

# Connecticut's Right to Farm Law



## Background:

The Connecticut Right to Farm Law was signed into law by Governor O'Neill in May of 1981. As more people and businesses moved to the rural areas of Connecticut, agricultural operations often became the subject of complaints. Right to Farm legislation was necessary to limit the circumstances under which agricultural operations could be subject to lawsuits.

## Key Points:

- The Right to Farm Law limits the circumstances under which agricultural or farming operations may be deemed to constitute a nuisance.
- The nuisances are:
  - 1) **Odor:** From livestock, manure, fertilizer, or feed.
  - 2) **Noise:** From livestock or farm equipment used in normal, generally accepted farming practices.
  - 3) **Dust:** Created during plowing or cultivation operations.
  - 4) **Chemical Use:** Provided that the chemicals and their method of application conform to practices approved by the Commissioner of the Department of Energy and Environmental Protection or where applicable, the Commissioner of the Department of Public Health.
  - 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 for pollution control approved by the Commissioner of Energy and Environmental Protection.
- This law does not protect a farmer when a nuisance is due to negligence or willful or reckless misconduct.
- The Commissioner of the Connecticut Department of Agriculture or his/her designee shall determine whether the operation is following generally accepted agricultural practices.
- There are three conditions that qualify a farm for coverage under the Right to Farm Law. These include operations that: 1) have been in operation for one year or more, 2) have not been substantially changed, and 3) are following generally accepted agricultural practices.
- This law does not exempt farming or agriculture from compliance with local planning and zoning regulations.
- The Law does not preempt municipal zoning regulations.

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### Statute:

**CGS Section 19a--341:** (a) Notwithstanding any general statute or municipal ordinance or regulation pertaining to nuisances to the contrary, 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) odor from livestock, manure, fertilizer or feed, (2) noise from livestock or farm equipment used in normal, generally acceptable farming procedures, (3) dust created during plowing or cultivation operations, (4) use of chemicals, provided such chemicals and the method of their application conform to practices approved by the Commissioner of Environmental Protection or, where applicable, the Commissioner of Public Health, or (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 for 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. Inspection and approval of the agricultural or farming operation, place, establishment or facility by the Commissioner of Agriculture or his designee shall be prima facie evidence that such operation follows generally accepted agricultural practices.

### FAQs:

**Q: Where would someone find information on generally accepted agricultural practices?**

**A:** Technology related to agricultural practices continues to evolve. Information on generally accepted agricultural practices may be obtained from the Connecticut Department of Agriculture, the Connecticut Department of Energy and Environmental Protection, the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) and University of Connecticut (UCONN) Cooperative Extension System.

**Q: What are some tips to help me maintain harmony with my neighbors?**

**A:** Working farms are often in close proximity to residential development. Here are a few suggested tips to help maintain harmony with your neighbors:

- As a courtesy, try to communicate with your neighbors in advance of making any substantial changes to your farm operation. This is a suggestion even if you have approvals or “as-of-right” authority. Sometimes by communicating and taking your neighbor’s concerns into consideration you can avoid conflict. Here are some activities that farms undertake and suggestions for how to minimize conflict:
  - 1) Clearcutting a heavily wooded area directly abutting your neighbor’s residence. Sometimes leaving a minimal natural vegetative buffer between you and your neighbors helps alleviate conflict. This may not always be practical but could be a consideration.

- 2) Diversifying the farm to add any on-farm retail, agritourism or any other activity that has the potential to increase traffic or noise. Be sure you have accounted for plenty of off-street parking, hours of operation or any other on-farm activity that may have a potential impact on your neighborhood. Often times these activities need approval from the local zoning department. Explaining to neighbors what you are proposing and why before you apply for any permits of municipal approval will help them better understand what to expect.
  - 3) Adding livestock to your farm and/or installing fencing. Be sure fencing and gates are secure. Be sure to account for manure management, storage and handling. Further guidance is available in this publication: [Guidance and Recommendations for Connecticut Municipalities Zoning and Regulations for Livestock](#).
- Be sure to check with your land use planning office before undertaking any activity that may be regulated or permitted through local zoning regulations or wetlands regulations. Compliance with all state and local regulations allows you to proceed with the business of farming and helps assure the neighbors that you are doing all of the right things.
  - Invite neighbors to tour the farm. Often time conflicts can be avoided if the non-farming community has a better understanding of how your farm operates.
  - While the Right to Farm law is intended to protect farmers from the potential “nuisances” related to agriculture, consideration for neighbors when conducting certain agricultural activities will help maintain harmony in your community.

**Notes:**