of the Town, protect the existence and operation of farms, and promote practical mechanisms to resolve disputes concerning agricultural practices;

WHEREAS, the Town Board has before it a proposed local law entitled "Right-to-Farm Law (Amended and Restated)" which, among other things, affirms the Town's right-to-farm policy, defines key terms, declares certain agricultural practices to be reasonable and not a nuisance, provides notice to real-property purchasers and occupants, establishes an Agricultural Advisory Committee and a dispute-resolution process, and states that adoption is a Type II action under the State Environmental Quality Review Act "SEQRA";

WHEREAS, the proposed local law is intended to be consistent with New York State Agriculture and Markets Law, including (but not limited to) §§ 283-a, 305-b, 308, and 310; and

WHEREAS, the Town Board desires to introduce said local law for consideration and to schedule a public hearing thereon;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Washington, Dutchess County, New York, as follows:

1. **Introduction of Local Law.** Proposed Local Law No. 1 of 2025, entitled "Right-to-Farm Law (Amended and Restated)" (the "Proposed Local Law"), in the form attached hereto as Exhibit A, is hereby introduced for consideration.
2. **SEQRA.** The Town Board hereby preliminarily determines that adoption of the Proposed Local Law constitutes a Type II action under 6 NYCRR § 617.5(c)(20) and (27) and therefore no further SEQRA review is required.
3. **Public Hearing.** A public hearing on the Proposed Local Law shall be held by the Town Board on Thursday, December 11, 2025 at 6p.m. at Town Hall, 10 Reservoir Drive, Millbrook, New York 12545, or as soon thereafter as the matter may be heard.
4. **Notice.** The Town Clerk is hereby directed to publish and post a Notice of Public Hearing in the Town's official newspaper and on the Town's website, and to post the notice on the Town Clerk's bulletin board, not less than five (5) days prior to said hearing, all in accordance with Municipal Home Rule Law § 20 and other applicable law. The Town Clerk shall also make the Proposed Local Law available to the public and to any interested agency.
5. **Referrals.** To the extent applicable, the Town Clerk are authorized and directed to make any referrals required by law, including any referral to the Town of Washington Planning Board,

Dutchess County Department of Planning and Development pursuant to General Municipal Law § 239-m (if determined to be applicable).

6. Further Actions. The Town Supervisor, Town Attorney, and Town Clerk are authorized to take such further actions as may be necessary to effectuate this Resolution.

7. Effective Date of Law. The Proposed Local Law provides that, if adopted by the Town Board, it shall take effect upon filing with the New York Secretary of State.

Moved by: Councilman Giles

Seconded by: Councilman Murphy

Adopted on: December 11, 2025 (introduction only)

ROLL CALL VOTE (on introduction):

Supervisor Ciferri: Aye

Councilman Murphy: Aye

Councilman Giles: Aye

Councilman Rochfort : Absent

Exhibit A: Proposed Local Law — Right-to-Farm Law (Amended and Restated) (attached)

Section 1. Legislative Intent and Purpose

In keeping with the guidelines of the Comprehensive Town Plan, the results of the Hospital Survey, and in maintaining the Town's rural character, the Town Board of the Town of Washington hereby recognizes and declares the communal importance and pride associated with the local agricultural heritage. The plentiful farmlands of Washington, New York, are an essential enterprise of the Town that generate viable economic benefits, fresh produce and commodities, environmental quality, and pastoral landscapes—thus defining the rural character of the Town. It is the general purpose and intent of this law to maintain and preserve the agricultural character of the Town, to protect the existence and operation of farms, to permit the continuation of Agricultural Practices, to encourage the initiation and expansion of farms and agribusiness, and to promote new ways to resolve disputes concerning Agricultural Practices and Farm Operations. The Town ensures that local laws are consistent with New York State Agriculture and Markets Law (Section 305-B) and New York State Town Law (Section 283-A), which requires an agricultural data statement for any application for a special use permit, site plan, use variance, or subdivision that occurs on property within an Agricultural District or within 500 feet of a Farm Operation located in an Agricultural District.

Section 2. Definitions

1. **"Agribusiness"** shall mean a business involved in the producing operations of a farm—the manufacture or distribution of farm equipment, farm supplies, the processing, storage, or distribution of farm commodities.
2. **"Agricultural Practices"** shall mean those practices necessary for the production, preparation, and marketing of Agricultural Products. Practices include but are not limited to: operation of farm equipment, crop production methods, the proper use of pest and disease management practices, and the construction and use of farm structures.
3. **"Agricultural Products"** shall mean those products as defined in Article 25-AA, Section 301(2) of the New York State Department of Agriculture and Markets Law, including:
 - o Field crops, including corn, wheat, rye, barley, hay, potatoes, and dry beans.
 - o Fruits, including apples, peaches, grapes, cherries, and berries.
 - o Vegetables, including tomatoes, snap beans, cabbage, carrots, beets, and onions.
 - o Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees, and flowers.
 - o Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, llamas, ratites, such as ostriches, emus, rheas, and kiwis, farmed deer, farmed buffalo, fur-bearing animals, milk and milk products, eggs, furs, and poultry products.

- Maple sap and sugar products.
 - Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump.
 - Aquaculture products, including fish, fish products, water plants, and shellfish.
 - Short rotation woody crops raised for bioenergy.
 - Production and sale of woodland products, including but not limited to logs, lumber, posts, and firewood.
4. **"Farming"** shall mean the act of engaging in a Farm Operation and/or Agricultural Practices.
 5. **"Farmer"** shall mean any person, organization, entity, association, partnership, limited liability company, or corporation engaged in the business of farming, including but not limited to: the cultivation of land, the raising of crops, or the raising of livestock.
 6. **"Farm Operation"** shall be defined in accordance with Article 25-AA, Section 301(11) of the New York State Department of Agriculture and Markets Law.
 7. **"Reasonable"** shall mean actions or practices that, as to time, place, and methodology, are consistent with the legitimate objectives of agricultural production and the particulars of the farm, taking into account generally accepted customs, sound agricultural practices, and advances resulting from increased knowledge, research, and improved technologies. Reasonableness shall be determined by reference to (i) compliance with state agricultural standards, including but not limited to those in Article 25-AA of the New York State Department of Agriculture and Markets Law; (ii) adherence to applicable industry guidelines or best management practices; and (iii) conformity with traditional customs as they evolve. Any agricultural practice conducted in conformity with such standards, guidelines, or practices shall be presumed reasonable unless shown otherwise by clear evidence to the contrary.

Section 3. Right-to-Farm Declaration

Farmers, as well as those employed, retained, or otherwise authorized to act on behalf of Farmers, may lawfully engage in Agricultural Practices on property enrolled within a state-certified Agricultural District within this Town at all times and all such locations as are reasonable (as defined in Section 2 of this law). In determining whether an Agricultural Practice is reasonable, 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, research, and improved technologies. Agricultural Practices that conform to applicable state standards (including those under Article 25-AA of the New York State Department of Agriculture and Markets Law), industry guidelines or best management practices, or recognized local custom shall be presumed reasonable.

Agricultural Practices conducted on Farmland shall not be found to be a public or private nuisance if such Agricultural Practices are:

1. Reasonable (as defined in Section 2 of this law) and necessary to the particular farm or Farm Operation, with reasonableness established by compliance with applicable state standards, industry guidelines, or local custom as described above.
2. Conducted in a manner which is not negligent or reckless.
3. Conducted in conformity with generally accepted and sound Agricultural Practices.
4. Conducted in conformity with all local, state, and federal laws and regulations.
5. Conducted in a manner which does not constitute a threat to public health and safety or cause injury to health or safety of any person.
6. Conducted in a manner which does not, by reasonable standards as defined in Section 2 of this law, obstruct the free passage or use of navigable waters or public roadways.

For purposes of this section, any Agricultural Practice that is conducted in conformity with applicable state-recognized standards, generally accepted sound agricultural practices, or published industry best management practices, shall be presumed to be reasonable and not a nuisance, absent clear and convincing evidence to the contrary.

Nothing in this local law shall be construed to prohibit an aggrieved party from recovering damages for bodily injury or wrongful death due to a failure to follow sound agricultural practice, as outlined in this section.

Savings Clause: Nothing in this local law shall be construed to impair, diminish, or restrict any legal rights, remedies, or causes of action that non-farm residents or landowners may have under local, state, or federal law, including, but not limited to, rights relating to public health, safety, nuisance, environmental protection, property, or personal injury.

Section 4. Notification to Real Property Buyers & Occupants

In order to promote harmony between Farmers and their neighbors, the Town requires landholders and/or their agents and assigns to comply with Section 310 of Article 25-AA of the State Agriculture and Markets Law and provide notice to all prospective purchasers and occupants, including purchasers of properties both within an Agricultural District and on any property with boundaries within 500 feet of a Farm Operation located in an Agricultural District, as well as tenants and lessees of such properties. Notice shall be provided as follows:

"It is the policy of this state and this community 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 and ecological value. This notice is to inform prospective residents that the property they are about to acquire or occupy lies partially or wholly within an Agricultural District and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust, and odors."

A copy of this notice shall be included by the seller or seller's agent as an addendum to the purchase and sale contract at the time an offer to purchase is made, or by the landlord/agent at the time a lease is executed for any property within the designated notification area. In all cases, the buyer, tenant, or lessee must sign and date an acknowledgment of having received and understood the notice prior to closing or occupancy, and such acknowledgment must be retained by the seller, landlord, or their agents.

Additionally, the Town shall make the required notice available on its website and via posted signs at Town Hall and any publicly accessible Town registry of real estate and rental transactions, where such notice may be reasonably seen by prospective buyers, tenants, or lessees.

Section 5. Agricultural Advisory Committee

The Town Board shall create an Agricultural Advisory Committee (AAC) with the purpose of advising the Town on any and all agricultural matters. The Committee shall be composed of five town resident members, including two agricultural business owners, two non-farming residential property owners, and one member of the Planning Board of the Town of Washington.

Section 6. Resolution of Disputes

1. Should any agriculturally related controversy arise, which cannot be settled by direct negotiation between the parties involved, the controversy may be submitted to the Town of Washington Agricultural Advisory Committee (AAC) in an attempt to resolve such matter prior to or, if desired, alternatively, to filing of any court action or request for a determination by the Commissioner of Agriculture and Markets about whether the Agricultural Practice is sound pursuant to Article 25-AA, Section 308 of the New York State Agriculture and Markets Law. In any such matter, the AAC shall apply the definition and criteria for "Reasonable" as set forth in Section 2 of this law, giving due consideration to whether the actions in question conform to applicable state standards, industry guidelines, or local custom.
2. Any controversy submitted to the AAC, whose decision shall be advisory only, shall be submitted within thirty (30) days of the date of the occurrence of the

particular activity giving rise to the controversy or the date the party became aware of the occurrence.

3. Upon submission of a controversy to the AAC, both parties shall be provided with equal opportunity to participate, including the right to present written statements, evidence, supporting documents, and oral testimony; to have access to translation or interpretation services if necessary; to submit questions for the committee to consider; and to request reasonable accommodation for disabilities or scheduling needs, to promote accessibility and fairness. The committee must hold a meeting within 14 days of the matter to consider all submitted materials and arguments.
4. Within 10 days of the AAC meeting, the committee shall render a comprehensive written decision to both parties and the Town Clerk, setting forth findings of fact, an analysis of all arguments and evidence presented, the reasoning for the committee's recommendation, and any suggested actions or resolutions.
5. The time limits provided in this section for action by the Committee process shall be extended only upon a written agreement of all involved parties.
6. The controversy between the parties shall be submitted to the Town Board upon written request of either party. The Town Board shall review the controversy with a report from the proceedings of the Agricultural Advisory Committee (AAC). In its determination, the Town Board shall apply the definition and criteria of "Reasonable" set forth in Section 2 and referenced in Section 3, including consideration of state-recognized standards, industry best management practices, and evolving local custom. Within 30 days of the written request, the Town Board shall render a written decision to the parties.
7. The decision of the Town Board shall not be binding.
8. To encourage the use of this mechanism to resolve disputes, the parties requesting to utilize this dispute resolution process shall stipulate, in writing, that the statements made during the process shall be deemed in the nature of settlement discussions and that such statements and any agreement reached as part of the dispute resolution process shall not be used for evidentiary purposes in any other action or proceeding.

Section 7. SEQRA Determination

It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 NYECL Section 0101 et seq., and its implementing regulations, Part 617 of 6 NYCRR, that the adoption of this local law is a "Type II" Action, which does not have a significant impact on the environment and no further review is required. 6 NYCRR Section 617.5 (c) (20) and (27) apply to: "(20) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment" and "(27) adoption of regulations, policies, procedures, and local legislative decisions in connection with any action on this list."

Section 8. Severability Clause

The invalidity of any word, section, clause, paragraph, sentence, part, or provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

Section 9. Precedence

This Local Law and its provisions are in addition to all other applicable laws, rules, and regulations.

Section 10. Effective Date

This Local Law shall take effect as of the date of filing with the New York Secretary of State.