

ORDINANCE

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN:
THAT CHAPTER 228, ARTICLE I BE ADDED AS FOLLOWS.

Article I. Right to Farm Ordinance

A. Purpose and Intent.

Agriculture plays a significant role in Middletown's heritage and future. It is the declared policy of the City of Middletown 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. This Right to Farm ordinance encourages the pursuit of agriculture and promotes agriculture-based economic opportunities within the City of Middletown.

It is the intent of this Right to Farm Ordinance to codify existing state law contained in Section 19a-341 of the Connecticut General Statutes, as amended. This Right to Farm ordinance does not independently create a right to farm on any property located within the City of Middletown. This Right to Farm ordinance does not modify the uses of property set forth by the Planning and Zoning Commission in the Zoning Code, nor does it modify the permissible uses and restrictions on agriculture, farming, and the keeping of livestock as is otherwise provided in the Health Code, Building Code, and the City of Middletown's Code of Ordinances.

B. Definitions.

The terms "agriculture" and "farming" shall have all those meanings set forth in Section 1-1(q) of the Connecticut General Statutes, as amended.

C. Agricultural or Farming Operation Not Deemed a Nuisance.

No agricultural or farming operation, place, establishment or facility, or any of its appurtenances, or the operation thereof, shall be deemed to constitute a nuisance, either public or private, due to alleged objectionable:

1. Odors from livestock, manure, fertilizer or feed;
2. Noise from livestock or farm equipment used in normal, generally acceptable farming practices;
3. Dust created during plowing or cultivation operations;
4. The use of chemicals, provided such chemicals and the method of their application conform to practices approved by the Commissioner of Energy and Environmental Protection, or, where applicable, the Commissioner of Public Health; and

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 from pollution control approved by the Commissioner Energy and Environmental Protection; provided such agricultural or farming operation, place, establishment or facility has been in operation for one year or more and has not been substantially changed, and such operation follows generally accepted agricultural practices.

Inspection and approval of the agricultural or farming operation, place, establishment or facility by the State Commissioner of Agriculture or their designee shall be prima facie evidence that such operation follows generally accepted agricultural practices.

D. Willful or Reckless Misconduct.

These provisions shall not apply whenever a nuisance results from negligence or willful or reckless misconduct in the operation of any such agricultural or farming operation, place, establishment or facility, or any of its appurtenances.

Submitted by: Councilman Steven Kovach

Approved by: Board of Health at its regular meeting held on May 9, 2023.

Planning & Zoning Commission at its regular meeting held on May 24, 2023.

Commission on Conservation & Agriculture at its regular meeting held on November 21, 2023.

General Counsel Commission at its Special Meeting held on January 23, 2024.

Status: APPROVED

By Common Council, City of Middletown

at its meeting held on: FEBRUARY 5, 2024

K: review/ ordinance/ CH 228 - right to farm – ORD 04-24 – 5 Feb 2024