

## PART 43: ORDINANCE 1

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**RIGHT TO FARM ORDINANCE**

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An ordinance to provide for circumstances under which a farm shall not be found to be a public or private nuisance.

**SECTION 1: Short Title.**

This ordinance shall be known and may be cited as the "Lenox Township Right To Farm Ordinance".

**SECTION 2: Definitions.**

- A. "Farm" shall mean the land, buildings, and machinery used in the commercial production of farm products.
- B. "Farm Operation" shall mean a condition or activity which occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to: Marketed produce at roadside stands or farm markets; noise, odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditions, insecticides, pesticides and herbicides; and the employment and use of labor.
- C. "Farm Product" shall mean those plants and animals useful to man and includes but is not limited to: forages and sod crops, grains and feed crops, dairy and dairy products and poultry and poultry products; livestock, including breeding and grazing, fruits. Vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products; or any other product which incorporates the use of food, feed, fiber and fur.

**SECTION 3: Nuisance Exemptions.**

- A. A farm or farm operation shall not be found to be a public or private nuisance if the farm or farm operation alleged to be a nuisance conforms to generally accepted agricultural and management practices according to policy as determined by the director of the department of agriculture.
- B. A farm or farm operation shall not be found to be a public or private nuisance if the farm or farm operation existed before a change in the land use or occupancy of land within one mile of the boundaries of the farm land, and before such change in land use or occupancy of land, the farm or farm operation would not have been a nuisance.

**SECTION 4: Effective Date.**

This Ordinance shall become effective September 2, 1982.