

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village

(Select one.)

of Canandaigua

Local Law No. 4 of the year 2017

A local law Creation of Chapter 17 Agricultural Advisory Committee

(Insert Title)

Be it enacted by the Town Board of the  
(Name of Legislative Body)

County  City  Town  Village

(Select one.)

of Canandaigua as follows:

see attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**SECTION ONE.** The following Chapter shall be added to the Town of Canandaigua Town Code as Chapter 17, immediately after Chapter 15 (Eminent Domain), and immediately before Chapter 18 (Environmental Conservation Board):

§ 17-1. Title. This Chapter shall be known as the "Agricultural Advisory Committee Law of the Town of Canandaigua, New York."

§ 17-2. Purpose. The purpose of this Chapter is to:

- A. Recognize the importance of agriculture as both a vital local economic base and as a land form that provides the Town of Canandaigua with much of its rural, rustic character and charm.
- B. Assure the continued viability of farming as an industry which is important to the local economy and to the preservation of open space and vistas.
- C. Provide for the most beneficial relationship between the use of land and buildings and the agricultural practices of the community and to further encourage the wise use and management of the Town's natural resources through modern farming practices.
- D. Provide the Town Board, the Planning Board, Zoning Board of Appeals, Environmental Conservation Board, and other relevant boards and committees of Town government with a conduit for recommendations from the agricultural community on the long and short term impact of a variety of matters and questions considered by these groups.
- E. Fulfill the goals of the Town of Canandaigua's Agriculture Enhancement Plan (December 2016) by establishing an advisory committee to coordinate public awareness of agricultural issues and the implementation of the Agriculture Enhancement Plan.

§ 17-3. Formation of Committee; Membership; Terms of Office

- A. The Town Board of the Town of Canandaigua hereby establishes an Agricultural Advisory Committee for the Town of Canandaigua. The Committee shall be composed of five members appointed by the Town Board as follows: Five residents of the Town of Canandaigua from the agricultural community, including but not limited to representatives from the greenhouse, crop production, cash crops, cattle, grapes/vineyard, horse farms, organic, produce, vegetables, specialty crops, grocery, farm market, farmstead, nursery, or dairy segments of the industry.
- B. The members appointed to the Committee shall serve for a three year term. Upon initial formation, one member shall serve for a one-year term, two members shall serve for a two-year term, and all other members shall serve for a three-

year term. Each year thereafter, reappointments or new appointments shall be for three-year terms.

- C. Appointments shall be from January 1 through December 31.
- D. Members shall serve without salary.

§ 17-4. Chairman; Rules of Procedure; Records.

- A. The Town Board shall designate one member of the Agricultural Advisory Committee to serve as Chairman thereof at its annual organizational meeting each year.
- B. At its first meeting of each year, the Agricultural Advisory Committee shall select, from among its members, a Recording Secretary.
- C. The Agricultural Advisory Committee shall adopt rules and procedures to govern its meetings.
- D. The Agricultural Advisory Committee shall keep accurate records of its meetings and activities to be filed with the Town Clerk and shall file an annual report as provided in § 17-7 of this Chapter.

§ 17-5. Referrals. All applications made to the Town Board, Zoning Board of Appeals, or the Planning Board for land development within any areas described as farm parcels, preserved land, adjacent to preserved lands (PDR farms), or open space identified in the Town of Canandaigua Agricultural Enhancement Plan (December 2016 or as periodically updated), as adopted by the Town Board, shall be referred to the Agricultural Advisory Committee for review and comment. Such referral shall occur once the information and materials submitted by an applicant have been deemed appropriate by Development Office staff and/or the respective board chair for placement on that board's agenda.

- A. Development Office staff shall be responsible for ensuring timely referral of said applications.
- B. At their own discretion the Town Board, Zoning Board of Appeals, Environmental Conservation Board, or the Planning Board may also refer to the Agricultural Advisory Committee any other matter for review and comment.
- C. At their next regularly scheduled meeting after referral of an application, the Agricultural Advisory Committee shall review said application and cause all comments regarding same to be forwarded to the referring board before the referring board's next meeting.

- D. Comments made by the Agricultural Advisory Committee to referring agencies shall further the goals and objectives as stated in the Town of Canandaigua Comprehensive Plan, the Town of Canandaigua Agriculture Enhancement Plan, and other related documents adopted by the Town Board.
- E. At no time shall Agricultural Advisory Committee referral or review delay the legally established review process for an application.

§ 17-6. Additional Powers and Duties. The Agricultural Review Committee shall have the following powers and duties:

- A. Advise the Town Board and the Ontario County Agricultural and Farmland Protection Board in relation the proposed establishment, modification, continuation, or termination of any county agricultural district. The Agricultural Advisory Committee shall present advice relating to the desirability of such action, including advice as to the nature of farming and farm resources within any proposed or established area.
- B. Provide recommendations and support to the Town Board for the general implementation of the Town of Canandaigua's Agriculture Enhancement Plan.
- C. Review proposed zoning changes or development in agricultural districts.
  - (1) Whenever a proposed zoning, policy change, or development (residential, business, or Industrial) affecting town agricultural zoning districts is presented to the Town Board within or contiguous to a county agricultural district or town agricultural zone, it shall be referred to the Agricultural Advisory Committee for review and comment.
  - (2) The Agricultural Advisory Committee shall present advice relating to the desirability of such action, including advice as to the nature of farming and farm resources within any proposed or established area. This recommendation(s) shall include a determination as to whether the proposed action(s) will have an unreasonably adverse effect on the continuing viability of farm enterprise or enterprises within the county or town agricultural districts. This recommendation(s) shall be advisory only.
- D. Review county, state, and federal legislation affecting agricultural issues and communicate the effect to the appropriate board and/or the Town Board.
- E. Serve as a vehicle for communication between the agricultural community, the Town of Canandaigua, and the Ontario County Agricultural and Farmland Protection Board.

§ 17-7. Reports. The Agricultural Advisory Committee shall submit an annual report to the Town Board not later than the first day of January each year concerning the status

of the implementation of the Town of Canandaigua's Agriculture Enhancement Plan, and the activities and work of the Agricultural Advisory Committee and from time to time shall submit such other reports and recommendations as may be required.

§ 17-8. Construal of Provisions. This Chapter shall be deemed an exercise of the powers of the Town of Canandaigua to preserve and improve the quality of the natural and man-made environment on behalf of the present and future inhabitants thereof. This Chapter is not intended and shall not be deemed to impair the powers of any other public corporation.

**SECTION TWO.** Severability. The provisions of this local law are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this local law.

**SECTION THREE.** Effective Date. This local law shall take effect immediately upon its filing with the NYS Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2017 of the (County)(City)(Town)(Village) of Canandaigua was duly passed by the Town Board on March 20 2017, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.



Clerk of the county legislative body, City, Town or Village Clerk or  
officer designated by local legislative body

Date:

3/23/2017

(Seal)