STATE OF NEW YORK

3191

2021-2022 Regular Sessions

IN SENATE

January 28, 2021

Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to local laws restricting farming operations within an agricultural district

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 1 of section 303 of the agriculture and markets law, as amended by chapter 35 of the laws of 2016, is amended to read as follows:

1. Any owner or owners of land may submit a proposal to the county legislative body for the creation of an agricultural district within such county[~~, provided that such owner or owners own at least two hundred fifty acres of the land proposed to be included in the district~~]. Such proposal shall be submitted in such manner and form as may be prescribed by the commissioner, shall include a description of the proposed district, including a map delineating the exterior boundaries of the district which shall conform to tax parcel boundaries, and the tax map identification numbers for every parcel in the proposed district. The proposal shall include a review period of eight years.

§ 2. Paragraph a of subdivision 1 of section 305-a of the agriculture and markets law, as amended by chapter 357 of the laws of 1997, is amended to read as follows:

a. Local governments, when exercising their powers to enact and administer comprehensive plans and local laws, ordinances, rules or regulations, shall exercise these powers in such manner as may realize the policy and goals set forth in this article, and shall not unreasonably restrict or regulate farm operations within agricultural districts in contravention of the purposes of this article unless it can be shown that the public health or safety is threatened. **For purposes of this section, the collection, use or storage of manure shall not be restricted or regulated by local law, ordinance or resolution in an agricultural district on the basis that such activities pose a threat to public health or safety as either a nuisance or a pollutant.**

§ 3. This act shall take effect immediately.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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