

Local Law Filing

New York State Department of State
99 Washington Avenue, Albany, NY 12231

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

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

~~County~~
~~City~~ of Yates, Orleans County, New York
~~Town~~
~~Village~~

Local Law No. 8 of the year 2024.

A local law known as: “A Local Law to Enact the Town of Yates Farm Worker Housing Law”

(Insert Title)

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

~~County~~
~~City~~ of Yates, Orleans County, New York as follows:
~~Town~~
~~Village~~

A Local Law to Enact the Town of Yates Farm Worker Housing Law

Be it hereby enacted by the Town Board of the Town of Yates, in the County of Orleans, New York, as follows:

The Zoning Regulations of the Town of Yates shall be amended by the following modifications to Sections 210, 620 and 730, entitled “Town of Yates Farm Worker Housing Law,” which are as follows:

SECTION 1. DEFINITIONS

- A. The following definitions in Section 210 of the Zoning Regulations of the Town of Yates shall be deleted in their entirety and replaced with the following:
ACCESSORY USE: A use incidental and subordinate to the principal use of a building or farm on the same lot and serving a purpose customarily incidental to the use of the principal building or farm.

AGRICULTURE/ (FARMING)/AGRICULTURAL ACTIVITIES: The use of land for agricultural production purposes including, tilling of the soil, dairying, pasture, animal and poultry husbandry, apiculture, arboriculture, horticulture, floriculture, viticulture, and Accessory Uses for cleaning, packing, and storing of products for marketing of crops and other agricultural products, provided that the operation of any such Accessory Uses shall be secondary to that of the principal agricultural production activities located on the same commonly owned or controlled parcel or Farm Operation. Agriculture and Agricultural Activities shall not include manufacturing products from raw materials, food processing, and machining.

The following definitions shall be added within Section 210 of the Zoning Regulations of the Town of Yates:

FARM WORKER HOUSING: Any structure or combination of structures, building or buildings in which Farm Workers are housed on a farmer's own land, whether owned or under his or her control by a valid and existing lease. At least 51% of the Farm Workers living in the Farm Worker Housing, at any given time, must be employed by or used more than 51% of the time by the Farm Operation where the Farm Worker Housing is located. Farm Operations may house their Farm Workers at the Farm Worker Housing of a different Farm Operation so long as at least 51% of the Farm Workers living in that Farm Worker Housing, at any time, are working at least 51% of the time for the Farm Operation where the Farm Worker Housing is located.

FARM WORKER(S): Any person who (1) spends at least thirty or more hours per week engaged in a Farm Operation's Agricultural Activities; (2) earns most of his or her income from a Farm Operation's Agricultural Activities; (3) is employed and used at more than 51% of the time by the same Farm Operation; and (4) is not an immediate family member of the farmer. Workers who predominantly perform work related to the manufacturing products from raw materials, food processing, and machining, are excluded from this definition.

FARM OPERATION: The land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other, if there is common ownership or control of the parcels. Off-farm labor including grading, sorting, and/or packing of agricultural products may be part of a farm operation only if such off-farm labor handles at least 51% of agricultural products that come from that same farm operation's own production and preparation of crops.

SECTION II: MODIFICATIONS TO AGRICULTURAL/RESIDENTIAL DISTRICT (AR) REGULATIONS

Subsection D of Section 510 of the Zoning Ordinance of the Town of Yates shall be amended by the deletion of “4. Farm Labor Camp,” which shall be replaced with “4. Farm Worker Housing”.

SECTION III: TOWN OF YATES INDIVIDUAL MANUFACTURED HOME LAW

Section 620 of the Zoning Ordinance of the Town of Yates shall be amended by the deletion of the term “Farm Labor Camp” and replacement with the term “Farm Worker Housing” throughout the text of such Section.

SECTION IV: TOWN OF YATES FARM WORKER HOUSING LAW

Section 730 of the Zoning Ordinance of the Town of Yates, entitled “Farm Labor Camps,” shall be and hereby is repealed and replaced in its entirety with the following:

Farm Worker Housing

The Planning Board may approve a special use permit for farm worker housing in the Agricultural/Residential (AR) District provided that the following standards and provisions are maintained.

- A. Special permits for the establishment and operation of Farm Worker Housing may be subject to annual inspection, but will typically be reviewed every three years for compliance with its permit and the Town Code. Failure to comply with the permit or Town Code may result in enforcement by the Town Code Enforcement Officer, consistent with the Town Code. Violations of the Town Code or the permit may lead to the permit’s revocation.
- B. Minimum site area of proposed Farm Worker Housing shall not be less than two acres, absent a showing that less acreage will not present any hazard to public health or safety or the health and safety of farm housing occupants in close proximity to other farm operations and facilities.
- C. Minimum front, side and rear setbacks shall not be less than 200 feet, absent a showing that less acreage will not present any hazard to public health or safety or the health and safety of farm housing occupants in close proximity to other farm operations and facilities.
- D. Like any property, the design and location of Farm Worker Housing must comply with the Western Orleans Comprehensive Plan and the Local Waterfront Revitalization Program. This provision is intended to pertain solely to the design and location of Farm Working Housing on a parcel(s) and not the eligibility to construct Farmer Worker Housing.
- E. Farm Worker Housing should operate from February through November, absent a showing that the Farm Workers housed in the Farm Worker Housing will be engaged in either: (a) on-farm work in December and January or (b) year-round work for the Farm Operation where the housing is located.

- F. Only persons falling within the definition of a “Farm Worker”, together with their immediate family, are entitled to occupy Farm Worker Housing.
- G. The Farm Worker Housing and buildings must continually comply with all applicable local, state and federal laws, rules and regulations.
- H. At the direction of the Code Enforcement Officer, Farm Worker Housing that has not been occupied by Farm Worker(s) for a period of three consecutive years shall be removed from the property.
- I. If the proposed Farm Worker Housing is within a County Agricultural District and is operated in support of reasonable farming practices, the Planning Board may not unreasonably restrict its operation.

SECCION V

1. This local law shall take effect immediately upon filing in the Office of the Secretary of State.
2. If any part or section of this local law shall be held to be invalid, the remaining provisions thereof shall not fail but shall remain in full force and effect.
3. All local laws, ordinances, rules or regulations, or parts or portions thereof that conflict or are contrary to any portion of this local law are hereby repealed.

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

I hereby certify that the local law annexed hereto, designated as local law No. 8 of 2024, of the ~~(County)~~ ~~(City)~~ (Town) ~~(Village)~~ of Yates, New York was duly passed by the Town Board on _____, in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)~~ ~~(City)~~ (Town) ~~(Village)~~ _____ was duly passed by the _____ on _____ 20____, and was (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the ~~(County)~~ ~~(City)~~ (Town) ~~(Village)~~ of _____ was duly passed by the _____ on _____ 20__, and was by the _____ on _____ 20__. Such local law was submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on _____ 20____, in accordance with the applicable provisions of law.

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

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant

to the provisions of section (36) (37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special) (general) election held on _____ 20____, became operative.

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

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

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

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

(SEAL)

Michele L. Harling
Town Clerk, Town of Yates
Date:

(Certification to be executed by County Attorney, Corporation of Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF ORLEANS

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Andrew W. Meier
Attorney for the Town of Yates
Date: