

PORTLAND BOARD OF SELECTMEN
Legal Notice of Decision

In accordance with Section 1213 of the Portland Town Charter, at a regular meeting held on August 17, 2022, the Board of Selectmen adopted the following ordinance:

TOWN OF PORTLAND, CONNECTICUT
Chapter 12
OFFENSES AND MISCELLANEOUS PROVISIONS

Article 1. In General

Section 12-5. Right to Farm Ordinance

Purpose and Intent

Agriculture plays a significant role in Portland's heritage and future. It is the declared policy of the Town of Portland 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, promotes agriculture-based economic opportunities, and protects farmland within Portland by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies.

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 Portland and other applicable Town regulations, consistent with the provisions of Connecticut General Statutes §19a-341.

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.

"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.

"Agriculture" and *"Farming"* shall include cultivation of the soil, dairying, forestry, raising or harvesting of any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the operation management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident

to ordinary farming operations, or, in preparation of such fruits or vegetables as an incident to the direct sale.

Right to Farm

The Right to Farm is hereby recognized to exist within the Town of Portland. No present or future 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 agricultural chemicals, provided such chemicals and the method of their application conform to practices approved by the State of Connecticut Commissioner of 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 of 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.

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.

Inspection and approval of the agricultural or farming operation, place, establishment or facility by the Commission of Agriculture or his/her designee shall be prima facie evidence that such operations follow generally accepted agricultural practices.

Impact on Local Codes and Regulations


Nothing contained in this ordinance shall restrict the powers of Portland's Inland Wetlands Commission, Planning and Zoning Commission, Zoning Regulation, Land Use or Health Departments under Chapter 124 of the Connecticut General Statutes.

Adopted: 8/17/2022

A copy of the ordinance is available for public inspection on file in the Town Clerk's office located on the ground floor in the Portland Town Hall at 33 East Main Street, and online at www.portlandct.org.

This ordinance shall become effective on the thirty-first (31st) day after such publication in accordance with the Charter of the Town of Portland.

ATTEST:


Michael V. Tierney
Town Clerk of Portland

Dated at Portland, Connecticut this 22nd day of August, 2022