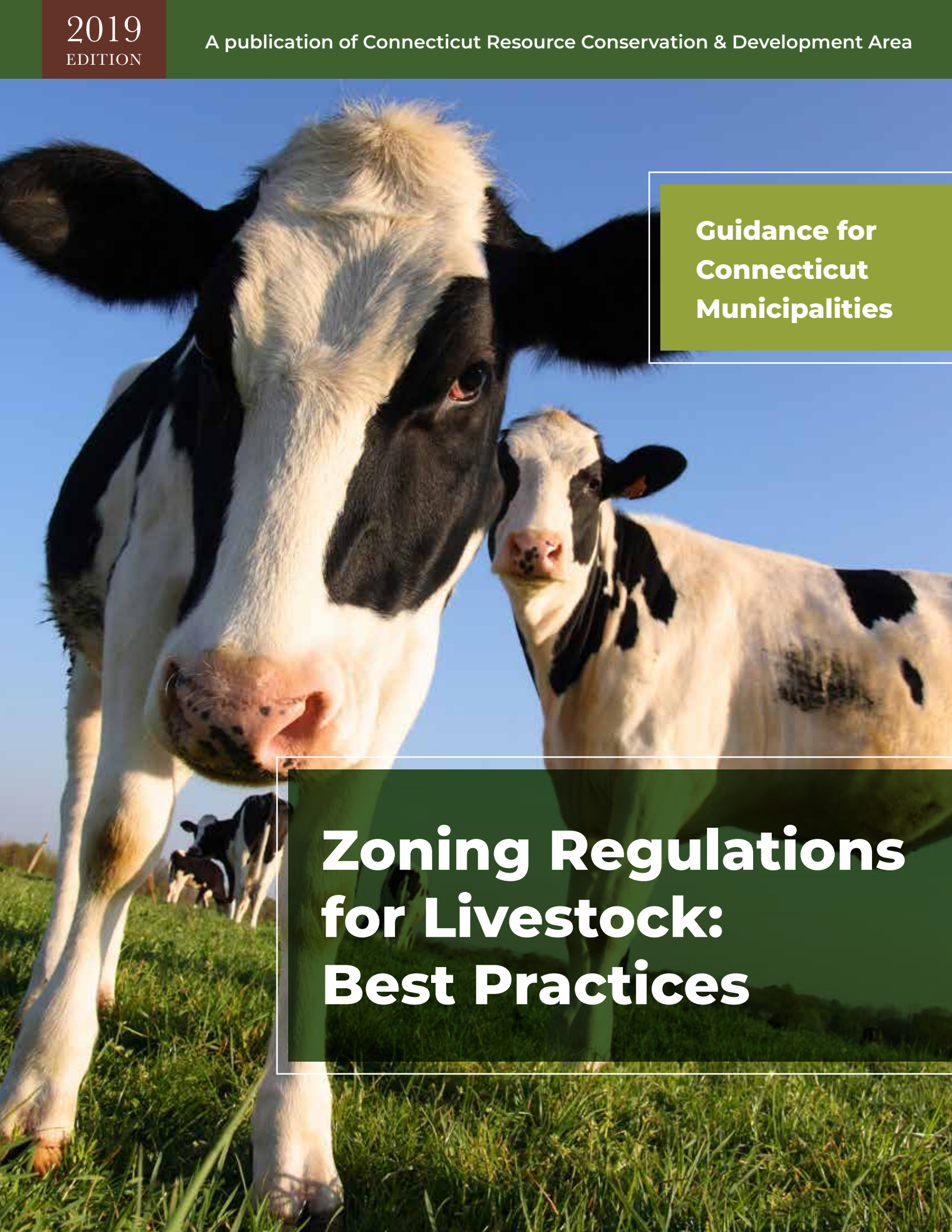


2019
EDITION

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**Guidance for
Connecticut
Municipalities**

A close-up photograph of a black and white cow's face, looking directly at the camera. Another cow is visible in the background, and the scene is set in a grassy field under a clear blue sky.

Zoning Regulations for Livestock: Best Practices

Acknowledgements

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Foreword

This guide was originally produced in June 2012 by Eastern Connecticut Resource Conservation and Development Area, Inc. in collaboration with American Farmland Trust, Connecticut Department of Agriculture, Connecticut Department of Energy and Environmental Protection, Connecticut Farm Bureau Association and University of Connecticut Cooperative Extension System with financial support from USDA Natural Resources Conservation Service.

Prior to 2012, Connecticut municipalities had little guidance on how to locally regulate and zone for livestock raised for either production agriculture or personal use. This updated publication is intended to provide guidance to municipalities drafting land-use regulations related to livestock.

Connecticut Resource Conservation and Development Area, Inc. is grateful for the expertise and guidance the Advisory Committee contributed to this publication and trusts this will be a valuable and widely used resource.



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Livestock Farming in Connecticut Municipalities

Throughout the history of agriculture in Connecticut, livestock has played a critical role in shaping the economic development and social life of Connecticut's municipalities. Livestock production sustained rural farm families, supplied raw products for manufacturing, and provided food exports for non-producing families in adjacent cities.

Today, consumer demand for “locally produced” meat, eggs, poultry, fiber, cheese and other animal products has stimulated a renewed interest in livestock production for both retail and at-home consumption. According to the 2017 USDA Census of Agriculture 2,244 farms are raising livestock in Connecticut.

Facts and Figures About Livestock Farms

- 40% of those 2,224 Connecticut farms raising livestock reported sales from livestock, poultry, dairy or related products of over \$160 million.
- Milk and eggs are two of Connecticut's most valuable livestock products.
- The total economic impact of dairy products produced and sold exclusively in Connecticut is \$6.89 billion.
- 440 Connecticut farms reported income from sheep, goats, wool, mohair and milk.
- Over 90,000 acres of Connecticut farmland are dedicated to producing forage and corn to feed livestock.
- Over 41,000 acres are reportedly used for pasture and grazing land.

Source: 2017 Census of Agriculture, U.S. Department of Agriculture (USDA), National Agricultural Statistics Service (NASS).

Another large and very important sector of the state's livestock industry is horse farms. Connecticut's equine sector has over 43,000 horses that are used for a variety of recreational, competitive and therapeutic purposes. While 88% of horses are privately owned, the remaining 12% are owned by businesses offering, boarding, training and breeding services with a total annual income of \$39 million.

Source: University of Connecticut, *HorsePower*, 2007

The Connecticut equine industry supports other sectors of the agricultural economy such as hay farmers, feed stores, large animal veterinarians, farriers, truck and trailer sales, fencing and farm suppliers and the construction trades.

In this publication, the term “livestock” is used broadly and refers to animals raised for an agricultural purpose, such as food, fiber or labor. The term “livestock” includes poultry and horses.

Although aquaculture is an important sector of livestock production in Connecticut, this guide does not attempt to provide recommendations on land use regulations related to aquaculture production.





In 2015, the Connecticut agricultural industry contributed **\$4 billion** to the state economy and employed **21,000** workers.



*University of Connecticut,
Economic Impacts of
Connecticut's Agricultural
Industry Update 2015,
September 2017*

The Importance of Connecticut Agriculture

Over the past decade, Connecticut consumer interest in local farms and foods has skyrocketed. Schools, institutions, Community Supported Agriculture farms, year-round farmers markets and farm stores provide a bounty of fresh Connecticut-grown produce. Between 2012 and 2017, the market value of farm produce from direct consumer sales increased by 35%. *2017 USDA Census of Agriculture*

Connecticut farmland provides a variety of ecosystem services and environmental benefits. A typical Connecticut farm's cropland, pastures, wetlands and woodlands act as a natural filter for surface and groundwater and provide not just aquifer recharge areas but habitat for many land and aquatic species, feeding and breeding areas for local bird populations, and stopovers for migrating birds.

Farms and farmland remain cornerstones of many Connecticut communities, linking the past to the future through a landscape of fields and pastures, stone walls and weathered barns shaped by generations of hard-working farm families. By maintaining the rural and historical New England landscape that visitors to Connecticut find so attractive, working farms serve an important role in the state's \$14.7 billion travel and tourism industry and its 121,500 jobs. *Connecticut Office of Tourism, Department of Economic and Community Development April 2018*

Agriculture's Contribution to Municipal Budgets

Farms provide additional fiscal benefits in helping balance local town budgets. Over 20 years of studies around the country have shown that, even when assessed at its agricultural use value, farmland and other open space consistently generate more public revenue than they require in municipal services.

Research in eight Connecticut towns concluded that for every \$1 in property tax revenue generated by farmland, forestland and open space, on average just 31 cents is required in municipal services. That net positive fiscal impact means that for every \$1 of property tax revenue from farm, forest and open space uses, fully 69 cents, more than two-thirds, is available to support other municipal services such as schools, emergency services and public works.

Compare that positive fiscal impact with the negative fiscal impact from residential uses, for which a municipality must spend \$1.11 to provide the services required for every \$1 received in tax revenue.

American Farmland Trust, Farmland Information Center, Fact Sheet; Cost of Community Services, September 2016

Planning and Zoning for Agriculture

As with other businesses, a supportive municipal environment is important to the success of local farms. Each municipality's Plan of Conservation and Development (POCD) is the primary document through which a future vision of each town is expressed. Many municipalities refer to agriculture in their POCD and may cite the contributions of local farms to rural character, scenery and historical significance. However, regulations implementing the POCD may not always advance the plan's vision of a supportive environment for farming.

Regulations that address issues specific to agriculture and provide the flexibility needed to accommodate growth and change in farm businesses help existing farms and encourage new ones. Zoning regulations, such as limits on signage and retail sales, can impact farm businesses in many ways. Enabling on-farm retail sales of livestock products, including raw milk, eggs, wool, manure compost and young animals, helps to maximize farm profits and ensure the viability of farm businesses.

Municipal Restrictions on Livestock Farming

The inclusion of non-agricultural development into traditionally agricultural areas, and the emergence of new agricultural businesses and homesteading in urban and suburban communities, have led many towns to introduce restrictions on livestock ownership.

Some towns have adopted local regulations that:

- limit the number of animals per acre,
- require minimum acreage to own an animal,
- establish buffer requirements,
- prohibit certain classes of livestock,
- impose special permit requirements on livestock farming,
- seek to regulate animal husbandry, or
- create blanket prohibitions on any agricultural activity in dense residential zones.

Such restrictions fail to take into consideration generally accepted farm management practices and sound science. Inconsistent regulations across town boundaries can create impediments for farmers who own or lease land for livestock farming in multiple towns. Finally, overly detailed regulations can result in confusion and a need for enforcement by municipal officials not trained to address livestock management issues.

For a full discussion and recommendations for signage, on-farm retail, farm stands and farm stores, please review "Planning for Agriculture: A Guide for Connecticut Municipalities." View the guide online by visiting farmlandinfo.org and searching for "planning for agriculture guide."

Farmer and Community Engagement in the Regulatory Process

Livestock farming is a unique land use that does not easily fit into conventional zoning regulations. In simplistic terms, it is not a one-size-fits-all application. Factors such as the breed and number of animals, animal husbandry, topography and soils, farm management practices, proximity to open space versus residential development, the scale of the operation, forage and pasture management, diversity of livestock housing, and manure and nutrient management practices need to be considered when drafting zoning regulations for the raising of livestock.

Most municipal land-use officials and zoning commissions do not have expertise in livestock management to adequately write zoning regulations that will address all of these factors. Farmers want to be good neighbors by utilizing best-management practices to minimize impact to their surrounding community and the environment.

The following are recommended steps municipalities should take before drafting zoning regulations for livestock:

- 1 Schedule an open forum in which local farmers, small-plot livestock owners, FFA and 4H members and advisers, and the non-farming community can come together to share ideas and provide input to local land-use officials and the zoning commission on draft regulations for the keeping of livestock.
- 2 Consult with the local agricultural commission or regional agricultural council.
- 3 Consult with experts from UConn Extension, the Connecticut Department of Agriculture, the USDA Natural Resources Conservation Service and Connecticut Farm Bureau Association. (See Contact an Expert Directory).
- 4 Schedule follow-up forums during which comments can be received on draft regulations before a public hearing is held.

This process ensures that the adopted regulations are based on the needs of the farming and non-farming communities.

Regional Agricultural Councils: Lower Connecticut River Valley Regional Agricultural Council

In 2011, CGS § 7-131v was enacted allowing for two or more municipalities to form a regional agricultural council. In 2013, the Lower Connecticut River Valley Council of Governments, composed of elected officials from 17 towns in the lower Connecticut River Valley, unanimously voted to move forward with forming the first regional agricultural council in Connecticut. The Lower Connecticut River Valley Regional Agricultural Council represents the interests of agriculture in that region. The Council provides input on municipal zoning regulations and Plans of Conservation and Development, and helps promote agricultural businesses in the region with an interactive website. Residents who are supportive of agriculture or are engaged in farming and are interested in joining the Council are approved by the Chief Executive Officer (CEO). For additional information on the Lower Connecticut River Valley Regional Agricultural Council visit: www.knowyourfarmers.org



Farmers want to be good neighbors by utilizing best-management practices to minimize impact to their surrounding community and the environment.

CASE
STUDY



Agricultural Commissions

Many Connecticut municipalities have created a formal town commission or committee to provide farmer input into town policies that impact local agriculture, and to help develop initiatives that will keep farming in the community viable. “Agricultural commissions” are typically advisory commissions created by ordinance, with no regulatory or enforcement authority. As an alternative to a formal agricultural commission, a municipality may consider appointing an informal advisory board or group of representatives to serve as the voice of agriculture in municipal affairs.

Agricultural commission functions may vary by town, but most are established to help identify issues of concern to farmers, to raise public awareness of the benefits of local farms and working lands, and to identify ways in which towns can support the businesses and land-use needs of local farms. An agricultural commission can help ensure that the needs of agriculture are considered and integrated into town policies and regulations. For example, an agricultural commission can provide input on a Plan of Conservation and Development (POCD) or on zoning regulations, or to identify farmland that the town may wish to protect. A commission can help facilitate the resolution of farmer-neighbor conflicts, sponsor farmers markets or town celebrations of agriculture, and serve as a clearinghouse for information on state and federal agricultural programs.

Many commissions are taking an active role in establishing community farms and gardens, bringing agricultural education activities into the community, and developing marketing and tourism materials to promote local agricultural businesses and destinations as part of building local economic development.

The AGvocate Program

The AGvocate Program is administered by the Connecticut Resource Conservation and Development Area, Inc. (CT RC&D) in partnership with a steering committee composed of members from The Last Green Valley, USDA Farm Service Agency (FSA), USDA Natural Resources Conservation Service (NRCS), USDA Rural Development (RD), UConn Extension, participating communities, agricultural businesses and other federal, state and nonprofit agencies and organizations. AGvocate is a grassroots program providing a forum for municipal officials, agricultural producers and other stakeholders to strengthen the farm-friendliness of Connecticut towns. The AGvocate program assisted 14 eastern Connecticut towns in adopting their own agricultural commissions and committees. Today the AGvocate program continues to provide guidance and support to agricultural commissions, farmers and municipalities. To learn more about the AGvocate program visit: <https://agvocatect.org>.



The AGvocate program provides guidance and support to agricultural commissions, farmers and municipalities. To learn more, visit agvocatect.org.

State Guidance on Livestock Farming

Connecticut has long recognized the importance of agriculture and its unique nature as a land use. State laws and regulations governing agriculture place the authority to regulate farm activities with various state agencies, including the Connecticut Department of Agriculture, Connecticut Department of Energy and Environmental Protection and the Connecticut Department of Public Health. State policies are intended to strike a balance between protecting natural resources and ensuring public health, while allowing agriculture to grow as an industry.

State laws that pertain to agriculture include Public Act 490 (Connecticut's current use assessment law for farmland, forest land and open space), tax exemption laws, sales and use tax, the Community Investment Act, Definition of Agriculture and Farming, the Inland Wetlands and Watercourses Act, the Right to Farm Law, Connecticut Public Health Code, Control of Rabies, Scrapie Eradication, Water Pollution Control regulations, Connecticut Fertilizer Law, as well as animal and anti-cruelty statutes.

State law related to livestock production provides guidance for town officials seeking to develop municipal land use regulations. Whenever possible, municipalities should consider using state agriculture definitions in their municipal regulations to avoid creating inconsistent regulations that may adversely affect farm businesses and conflict with state statute.

This section will focus on the following state statutes:

- Definition of Agriculture, Farming and Farm
- Definitions of Livestock and Poultry
- Right to Farm
- Powers of Commissioner of Agriculture and “generally accepted agricultural practices”

Definition of Agriculture, Farming and Farm

The Connecticut General Statute (CGS) § 1-1(q) provides a definition of “agriculture” and “farming” that includes the “raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife” as well as numerous other activities, both intrinsic and incidental to ordinary farming operations. In the same subsection, the term “farm” includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoop houses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities.



CGS § 1-1(q) does not distinguish between commercial and non-commercial farms. Municipal wetland and watercourse regulations use CGS § 1-1(q)'s definitions as well.

A common issue in municipal regulations is the lack of definitions or inconsistent definitions for certain agriculture-related terms. Some municipalities have created regulations that apply to narrowly defined subsets of agriculture, such as “livestock.” These definitions narrow the scope of land uses considered “farming” and “agriculture” or limit the type of farming allowed.

Municipalities may attempt to distinguish between non-commercial and commercial definitions of agriculture and between for-profit and not-for-profit operations. These distinctions are not helpful and are difficult to enforce. Farmers may not rely on the sales of their livestock as their sole source of income, however they may still have a need to sell livestock or agricultural products derived from their livestock. The land use impacts of a livestock farm are the same whether they are for-profit or nonprofit, and such distinctions serve little or no purpose.

Recommendation

Municipalities should make use of the statutory definitions of “agriculture,” “farming” and “farm.” In addition, CGS §8-2 requires municipal zoning commissions to use the state’s definition of agriculture when considering the impact of zoning regulations upon agriculture. Zoning regulations should not attempt to distinguish between “commercial” and “non-commercial” farms and between for-profit and not-for-profit farms.

Recommended language

Definition of Agriculture and Farming: The terms “agriculture”, “farming” and “farm” shall have all those meanings set forth in Section 1-1(q) of the Connecticut General Statutes, as amended.

Definitions of Livestock and Poultry

The definition of “livestock” as “any camelid or hooved animal raised for domestic or commercial use” in CGS § 22-278, even though limited to that chapter on diseases, is useful. CGS § 22-326s (5) defines the term “poultry” as “any species of domestic fowl, including, but not limited to, chickens, turkeys, ostriches, emus, rheas, cassowaries, waterfowl and game birds raised for food production, breeding, exhibition or sale.” Both statutory definitions are broadly inclusive to promote the continued viability of livestock operations in the state.

Recommendation

Municipalities should make use of the statutory definitions of “livestock” and “poultry” to limit potential disparities in the interpretation and enforcement of regulations and provide consistency across municipal boundaries.

Recommended language

Definition of Livestock: The term “livestock” shall be defined as it is in CGS §22-278, as amended.

Definition of Poultry: The term “poultry” shall be defined as it is in CGS §22-326(s) (5), as amended.

Local regulations may create exceptions to the state definitions. For example, the state statutory definition provides that “agriculture” and “farming” include “processing.” Processing is commonly interpreted to include slaughtering. Towns wishing to restrict livestock slaughtering in certain areas may do so, while still using the state definitions.



Right to Farm Law

The Connecticut Right to Farm Law, CGS § 19a-341, was signed into law by Gov. William A. O'Neill in May 1981. As more people and businesses moved to the rural areas of Connecticut, agricultural operations often were the subject of complaints. Right to Farm legislation was necessary to limit the circumstances under which agricultural operations could be subject to lawsuits.

Municipalities should refer to the Right to Farm Law when responding to issues related to nuisance complaints covered under the law.

Key Points of the Right to Farm Law

- The Right to Farm Law limits the circumstances under which agricultural or farming operations may be deemed to constitute a nuisance.
- The nuisances are:
 - **Odor:** From livestock, manure, fertilizer or feed.
 - **Noise:** From livestock or farm equipment used in normal, generally accepted farming practices.
 - **Dust:** Created during plowing or cultivation operations.
 - **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.
 - **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 the Department 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 their 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.
- The law preempts local zoning relative to nuisances covered under the Right to Farm Law.

The state's Inland Wetlands and Watercourses Act permits most farming activities—including grazing—in wetlands and watercourses “as of right” (CGS § 22a-40).



Connecticut General Statutes also use the term “generally accepted agricultural practices” in reference to cruelty to animals (CGS § 53-247).

Recommendation

A municipality may consider adopting a local right to farm ordinance. Several Connecticut communities have enacted local right to farm ordinances. A local right to farm ordinance provides a policy statement that a municipality supports and encourages local agriculture. These ordinances do not create any additional protections for farmers above and beyond what the state statutes provide.

A Municipal Right to Farm Ordinance

- helps inform new and prospective residents that they are moving into a farming community;
- can provide guidance to municipal enforcement officials on how to respond to issues related to the nuisances covered in the state Right to Farm Law, CGS § 19a-341;
- should mirror the state statute with a provision that the ordinance does not negate or diminish the authority of the various local regulatory agencies and commissions;
- is adopted through a vote of the municipal legislative authority;
- should not usurp the authority of the Commissioner of Agriculture.

Recommended Language:

See the Town of Lebanon ordinance (page 15)

The Town of Lebanon Right to Farm Ordinance demonstrates the use of the state's definition of agriculture, reinforces the state Right to Farm Law, and recognizes the Commissioner of Agriculture's authority to determine generally accepted agricultural practices.

Powers of Commissioner of Agriculture and “Generally Accepted Agricultural Practices”

Standards and management practices for agriculture frequently change as new practices are developed and advances in science and technology are made. Under the Right to Farm Law, CGS § 19a-341, the Commissioner of Agriculture has specifically been granted authority to determine “generally accepted agricultural practices.”

While not defined in the Connecticut General Statutes, generally accepted agricultural practices are those methods of managing a farm operation that do not violate federal, state or local laws; damage public health, safety and general welfare; and are customary in the agricultural industry. Generally accepted agricultural practices are management practices recognized by various governmental agencies and departments, such as the Connecticut Department of Agriculture, the Connecticut Department of Energy and Environmental Protection, University of Connecticut Cooperative Extension System, The Connecticut Agricultural Experiment Station, and the USDA Natural Resources Conservation Service.

Several state laws regulate agricultural management practices. For example, all farm operations, including livestock farms, are subject to the state's water pollution control statutes (CGS § 22a-430, 22a-471, 22a-471(a), as well as the Connecticut Public Health Code, which specifically prohibits creating a breeding place for flies.

Connecticut Public Health Code, Chapter 11 Environmental Health. 19-13-B1: Conditions specifically declared to constitute public nuisances. The following conditions are specifically declared to constitute public nuisances: (c) Barns or stables, hogpens, chicken yards or manure piles or accumulation of organic material so maintained as to be a breeding place for flies.

Advisory Opinion of the Commissioner of Agriculture

The Commissioner of Agriculture is enabled pursuant to CGS §22-4c(4) to render an advisory opinion, upon request of any municipality, state agency, tax assessor or any landowner as to what constitutes agriculture or farming pursuant to CGS 1-1(q), (the state definition of agriculture and farming), or regarding classification of land as farmland or open space land pursuant to sections 12-107b to 12-107f (PA 490 statutes).

Recommendation

Zoning regulations should avoid detailed sections about livestock management and, instead, simply reference “generally accepted agricultural practices.” The Connecticut Commissioner of Agriculture is authorized to opine on whether a factual situation is consistent with “generally accepted agricultural practices.” Dust, noise, odor or any other issues that are specified in the state Right to Farm Law should be referred to the Connecticut Department of Agriculture. Questions related to whether certain activity is considered agriculture or farming should be referred to the Connecticut Department of Agriculture. Relying on expertise at the Connecticut Department of Agriculture is preferable to creating regulations for municipal officials who may not have the depth of experience or training to fully assess livestock management issues.

Recommended language

Farming and agriculture, as defined under Connecticut General Statute § 1-1(q), allowed by right. All livestock operations shall follow generally accepted agricultural practices. Inspection and approval of the agricultural or farming operation, place, establishment or facility by the Commissioner of Agriculture or their designee shall be prima facie evidence that such operation follows generally accepted agricultural practices.



Zoning regulations should avoid detailed sections about livestock management and, instead, simply reference “generally accepted agricultural practices.”



Town of Lebanon Right-To-Farm Ordinance

Be it ORDAINED that the electors of the Town of Lebanon at a duly warned Special Town Meeting to be held on August 25, 2009:

Section I: Purpose and Intent

Agriculture plays a significant role in Lebanon's heritage and future. The Town officially recognizes the importance of farming to its rural quality of life, heritage, public health, scenic vistas, tax base, wetlands and wildlife, and local economy. This Right to Farm ordinance encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmland within Lebanon by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies.

It is the declared policy of the Town of Lebanon 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. It is hereby further determined that whatever impact may be caused to others through generally accepted agricultural practices, such impact is offset and ameliorated by the benefits of farming to the neighborhood, community and society in general.

Section II: Definitions

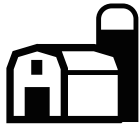
The terms "agriculture" and "farming" shall have all those meanings set forth in Section 1-1(q) of the Connecticut General Statutes, as amended.

Section III: Right to Farm

No present or future agricultural operation conducted or maintained in a manner consistent with accepted agricultural practices, which is engaged in the act of farming as defined in this ordinance shall become or be considered a nuisance solely because such activity resulted or results in any changed condition of the use of adjacent land. Agricultural operations may occur any day or night provided such activities do not violate applicable health, safety, fire, zoning, wetlands, life safety, environmental or building codes and regulations and shall include, without limitation:

1. The incidental noise from livestock or farm equipment used in generally acceptable farming practices;
2. Odors from livestock, manure, fertilizer or feed;
3. Dust and fumes associated with normally accepted farming practices;
4. The use of agricultural chemicals provided such chemicals and the method of their application conform to practices approved by the State of Connecticut; and
5. Irrigation and water management associated with generally accepted farming practices.

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. Nothing contained in this ordinance shall restrict the powers of Lebanon's Inland Wetlands Commission, Planning and Zoning Commission, Building or Health Departments under Connecticut General Statutes.



Farm parcels in Connecticut tend to be relatively small.



are between
1-9 acres



are between
10-49 acres

Source: 2017 Census of Agriculture U.S. Department of Agriculture, National Agricultural Statistics Service.

Specific Guidance on Livestock Farming

Connecticut farmers typically manage multiple farmland parcels and are accustomed to utilizing careful land-use management practices to maintain soil and plant health, and nutrient management practices to maximize efficiency. Thus, animal housing, growing of feedstock, and management of manure may take place on multiple parcels. Livestock farming should not pose environmental risk or threat to public health if managed responsibly.

A municipality choosing to regulate livestock farms should employ guidelines for livestock farming that focus on site suitability, reasonable setbacks and generally accepted agricultural practices for manure management. Regulation should not focus on acreage needs or animal units.

Animal Density

Animal density formulas were originally based on the pasture yield needed to support the animals' nutrient needs. They were not intended to be used in municipal zoning regulations. Animal density formulas do not consider modern feeding and husbandry methods – including rotational grazing, measured feed rations (grown off site), manure management techniques, and dedicated exercise programs. To address animal density issues, one needs to consider the management practices in place that reduce nuisances and provide for a healthy environment for the animals regardless of density.

Animal density formulas that find their way into municipal zoning regulations can create enforcement issues, raising the expectation that zoning enforcement officers will spend their days literally counting sheep.

Neither the state's definition of agriculture (CGS § 1-1(q)) nor Public Act 490, the state's land use value assessment law (CGS § 12-107b (1)), set minimum acreage requirements for farming, including the raising of livestock. Unfortunately, municipalities have often relied solely on animal density formulas (setting minimum acreage requirements or establishing an allowable number of animals per acre), regardless of the suitability of the site for livestock. (see Site Suitability below).

Current Use Assessment Law

Public Act 490 is Connecticut's current use assessment law for farmland, forestland, open space and maritime heritage land. A parcel may meet the statutory requirements for classification as farmland under PA 490 because the use of the land is agricultural, even though the parcel may not be used as a farm due to minimum acreage requirements under municipal zoning regulations.

Pasturing Requirements

The extensive pasture acreage once considered necessary under traditional grazing methods may not be an appropriate assumption for today's smaller farm operations. Pasture is not always necessary. If zero pasturing is practiced, the livestock owner will have to provide adequate purchased feed, have an exercise yard and develop a sound plan for stormwater and manure management. Larger poultry and livestock operations are sometimes handled in confinement type operations and managed intensely using science-based systems that provide a productive, safe, healthy environment for farm animals.

Recommendation

Zoning regulations for the raising of livestock should focus on setbacks, buffers and site suitability to minimize impact to the environment and adjacent properties. In moderate- to high-density residential areas, it may be prudent to restrict agricultural and farm use to some extent. In those areas, a permit for livestock should be considered to enable site-specific review and potentially allow livestock where it can be demonstrated to be appropriate, sometimes with conditions.

Recommended language

Consultation with an agency, organization or consultant recognized by the Connecticut Department of Agriculture as having expertise in the area of generally accepted agricultural practices may be required or requested as a condition of approval by the livestock owner. In public water supply watersheds or designated aquifer recharge areas, a Conservation Plan developed in consultation with said expert may be required.

Site Suitability

Land parcel characteristics that contribute to site suitability include the degree of slope, location, soil characteristics and surface water runoff. Farming—including the grazing of animals—is allowed “as of right” under Connecticut’s Inland Wetlands and Watercourses Act (CGS § 22a-40).

Slope: Sites with steep slopes should be avoided or improved to avoid heavy surface water runoff, soil erosion, downgradient sedimentation or conditions that are hazardous for keeping of animals. Areas with a steep slope may be used for certain agricultural production activities, such as grazing, if they are properly maintained so that soils are not exposed and utilize buffers to filter and trap nutrients before they enter surface waters.

Location: Animals should be kept in a location that does not negatively impact an on-site sewage disposal system, water supply well, surface water or wetlands.

Surface Water Runoff: Surface water runoff systems should be designed to avoid contamination of water supplies and should comply with Connecticut Department of Energy and Environmental Protection water quality standards.



Larger poultry and livestock operations are sometimes handled in confinement type operations and managed intensely using science-based systems that provide a productive, safe, healthy environment for farm animals.

Recommendation

Zoning regulations should focus on site suitability to protect soil and water quality, on-site sewage disposal areas, wells, surface water and impact to abutting properties.

Recommended language

Paddocks, Pastures and Pens: A contiguous owned or leased area, used for confining of livestock which excludes areas occupied by dwelling units, non-agricultural buildings, onsite sewage disposal systems, and meets general criteria as described below in Site Suitability and Impact. Animal shelters are permitted within the confined area.

Site Suitability and Impact: In order to minimize potential adverse impacts, all farms shall use the following criteria for compliance:

- Sites with slopes dominantly greater than 15% shall be avoided or improved utilizing generally accepted agricultural practices to avoid excessive surface water runoff, soil erosion or hazardous conditions for keeping animals.
- Animal confinement areas shall not be permitted directly over land containing an on-site subsurface sewage disposal system.
- Proper drainage shall be provided to avoid ponding of water. Clean water shall be diverted from animal confinement areas. Contaminated stormwater runoff shall be collected or treated to minimize impact on surface or subsurface water supplies, and runoff shall not be directed to neighboring properties.
- All livestock shall be kept in such a manner that shall not cause unreasonable noise, odor, vermin or insects.
- Livestock shall always be suitably and adequately confined or controlled.
- Requirements of public health code shall be followed.



Zoning regulations should focus on site suitability to protect soil and water quality, on-site sewage disposal areas, wells, surface water and impact to abutting properties.



Setbacks and Buffers

Setbacks and other buffers create a physical separation between land uses that can help prevent land-use conflicts and potential nuisance lawsuits. However, some communities require excessively large setbacks that effectively eliminate opportunity for even small-scale livestock production. Large setbacks are not needed when farmers are following generally accepted agricultural practices.

Buffers for New Residences

Recommendation

To minimize conflicts between existing farms and new residences, towns can require that new building lots abutting farmland install landscaped buffers or maintain undisturbed natural vegetation along property lines to create a sight barrier and help reduce the impact of odors, noise and dust from farms.

In approved subdivisions, an agricultural buffer could be part of the open space requirement and maintained by the non-farming lot owners. The burden of maintaining a vegetative buffer should not be placed on existing farm operations but rather on adjacent new residential development to avoid the potential for future conflict.

Recommended language

Agricultural Buffer for New Residences: A 100-foot agricultural buffer is required where a new residence is proposed adjacent to agricultural land. The agricultural buffer shall be considered part of the open space. The planting of trees and shrubbery may be required as part of an agricultural buffer. A buffer of lesser width may be approved if it can be demonstrated to adequately protect both the residential lot and the agricultural use.

Setbacks for Livestock Buildings

Recommendation

Zoning regulations could include reasonable setbacks for buildings that are used to house and shelter animals. What is reasonable may vary from town to town. If a town chooses to enact setbacks for livestock buildings, some livestock owners may be forced to seek a variance for small or oddly shaped parcels. It is important that setbacks are not treated as zero-activity buffers. A building setback should not hinder the movement of animals up to the property line. Towns may choose to be less restrictive by applying the setback to only the portion of a building used to house or shelter livestock. There is specific guidance from the state on setbacks for a pigsty (enclosure for raising pigs). See Setbacks for Swine. For the raising of small food-producing animals, including hens, rabbits, bees, ducks, sheep and goats, see Section 5.

Recommended language

The portion of a building used for the housing and shelter of livestock shall be at least 100 feet from any property line. A setback of lesser width may be approved if it can be demonstrated to adequately protect both the residential and the agricultural and livestock use.



To minimize conflicts between existing farms and new residences, towns can require that new building lots abutting farmland install landscaped buffers or maintain undisturbed natural vegetation along property lines.

Municipalities should allow the raising of swine when a farm complies with state public health code and utilizes generally accepted agricultural practices.



Setbacks for Swine

Some zoning regulations prohibit the keeping of swine or piggeries within their municipality. There is a renewed interest in fresh, locally raised pork. Municipalities should allow the raising of swine when a farm complies with state public health code and utilizes generally accepted agricultural practices.

The Connecticut Public Health Code (Section 19-13-B23(a)) requires setbacks for pigs. However, such setbacks are measured from adjacent dwellings, not from property lines. The Code states that a pigsty (enclosure for raising pigs) must be 300 feet from any adjacent dwelling.

A gestation and farrowing barn on a property which has been in continuous use as a farm for at least 50 years may continue if it is 200 feet from any inhabited dwelling on the property, except the proprietor of the barn (CGS § 19a-341a).

Recommendation

Allow the raising of swine and piggeries provided the farm complies with the Connecticut Public Health Code, utilizes generally accepted agricultural practices and meets the requirements for setbacks and site suitability.

Setbacks for Fencing

Farms should be able to utilize all their suitable acreage for pasture. Municipal regulations should not require setbacks for fencing from property lines. Setbacks for fencing take land out of agricultural production, create a maintenance problem for the farmer, and can create confusion over where the property line is legally located. State statutes allow, and in certain limited circumstances may require property owners to fence up to the property line (CGS § 47-43).

Recommendation

Since the fencing requirements of livestock vary greatly depending on the type, size and age of the animals, municipalities should not attempt to regulate fencing construction, height or location.

Recommended language

Fencing for livestock shall be installed so that no part of the animal can reach over the property boundary line and of a nature to ensure the livestock safely stay within the fenced area.

Other Requirements for Livestock Buildings and Structures

The shelter and enclosure requirements for livestock vary greatly depending on the animal species and the farming operation. Shelters may be permanent or temporary, or may be trees and other natural windbreaks. The size may vary based on the access to outside lots and overall management of the farm. Regulations should allow the landowner to erect or install any number of structures that are appropriate as long as setbacks and other dimensional requirements are met.

Recommendation

The shelter and enclosure requirements of livestock are an issue of animal husbandry and should not be addressed in municipal zoning regulations. A “plot plan” may be required as part of a building permit for any permanent structure that will be used to house livestock. Permanent structures would not include movable shelters for poultry, for example, that are designed to be periodically relocated on the lot. In most cases, a licensed surveyor should not be required for this process unless the structure is very large or the setback line is in question.

Recommended language

An owner or lessee may request that the Zoning Enforcement Officer review compliance with zoning requirements by providing:

- A sketch/diagram which can be created using the town GIS system, and best available boundary and site data;
- The boundaries of the property on which the animals are to be kept;
- Location of all existing structures including dwellings on abutting properties, on-site wells and sewage disposal systems (refer to the Health Department);
- Location of proposed animal shelter and paddocks, pasture(s) and pens, including fences;
- Number and type of animals to be kept;
- Location of watercourses, water bodies and wetlands;
- Areas of slope in excess of 15%; and
- A narrative describing the total acreage of the site where animals are to be kept, the general nature and scope of the proposed use, and the provisions for storage of feed, grain, hay, animal excrement and any associated wastewaters.



Fencing for livestock shall be installed so that no part of the animal can reach over the property boundary line and of a nature to ensure the livestock safely stay within the fenced area.

Manure Management

Poor management of livestock manure and wastewater can create issues and complaints from neighbors about odors, flies and contamination of well and surface water. Farmers who follow generally accepted agricultural practices can prevent potential issues and nuisance complaints. These practices include the proper collection, storage, land application and removal of livestock manure, management of flies and control of runoff.

Various state agencies regulate management of manure and wastewater from livestock production. They have the expertise and authority to properly enforce manure and wastewater management practices and water management practices to

protect human health and natural resources. Livestock owners must comply with the Right to Farm Law (CGS § 19a - 341); Connecticut Department of Energy and Environmental Protection water pollution control statutes (CGS § 22a - 430), and the Connecticut Public Health Code.

For planning purposes, livestock owners are encouraged to consult the guidance presented in the USDA Natural Resources Conservation Service Electronic Field Office

Technical Guides for Connecticut (eFOTG) www.nrcs.usda.gov. Technical and financial resources are available to help develop farm conservation plans and design and install conservation practices through the USDA Natural Resources and Conservation Service. Connecticut's five Conservation Districts may also assist in developing farm conservation plans.

Recommendation

Municipalities should avoid prescribing manure management practices through zoning regulations. Municipal officials should instead focus on ensuring livestock operators are aware of resources to aid in manure management (see Text Box). Since best management practices are constantly evolving, zoning regulations should not mandate strict adherence to any specific management technique. In some cases, site plans may be required for engineered waste management systems.

Problems associated with manure management should first be referred to the Connecticut Department of Agriculture. The Connecticut Department of Agriculture may need to rule on whether the farm is following generally accepted agricultural practices. University of Connecticut Cooperative Extension System and USDA Natural Resources Conservation Service specialists may assist with best management practices to address manure management issues.

Concerns about water quality are within the purview of the Connecticut Department of Energy and Environmental Protection.

Problems with flies are within the purview of the local public health district.



Farmers who follow generally accepted agricultural practices can prevent potential issues and nuisance complaints. These practices include the proper collection, storage, land application and removal of livestock manure, management of flies and control of runoff.



Assistance to Livestock Operators on Manure Management

Connecticut Department of Agriculture

- Opinion on “generally accepted agricultural practices” on a case-by-case basis
- Technical assistance and guidance for composting

Connecticut Department of Energy and Environmental Protection

- Planning guidance through the “Manual of Best Management Practices for Agriculture: www.ct.gov/deep/lib/deep/aquifer_protection/BMPs_agriculture.pdf
- Review and approval of Comprehensive Nutrient Management Plans (CNMP) developed by a conservation planner for compliance with state and federal water pollution control regulations
- Review and approval of manure management plans developed for producers who are required to have such a plan on a case-by-case basis

University of Connecticut Extension

- Technical assistance on best management practices for nutrient management, odor and fly control, and water quality

USDA Natural Resources Conservation Service

- Financial assistance to help develop conservation plans and design, inspect, and install the necessary conservation practices and management plans
- Technical assistance to develop farm conservation plans and design conservation practices
- Development of Comprehensive Nutrient Management Plans (CNMPs), in partnership with CT DEEP, CT Department of Agriculture, and University of Connecticut Cooperative Extension
- Development and maintenance of standards for the design and installation of conservation practices to reduce impacts from animal agriculture. Available through the Electronic Field Office Technical Guide (EFOTG) at www.ct.nrcs.gov/technical
- Planning guidance through “2011 Good Horse Keeping Best Practices Manual for Protecting the Environment.” Available through the Connecticut Natural Resource Conservation Service Office

Connecticut Conservation Districts

- Technical assistance to assess the farm and assist in the development of a conservation plan and Comprehensive Nutrient Management Plan



RESOURCES
FOR FARM
OPERATIONS



Livestock for Educational Projects and Small Plot Farming

Youth organizations (such as FFA, 4-H) and other agricultural education projects

FFA students often choose to raise livestock as part of their required high school curriculum to satisfy their supervised agricultural experiences. Younger children are introduced to the raising and care of animals through local 4-H clubs. These invaluable projects teach youth about responsibility and decision-making and provide training for careers in animal science, veterinary science and livestock production. Overly restrictive zoning regulations may unintentionally limit or eliminate these educational and training opportunities.

Recommendation

Zoning regulations should permit the raising of livestock for FFA, 4-H and other student projects provided generally accepted agricultural practices are followed.

Recommended language

Student projects involving the keeping of farm animals are authorized by right subject to issuance of a certificate of zoning compliance. The application for approval of the certificate of zoning compliance shall include the certification by the 4H Club Agent of the Cooperative Extension System or a qualified school instructor or project manager that the applicant's Statement of Use and Animal Management Plan comprehensively describes the proposed project, including shelter provisions, outside confinement areas and manure management; protects animal welfare and is expected to have no potential adverse environmental and neighborhood impacts.

Small Plot Farming (including Urban Backyards)

In recent years, there has been growing interest in small-plot farming in which urban and suburban residents replace their lawns with fruit and vegetable gardens, edible landscapes, beehives, and protein sources e.g., hens for fresh eggs. The trend reflects a consumer preference for locally grown food, especially food grown in one's backyard,

that is healthier, tastier and environmentally more sustainable. For low-income households, access to healthy foods can be a chronic issue. Small-plot farming can offer an important solution. To illustrate, New Haven recently revised its zoning regulations to allow up to six hens on any property for personal use.



Recommendation

Municipalities should allow intensive use of small residential parcels for some types of food production, including raising livestock and poultry. Generally accepted agricultural practices should always be applied regardless of the scale of the operation.

Farms, as defined in municipal zoning regulations, should be exempt from regulations pertaining to the keeping of livestock and poultry on small residential parcels.

There are numerous examples of regulations for the keeping of livestock and poultry on small plots. The following sample ordinances are useful to consider as models for zoning that would allow the raising of food-producing animals – including hens, rabbits, bees, ducks, goats and sheep – on small plots.



SAMPLE ORDINANCE

Hens | New Haven, Connecticut

- No more than six hens may be kept on any property located in residence zoning districts as a non-commercial accessory use.
- The use shall be confined to a fenced enclosure of no more than 200 square feet in area, located in a rear yard. The fenced enclosure shall be at least 25 feet from any street line, at least 15 feet from any residential dwelling and at least five feet from any property line. In the instance that more than one distance requirement shall apply, the greater distance requirements shall apply.
- Any portion of the enclosure located closer than ten feet to a property boundary or directly visible from a street line at any distance shall be screened by either a fence or a landscaped buffer of at least four feet in height.
- A building shall be required for the hens. Any building used for this purpose shall be located at least ten feet from any lot line. All such buildings shall be constructed, and all food products kept so as to prevent offensive odors and the presence of pests and predators.
- No rooster shall be kept on any property.
- The keeping of hens shall be conducted in a manner consistent with and in compliance with the Health Code of the City of New Haven.

These sample ordinances are useful to consider as models for zoning that would allow the raising of food-producing animals, including hens, rabbits, bees, ducks, goats and sheep, on small plots.



SAMPLE ORDINANCE

Backyard Poultry | Ellington, Connecticut**Keeping of Backyard Poultry**

- **Applicability:** Backyard poultry shall include chickens, ducks, turkeys, and other birds of similar mature size, but not guinea hens, peacocks, emus or ostriches. Farms shall have no limit on the number of poultry that may be kept.
- **Minimum Lot Size:** A property must be greater than or equal to 20,000 square feet in order to keep backyard poultry.
- **Number of Poultry:** A property which meets the minimum lot size may keep up to a maximum of 8 backyard poultry.
- **Roosters:** Roosters are not permitted on property which has less than 3 acres.
- **Management:** Backyard poultry shall be suitably contained on the premises at all times. Free range backyard poultry are prohibited.
- **Waste Management:** The storage and management of waste (e.g. a combination of manure and bedding) for backyard poultry shall be in accordance with the Public Health Code, as amended. In no case shall waste be located closer to property lines than the minimum setback requirements for structures and enclosures for the keeping of backyard poultry and shall not exceed 2 cubic yards at any given time.



- **Setbacks and Permitting Requirements:**

- Structures less than 200 square feet and enclosures (such as fenced areas) for the keeping of backyard poultry shall be a minimum of 20 feet from the side and rear property lines and 50 feet from the front property line, or meet the setbacks of the underlying zone (whichever is greater). These structures and enclosures shall not require a Zoning Permit, but all owners of backyard poultry shall submit a written statement to the Zoning Enforcement Officer certifying compliance to these regulations.
- Any structure for the keeping of backyard poultry that is greater than or equal to 200 square feet shall require review in accordance with Section 7.14.2.B or Section 7.14.3.A, as applicable.

- **Site Suitability and Impact:** In order to minimize potential adverse impacts, the following shall apply:

- Sites with slopes greater than 15% shall be avoided or improved to avoid heavy surface water runoff, soil erosion, sedimentation or hazardous conditions for keeping backyard poultry.
- Structures for the keeping of backyard poultry shall not be permitted directly over land containing an on-site sewage disposal system. Structures and enclosures (such as fenced areas) shall not be permitted directly over wells.
- Proper drainage shall be provided to avoid collection of water. Water shall be diverted from poultry keeping areas; however, such water shall not pollute surface or subsurface water supplies nor shall runoff be directed to neighboring properties.

SAMPLE ORDINANCES

Bees | Connecticut Agricultural Experiment Station**Recommendations**

Honeybee colonies are considered livestock in Connecticut and should be treated humanely at all times. Honeybees are required by law to be registered annually with the office of the State Entomologist and are subject to inspection at reasonable times. Beekeepers and regulatory officials can contact the State Bee Inspector at the Connecticut Agricultural Experiment Station for technical guidance.

Hive Placement: Hives should be placed away from roads, walkways or rights of way. They should be placed in a quiet part of a yard. They should not be placed near any location where there is human or pet traffic. The hive entrance should be placed facing the hive owner's property. If placed near a property line (not closer than 10 feet), there should be either a fixed wall or a dense vegetative barrier, of at least six feet in height, between the hives and the property line.



Hive Density: Urban neighborhoods – There are many examples of bees being managed in urban settings. Honeybee hives are currently being kept in downtown locations like: Hartford, New Britain and New Haven and on the campus of several high schools, without issues.

The more developed an area is, the more a beekeeper must be attentive to his bees to prevent conflicts.

- Lots of $\frac{1}{4}$ acres or less should limit the number of colonies to no more than two colonies and up to two nucleus colonies (nucs).
- Lots of $\frac{1}{4}$ acre to 1 acre should limit the number of colonies to six colonies and up to four nucs.
- Lots greater than 1 acre will not be limited as long as the guidelines on hive placement are followed.
- Limitations will not be imposed under the following two conditions:
 - If the hives are situated more than 200 feet from a property line.
 - If the adjoining property is undeveloped land.

Keeping of Bees | Ellington, Connecticut

- **Minimum Lot Size:** The keeping of bees shall be allowed on any property greater than or equal to 30,000 square feet.
- **Setbacks & Permitting Requirements:** Beehives shall be a minimum of 10 feet

from all property lines or conform to the setback requirements of the underlying zone, whichever is greater and shall be a minimum of 25 feet from any dwelling on abutting properties.

SAMPLE ORDINANCE

Other Livestock | Wethersfield, Connecticut

The town of Wethersfield allows for the keeping of pets and livestock on residential property greater in area than 8,000 square feet. The provisions of Section 3.5 of the zoning regulations establish the requirements for pets and livestock. The town has created this guide in an effort to summarize the requirements of these regulations for individuals interested in keeping pets and/or livestock on their property.

What Is Considered Livestock?

The term livestock includes horses, cows, sheep, goats, hens, rabbits and similar animals.

What Is Considered a Livestock Unit?**A livestock unit is defined as follows:**

- one horse, cow or similar large animal whose mature weight exceeds 500 pounds;
- three sheep, goats or similar medium-size animals whose mature weight is between 30 and 500 pounds; or
- fifteen hens, rabbits or similar small animals whose mature weight is less than 30 pounds.

Livestock Allowed by Zoning Permit Approval Issued by the Zoning Enforcement Official

Livestock is allowed (following the permit approval process by the zoning enforcement official) on residential premises solely for the personal use of the occupants or when accessory to a farm, under the following conditions:

- The keeping of livestock may include raising, breeding, instructing, training, sales, boarding, riding, driving and other similar uses.
- The keeping of bees is permitted in conjunction with a residence.
- All livestock shall be confined in keeping areas with adequate fencing located at least 25 feet from any lot line.

- An appropriate permanent shelter shall be provided for all livestock and such shelter shall be located at least:

- 100 feet from the street line,
- 50 feet from a rear property line,
- 25 feet from a side property line, and
- 100 feet from a reservoir, pond, or watercourse.

- All manure shall be:

- Kept in a covered, water-tight pit or chamber as approved by the Wethersfield Health Department.
- Removed at least once a week during the period from May 1st to October 1st and during the other months at intervals sufficiently frequent to maintain a condition which is sanitary and free from offensive odors to the satisfaction of the Director of Health. Located at least 100 feet from any street line and 50 feet from any lot line.
- Visually screened from the street or any neighboring lot.

Any pre-existing non-conforming fence for confining livestock may be repaired, maintained or replaced. Additional regulations of the Public Health Code, the Department of Energy and Environmental Protection, the Connecticut Department of Agriculture, and the Connecticut General Statutes may apply.





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The keeping
of bees is
permitted in
conjunction
with a
residence.

Contact an Expert Directory

Several state and federal agencies across Connecticut have been given the authority to regulate agriculture and the keeping of livestock. Staff in these agencies are experts and are available to assist farmers and municipalities. Contact one of the experts listed below when questions arise concerning issues related to the keeping of livestock.

Generally Accepted Agricultural Practices

- **CT Department of Agriculture**
(860) 713-2500
www.ct.gov/doag

Water Quality and Wetlands

- **CT Department of Energy and Environmental Protection**
(860) 424-3000
www.ct.gov/deep
- **USDA Natural Resources Conservation Service**
(860) 871-4011
www.ct.nrcs.usda.gov

Animal Health and Husbandry

- **CT Department of Agriculture**
(860) 713-2500
www.ct.gov/doag
- **University of CT Extension**
(860) 486-9228
www.extension.uconn.edu
- **Horse Environmental Awareness Program**
www.ct.nrcs.usda.gov/programs/rc&d/km_heap-program.html
- **University of CT Extension Equine Specialist**
(860) 486-4471
www.animalscience.uconn.edu/equine-extension-program
- **Bees: CT Agricultural Experiment Station**
(203) 974-8485
www.ct.gov/caes

Manure Management

Note: Fly issues associated with manure management should be referred to the Connecticut Department of Agriculture first for assessment and resolution of the issue. The DOA will assist the local or district health department official when evaluating a manure management practice and/or fly issue that may be within their legal jurisdiction.

- **CT Department of Agriculture**
(860) 713-2500
www.ct.gov/doag
- **CT Department of Energy and Environmental Protection**
(860) 424-3000
www.ct.gov/deep
- **University of CT Extension**
(860) 486-9228
www.extension.uconn.edu
- **USDA Natural Resources Conservation Service**
(860) 871-4011
www.ct.nrcs.usda.gov
- **CT Conservation Districts**
www.conservect.org

General Site Suitability

- **USDA Natural Resources Conservation Service:**
(860) 871-4011
www.ct.nrcs.usda.gov
- **CT Conservation Districts**
www.conservect.org

General Farm Resources

- **CT Farm Bureau Association:**
(860) 768-1100
www.cfba.org
- **CT Resource Conservation and Development**
(860) 345-3977
www.ctracd.org
- **CT Conservation Districts**
www.conservect.org
- **Regional Councils of Government**
<https://portal.ct.gov/OPM/IGPP-MAIN/Responsible-Growth/Regional-Planning-Organizations-RPO>
- **Lower CT River Valley Regional Agricultural Council**
(860) 581-8554
www.knowyourfarmers.org
- **Northeast Organic Farming Association of CT**
(203) 408-6819
www.ctnofa.org



Appendix A

Selected Connecticut General Statutes**

Definition of Agriculture, Farming and Farm: CGS § 1-1(q)

§ 1-1. Words and phrases. (q) Except as otherwise specifically defined, the words “agriculture” and “farming” shall include cultivation of the soil, dairying, forestry, raising or harvesting 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 raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; 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 farming purposes; handling, planting, drying, packing, 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 the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term “farm” includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoopouses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term “aquaculture” means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farm lands. Nothing herein shall restrict the power of a local zoning authority under chapter 124.

Definition of Livestock: CGS § 22-278

§ 22-278. Orders and regulations for control of livestock diseases. For the purposes of this chapter “livestock” is defined as any camelid or hooved animal raised for domestic or commercial use. The Commissioner of Agriculture is authorized, subject to sections 4-168 to 4-174, inclusive, to make orders and regulations concerning the importation, transportation, trailing, riding, driving, exhibiting, examining, testing, identification, quarantining or disposing of livestock to prevent the spread of contagious and infectious diseases among livestock and to protect the public from such diseases as may be transmissible to human beings, either directly or through the products of such animals, and orders and regulations for the conservation of livestock the products from which are used for food or clothing. The commissioner shall give notice of any such order to any person named therein by leaving a copy of such order with, or at the last-known place of abode of, such person, if a resident of the state; if not a resident of the state, by leaving a copy with, or at the last-known place of abode of, an agent of such person, or the person having custody

→ continued next page

Definition of Livestock, continued of the animals described in such order, if within the state, or by forwarding a copy of such order by registered or certified mail addressed to the last-known address of the person named therein. The commissioner, in case of emergency, may give notice of any regulation limiting or prohibiting the importation, transportation, trailing, riding, driving, exhibiting or disposing of livestock on any highway by publishing a copy of such regulation in a newspaper published or having a substantial circulation in the town in which the highway affected by such regulation may be located. The commissioner shall give notice of any such order or regulation to any common carrier named therein or affected thereby by leaving a copy of such order or regulation with the president, secretary or treasurer of the company acting as common carrier, or by leaving a copy with any person or firm acting as a common carrier, or at the last-known residence of any such person or a member of such firm in charge of any office of such carrier. The commissioner is authorized to employ assistants needed to enforce any such order or regulation. Any person or any officer or agent of any corporation who violates any provision of any such order or regulation, or who obstructs or attempts to obstruct the commissioner or any assistant engaged in the discharge of any duty hereunder, may be fined not more than one hundred dollars or may be assessed an administrative civil penalty in accordance with section 22-7.

Definition of Poultry: CGS § 22-326s

§ 22-326s (5) “Poultry” means any species of domestic fowl, including, but not limited to, chickens, turkeys, ostriches, emus, rheas, cassowaries, waterfowl and game birds raised for food production, breeding, exhibition or sale.

Damage by Dog to Domestic Animals or Poultry: CGS §22-355

§ 22-355. Damage by dog to domestic animals or poultry.

(a) When any person sustains damage by dogs to such person’s sheep, goats, horses, hogs, cattle, poultry or domestic rabbits kept in enclosures as described in subsection (f) of this section, such person shall report such damage to the chief administrative officer of the town in which such damage was sustained, or the chief administrative officer’s agent, or, if such damage was sustained on land located in two or more towns, such person shall report such damage to such authority of either of such towns. Upon receiving such report, the authority, with the person claiming to have sustained such damage, shall estimate the amount of such damage, including expenses of veterinary care, the fair monetary value of the animals or poultry killed, injured or damaged by such dogs and burial expenses for the animals or poultry killed by such dogs. If such authority and the person claiming to have sustained such damage are unable to agree as to the amount thereof, they shall choose some disinterested third person to assist in estimating the damage. Information required by this subsection shall be given within twenty-four hours after the person claiming under this section has or should have had knowledge of the same or, if the intervention of a Sunday or holiday prevents the reporting thereof, on the next succeeding business day. No claim for such damages shall be allowed to any person (1) who owns, keeps or has in possession any unlicensed dog, (2) whose employee, living on the premises, keeps an unlicensed dog which is six months of age or over, or (3) who fails to report such damage within the time limited by this section. The burden of proving the allegations of any claim under this section shall be on the person claiming under this section.

(b) The amount of damage agreed upon or estimated by any two of such three persons shall be paid by such town, and the town may recover such amount, when paid, with the compensation of such disinterested third person, from the owners, keepers or harborers of such dogs, if such persons are the residents of the town. If the owners, keepers or harborers of such dogs are not residents of the town in which the damage has been done, the town paying the damage may recover such damage and compensation from the town or towns where such owners, keepers or harborers reside, unless such owners, keepers or harborers, or such town or towns, on notice, pay to the treasurer of the town which paid such damage the amount of such damage and compensation. Any town which is obliged to pay any such damage may recover the amount thereof from the owners, keepers or harborers of the dogs doing such damage.

(c) When additional or increased damages are claimed to sheep, goats, horses, hogs, cattle, poultry or domestic rabbits, which damages were not apparent at, and accrued subsequent to, the first appraisal of damage, a supplemental notice of such claim for additional damage may be given to such authority at any time within thirty days from the discovery of the original damage. The supplemental notice of claim shall set forth the facts upon which such claim is based. The claim shall be made to such authority and shall be acted upon in the manner provided in subsections (a) and (b) of this section.

(d) Any authority who has received notice pursuant to the provisions of this section and within a period of fifteen days after receiving such notice, fails to estimate the amount of such damage, or if such authority is unable, within a period of five days, to agree with the person claiming to have sustained such damage as to the amount thereof, or fails to agree with such person on a disinterested third person to assist in estimating such damage, or if such authority and such person agree on such disinterested third person and two of such three persons fail to agree as to the amount of such damage, the person who claims to have sustained damage may institute a civil action against the town in which the damage was sustained for the recovery of such damage. No such action shall be maintained unless brought within one year from the date the damage was sustained.

(e) When the selectmen, town manager or other chief executive officer of the town receives notice from any person claiming to have sustained damage by dogs to his sheep, goats, horses, hogs, cattle, poultry or domestic rabbits in excess of one hundred dollars, such authority shall, within twenty-four hours, report the same to the commissioner for investigation and shall call upon the commissioner or his agent to act for the town in appraising the damage as provided in subsections (a), (b), (c) and (d) of this section. The fact that said commissioner or his agent has acted for such authority shall not bar an action for the recovery of the damage as provided in subsection (d) of this section.

(f) Sheep, goats, horses, hogs, cattle, poultry and domestic rabbits shall be confined or shall be enclosed by a fence or wall of material and height sufficient to restrain them from roaming. In any case in which any town has paid an amount in excess of one hundred dollars for such damage to the owner of any such animal or poultry, and the amount of such damage cannot be collected from the owners, keepers or harborers of such dogs, the selectmen, town manager or other chief executive officer of such town, city or borough shall forward to the commissioner a statement of the facts, showing the amount so paid, and the State Treasurer, at the request of the commissioner, shall reimburse such town, city or borough for the amount of such damage, from the funds received by the state under the provisions of this chapter.

Damage Caused by Roaming Poultry: CGS §52-561a

§ 52-561a. Damage by domestic fowls. Any owner or keeper of domestic fowls who allows them to trespass upon the premises of another person shall be liable to the owner or occupant of such premises for all damage done by such fowls. (This is a seldom used law in the Civil Actions section of the statutes)

Right-to-Farm: CGS § 19a-341

§ 19a-341. Agricultural or farming operation not deemed a nuisance; exceptions. Spring or well water collection operation not deemed a nuisance. (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. (b) Notwithstanding any general statute or municipal ordinance or regulation pertaining to nuisances, no operation to collect spring water or well water, as defined in section 21a-150, shall be deemed to constitute a nuisance, either public or private, due to alleged objectionable noise from equipment used in such operation provided the operation (1) conforms to generally accepted practices for the collection of spring water or well water, (2) has received all approvals or permits required by law, and (3) complies with the local zoning authority's time, place and manner restrictions on operations to collect spring water or well water.

(c) The provisions of this section shall not apply whenever a nuisance results from negligence or wilful or reckless misconduct in the operation of any such agricultural or farming operation, place, establishment or facility, or any of its appurtenances.

Sec. 19a-341a. Maintenance of swine gestation and farrowing barn. Permissible location. Notwithstanding any provision of the general statutes or the regulations of Connecticut state agencies, a swine gestation and farrowing barn maintained on property which has been in continuous use as a farm for not less than fifty years may continue to be maintained provided such barn is no closer than two hundred feet from any inhabited house located upon the property other than that of the proprietor of such barn.

Powers of Commissioner: CGS § 22-4c

§ 22-4c. Powers of commissioner. Recording and transcription of hearings. Payment of related costs or expenses. (a) The Commissioner of Agriculture may:

(4) provide an advisory opinion, upon request of any municipality, state agency, tax assessor or any landowner as to what constitutes agriculture or farming pursuant to subsection (q) of section 1-1, or regarding classification of land as farm land or open space land pursuant to sections 12-107b to 12-107f, inclusive;

Fencing: CGS § 47-43, §47-47 and §47-48

§ 47-43. Proprietors to maintain. The proprietors of lands shall make and maintain sufficient fences to secure their particular fields. Within cities and adjacent to house lots, a tight board fence four and one-half feet high, an open picket fence four feet high, the opening between pickets not to exceed four inches, or a slat rail fence four feet high, the opening between slats not to exceed six inches, the lower slat not over six inches from the ground, a fence not less than four feet high of chain link galvanized wire not smaller than number nine gauge supported upon galvanized tubular steel posts set in concrete, all end and corner posts to be suitably braced, and all to be substantially erected, or any other fence which in the judgment of the selectmen or other officials charged with the duty of fence viewers is equal thereto, shall be a sufficient fence; in places outside of incorporated cities, a rail fence four and one-half feet high, a stone wall four feet high, suitably erected, a wire fence consisting of four strands not more than twelve inches apart, stretched tightly, the lower strand not more than twelve inches and the upper strand not less than four feet from the ground, with good substantial posts not more than sixteen feet apart, and any other fence which in the judgment of the selectmen is equal to such a rail fence, shall be a sufficient fence. Adjoining proprietors shall each make and maintain half of a divisional fence, the middle line of which shall be on the dividing line, and such fence shall not exceed in width, if a straight wood fence or hedge fence, two feet; if a brick or stone fence, three feet; if a crooked rail fence, six feet; and, if a ditch, eight feet, not including the bank, which shall be on the land of the maker. No ditch shall be made adjacent to a house lot without the consent of the owner of the house.

§ 47-47. Barbed wire between adjoining premises or enclosing grounds of public buildings. No person shall use barbed wire in the construction of fences, or have barbed wire upon existing fences, between his own premises and those of an adjoining proprietor, within twenty-five rods of any house or barn belonging to such proprietor, unless either premises are used in connection with raising livestock, without first obtaining his written consent. No barbed wire shall be used in the construction of fences, or retained upon existing fences, connected with or enclosing the grounds of any public school or public building, except a Department of Transportation storage facility or a vessel operations area of a state-owned waterfront facility or aircraft operations area of a state-owned airport. Any person who violates any provision of this section shall be fined not more than one hundred dollars.

§ 47-48. Barbed wire along sidewalks. No barbed wire shall be installed along any sidewalk unless it is at least six and one-half feet above the ground. Any barbed wire in use in conformity with section 7156 of the general statutes, revision of 1949, on October 1, 1957, may be continued in use.

Discharge into State Waters: CGS § 22a-430

§ 22a-430. (Formerly Sec. 25-54i). Permit for new discharge. Regulations. Renewal. Special category permits or approvals. Limited delegation. General permits.

(This statute provides DEEP with the authority to regulate discharge or run-off of substances such as manure and silage leachate that serve as a source of pollution and to issue orders for abatement. Due to its length, this statute has not been reproduced in this list.)

Local and Regional Agricultural Councils: CGS § 7-131 (v)

§ 7-131v. Local and regional agricultural councils. (a) Any municipality may, by vote of its legislative body or, in a municipality where the legislative body is a town meeting, by vote of the board of selectmen, establish a local agricultural council to: (1) Provide information to local farmers and to municipal boards and commissions about the benefits of a balance between agriculture and other land uses; (2) educate municipal officials about agricultural laws and safety issues; (3) identify grant sources for farmers and municipalities; (4) enable a common understanding of agriculture among all municipal departments; (5) provide information and guidance about zoning issues relating to agriculture; (6) support local, regional and state vocational agricultural programs concerning agricultural matters; (7) provide conflict resolution and advisory services; (8) identify innovative opportunities for agriculture; and (9) create a climate that supports the economic viability of agriculture in the municipality.

(b) Any two or more municipalities may form a regional agricultural council for the purposes set forth in subsection (a) of this section by vote of the legislative body or, in a municipality where the legislative body is a town meeting, by vote of the board of selectmen, of each municipality.

Department of Agriculture statutes and regulations pertaining to animal and poultry disease control, the quality and safety of animal and poultry derived foods, and state statutes enforced by the Department regarding animal cruelty are not included in this list of statutes and regulations.

Appendix B

Connecticut Public Health Code

Definition of Nuisance

19-13-B1. Conditions specifically declared to constitute public nuisances

The following conditions are specifically declared to constitute public nuisances:

- (a) Bakeries, restaurants and other places where food is prepared or served that are not kept in a clean and sanitary condition; or in which persons who have any communicable disease are employed; or for which suitable toilet facilities are not provided; or in which there is evidence that rats, mice or vermin are present.
- (b) Spoiled or diseased meats, whether exposed and offered for sale or being transported or kept for sale.
- (c) Barns or stables, hogpens, chicken yards or manure piles or accumulations of organic material so maintained as to be a breeding place for flies.
- (d) The discharge or exposure of sewage, garbage or any other organic filth into or on any public place in such a way that transmission of infective material may result thereby.
- (e) Privies not screened against flies in populous districts and privies likely to pollute the ground or surface water from which water supply is obtained.
- (f) Transportation of garbage, night soil or other organic filth except in tight, covered wagons which prevent leakage or access of flies.
- (g) Stagnant water likely to afford breeding places for mosquitoes within a residential district or within a distance of one thousand feet there from.
- (h) Bone boiling, fat rendering establishments, or tallow or soap works, or other trades, when they can be shown to affect public health or produce serious offense.
- (i) Buildings or any part thereof which are in a dilapidated or filthy state.

Director of Health Authority in Nuisance Abatement

19-13-B2. Abatement of nuisance

- (a) Any local director of health, upon information of the existence of a nuisance or any pollution occurring within his jurisdiction, or when any such nuisance or pollution comes to his attention, shall, within a reasonable time, investigate and, upon finding such nuisance or pollution exists, shall issue his order in writing for the abatement of the same.
- (b) Such order shall specify the nature of such nuisance or pollution and shall designate the time within which such abatement or discontinuance shall be accomplished; and if such order is not complied with within the time specified, the facts shall be submitted to the prosecuting authority. Copies of all orders shall be kept on file by the director of health in his office and copies of the same shall be furnished the state commissioner of health on request.

Pigs and Carcass Disposal

19-13-B23. Keeping of animals

(a) No pigsty shall be built or maintained on marshy ground or land subject to overflow, nor within three hundred feet of any inhabited house or public meeting house upon property other than that of the proprietor of the pigsty.

(b) The carcass of any dead animal not killed for food shall be removed and disposed of within twenty-four hours after death by burial, incineration or other method approved by the local director of health.

Manure Disposal in Populous Districts

19-13-B21. Garbage and refuse

(b) In populous districts stable manure shall be kept in a covered water-tight pit or chamber and shall be removed at least once a week during the period from May first to October first and during the other months at intervals sufficiently frequent to maintain a sanitary condition satisfactory to director of health. Manure on farms or isolated premises other than dairy farms need not be so protected and removed unless ordered by the director of health.

Creating and Revising Zoning Regulations for Livestock

Why is it Important to Understand Land Use and Agriculture?

Other than backyard hobbyists, agriculture is a multi-million-dollar economic sector in Connecticut employing thousands of residents. Support for expansion and proactive awareness Connecticut's agriculture business sector, including livestock, is critical to Connecticut's economy, food security and sustainable future.



Understanding Agriculture

- _____ Assign a Commission Member or Committee to research information on agriculture in the municipality and region
- _____ Consult Connecticut State Statutes.
- _____ Utilize this Livestock Guide for Resources
- _____ Review Town Ordinances and Right to Farm Ordinances



Rely on the Experts

- _____ Connecticut Department of Agriculture
- _____ USDA Natural Resources Conservation Service
- _____ AGvocate website sources
- _____ UConn Extension
- _____ Connecticut Farm Bureau Association



Public Outreach and Engagement

- _____ Schedule an open forum where local farmers, small plot livestock owners, FFA and 4H members and advisors, and the non-farming community can come together to share ideas and provide input to local land use officials and the zoning commission on draft regulations for the keeping of livestock.
- _____ Consult with the local agricultural commission or regional agricultural council.
- _____ Invite experts from UConn Extension, the Connecticut Department of Agriculture, the USDA Natural Resources Conservation Service and Connecticut Farm Bureau Association.
- _____ Schedule follow-up forums where comments can be received on the draft regulations before going to public hearing.



Drafting Recommendations

- _____ Avoid regulating types of livestock, health codes or animal density. Create regulations that provide for site review toward setbacks for structures, fencing and natural resource protection.
- _____ Definitions for Livestock: Ensure the municipal land use regulations are consistent with Connecticut statutes: https://www.cga.ct.gov/current/pub/title_22.htm
- _____ Look at your Geography – Use digital geographic information (GIS) to identify areas of concern within your municipality: aquifers, source drinking water areas, riverine and wetland protection areas, lake quality management, coastal management, transportation and freight, housing density, etc. If your municipality does not have GIS data, ask your representative Council of Governments and/or University of Connecticut Center for Land Use Education and Research: <http://cteco.uconn.edu/>
- _____ Consider an overlay zone technique to identify areas to separate areas of agriculture/livestock regulation, such as: designated areas for administrative site plan review and areas for land use commission review by permit. (see pages 3A – 4A)
 - <https://www.planning.org/divisions/planningandlaw/propertytopics.htm#Overlay>
 - <https://conservationtools.org/guides/67-agricultural-protection-zoning>
 - <https://www.codepublishing.com/WA/Puyallup/html/Puyallup20/Puyallup2050.html>
- _____ Regulating no-or-low impact areas versus high impact areas for agriculture/livestock. Examples:
 - High Density Housing Areas: A commission site plan review to review compliance with municipal zoning or subdivision regulations for livestock near high density housing.
- _____ Cross reference agriculture in other areas of POCD, Zoning Code, Inland Wetland Regulations and Subdivision.
- _____ Where new conflicting uses are anticipated adjacent to established agriculture uses, consider regulations for site plan criteria that provide for a natural undisturbed vegetative buffer between the new land use and the existing agricultural use. Subdivisions which provide for enhanced buffers during permit review would ensure compatibility near livestock area. The onus to provide an undisturbed natural vegetative buffer should fall on the new land use and not the existing livestock operation.



Advocacy

- _____ Support designation or hiring of an ombudsman who has a background in planning, zoning, conservation and enforcement with an expertise in current agricultural practices to support land use.

[illegible]

[illegible]





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