

Chapter 16.200
RIGHT TO FARM

Sections:**16.200.010 Definitions.****16.200.020 Policy Statement.****16.200.030 Nuisance.****16.200.040 Disclosure****16.200.010 Definitions.**

1. **AGRICULTURAL LAND.** All real property currently used for agricultural operations.

2. **AGRICULTURAL OPERATIONS.** The cultivation and tillage of the soil; dairying; the production, irrigation, frost protection, cultivation, growing, harvesting, and processing of any agricultural commodity, including viticulture, horticulture, timber or apiculture, the raising of livestock, fur bearing animals, fish or poultry; and any commercial agricultural practices performed as incident to or in conjunction with such operations, including preparation for market, delivery to storage or to market, or to carriers or transportation to market. (Ord. 608 § 1, 2000)

16.200.020 Policy Statement.

1. It is the policy of the City of Ripon to preserve, protect and encourage the use of viable agricultural lands for the production of food and other agricultural products, It is the further intent of the City to provide notification of the City's recognition and support of persons and/or entities right to farm.

2. Where nonagricultural land uses extend into agricultural lands or exist side by side, agricultural operations frequently become the subject of nuisance complaints. Such nuisance complaints may result in the curtailment or cessation of agricultural operations and discourage investment in such operations. It is the purpose of this Chapter to

reduce the loss of agricultural operations by clarifying the circumstances under which agricultural operations may be considered a nuisance. This Chapter is not to be construed as in any way modifying or abridging State law as set out in the California Civil Code, Health and Safety Code, Fish and Game Code, Food and Agricultural Code, Division 7 of the Water Code, or any other applicable provisions of State law relative to nuisances. Rather it is only to be utilized in the interpretation and enforcement of the provisions of City codes and regulations.

3. This Chapter is also intended to promote a good neighbor policy by advising purchasers adjacent to or near agricultural operations of the inherent potential problems associated with such a purchase. Such concerns may include, but are not limited to, the noises, odors, dust, chemicals, smoke and hours of operation that may accompany agricultural operations. It is intended that, through mandatory disclosure, purchasers will better understand the impact of living or working near agricultural operations and be prepared to accept attendant conditions as the natural result of living or working in or near agricultural areas. (Ord. 608 § 1, 2000)

16.200.030 Nuisance.

No agricultural activity, operation, or facility conducted or maintained for commercial purposes in a manner consistent with proper and accepted customs and standards as established and followed by similar agricultural operations and in compliance with all Federal, State, and local laws and regulations shall be or become a nuisance, public or private, pursuant to this Title. (Ord. 608 § 1, 2000; Ord. 758, §2 (part), 2007)

16.200.040 Disclosure.

The approval of parcel maps, tentative maps or vesting tentative maps adjacent to or near

agricultural lands shall require the owner/developer or successors in interest to notify all purchasers of lots within the project site of the nature and extent of existing agricultural activities, operations, and facilities in the vicinity of the project site. If the first purchase of a lot is a builder, this requirement shall be extended so that the actual and ultimate homeowner receives the notice. This disclosure shall also provide notice of the potential conflicts or

effects of typical agricultural activities including, but not limited to, noise, odors, dust, agricultural spraying, agricultural burning, etc. Furthermore, notice shall be provided that, pursuant to California Civil Code Section 3482.5, typical agricultural activities shall not be considered a nuisance except as otherwise provided in that Civil Code Section. (Ord. 608 § 1, 2000)