

**Town of Goshen, Connecticut**  
**42 North Street , Goshen, CT 06756-0187**  
**Phone: (860) 491-2308**

## **Title 70 - Right to Farm**

**TITLE 70**  
**ORDINANCE CONCERNING THE RIGHT TO FARM**

### **Purpose and Intent**

Agriculture is a significant part of the Town of Goshen's heritage and a vital part of the Town's future. It is therefore the declared policy of the Town of Goshen and legislative determination of the Goshen Town Meeting to conserve and protect agricultural land and to encourage agricultural operations and the sale of local farm products within the Town. It is the purpose and intent of this ordinance to promote and advance the Town's policy and reduce the loss of local agricultural resources by limiting circumstances under which any such operation may be considered a nuisance. It is hereby further legislatively determined that whatever impact may be caused to others through normal generally accepted agricultural practices, such impact is offset and ameliorated by the benefits of farming to the neighborhood, community, and society in general. Methods of farming that comport with generally accepted farming practices are also deemed to comport with community standards at large. This ordinance is not to be construed as modifying or abridging state law relative to the abatement of nuisances, but is to be used in the interpretation and characterization of activities and in considering and implementing enforcement of the provisions of the Ordinances of the Town of Goshen and other applicable Town regulations, consistent with the provisions of Connecticut General Statutes §19a-341. Additionally, the terms of this ordinance may be used in determining whether the methods and practices that may come under review conform to community standards.

### **Declaration**

No present or future agricultural operations conducted or maintained in a manner consistent with generally accepted agricultural practices, including, without limitation, those practices prevailing on a recognized farm 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 that may occur on holidays, weekends and weekdays by night or day provided such activities do not violate applicable health, safety, fire, life safety or building codes and regulations shall include, without limitation:

- The incidental noise from livestock or farm equipment used in normal, generally acceptable farming practices
- Odors from livestock, manure, fertilizer or feed;
- Dust and fumes associated with normally accepted farming practices
- The use of agricultural chemical, pesticides and fertilizers associated with normally accepted farming practices; and
- Irrigation and water management associated with normally accepted farming practices
- Agri- Tourism, including activities to promote agriculture on the farm

These provisions shall not apply whenever a nuisance results from the negligent or improper operation of any such agricultural operation.

### **Definitions**

Agricultural operations means activities relating to agricultural use including, but not limited to, the cultivation and tillage of soil, the burning of agricultural waste products or other agricultural burning, protection of crops and livestock from insects, pests, diseases, birds, predators or other pests damaging or could potentially damage crops, the proper and lawful use of agricultural chemicals, including but not limited to the application of pesticides and fertilizers, or the raising, production, irrigation, pruning,

harvesting, or processing of an agricultural commodity, including any type of crop or livestock, and any forestry improvements and timber harvesting and processing. Such operations also include the operation and transportation of farm equipment over roads within the Town and conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided the activities are related to marketing the agricultural output or services of the farm and local produce and livestock products and provided same do not conflict with any provisions of the zoning regulations.

Farm means a premises on which farming is conducted, including, without limitation, farm buildings, and accessory buildings thereto, nurseries, creameries, orchards, vineyards, ranges, greenhouses, hoop houses and other temporary structures or other structures used primarily for the raising and, as incidental and adjunctive to ordinary farming operations, the sale of locally grown or raised agricultural or horticultural products.

Farming means cultivation of soil, dairying, forestry, milling, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock: the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment.

### **Dispute Resolution and Advisory Opinions**

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 respective powers of Goshen's Inland Wetlands Commission, Planning and Zoning Commission or Building Official or the Torrington Area Health District granted under the Connecticut General Statutes.

Adopted: Wednesday, May 30, 2012

Printed: Monday, June 4, 2012

Effective: Tuesday, June 19, 2012