

3pg

No fee



670958
1 of 3

5/13/2010 12:30 PM
RESOL R\$0.00 DS0.00

Debra A Green
Park County Clerk

PARK COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS
Resolution No. 30-2010

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PARK COUNTY, COLORADO, ESTABLISHING A "RIGHT-TO-FARM AND RANCH" POLICY

WHEREAS, the Board of Park County Commissioners "the Board" recognizes the need to protect private property rights and the role farming, ranching and other agricultural activities have and will continue to have in Park County,

NOW, THEREFORE, the Board hereby adopts the following statement as the Agricultural Code for Park County, and directs that it be the policy of the County from this date forward.

1. Any agricultural operation and/or practice that is historical, traditional, legitimate, and reasonable shall be protected. Any new or expanded agricultural operation or practice that is legitimate and reasonable shall be encouraged.

2. Agriculture, as a way of life, benefits all residents of Park County. It is an important part of the economy and adds intrinsic value to life in Park County. Agriculture, as a business, brings with it noise, odors, dust, mud, smoke and other inconveniences. Some inconveniences are, but not limited to, manure and feeds, odors from chemical applications, lights and noises at all hours of the day and night, and on-farm processing and marketing of crops and livestock. To maintain the way of life, we must protect the business from unnecessary intrusive litigation. Therefore, none of these inconveniences shall be considered a nuisance as long as they occur as a legitimate, non-negligent and legal agricultural practice, as stated in Colorado State Statute 35.3.101, 102, 103, as amended.

4. In addition, all owners of land, whether farm, ranch, residential or commercial have obligations under Colorado State Statute and Park County Regulations. A partial list of these obligations includes:

- a. Using property according to the County's Land Use Regulations.
- b. Maintaining fences.
- c. Maintaining irrigation and drainage systems.
- d. Leaving gates as they were found.
- e. Managing and controlling weeds and insect pests.
- f. Controlling livestock.



- g. Respecting legal historical easements and rights-of-way used for livestock trails, maintenance of fences, and maintenance of irrigation and drainage systems.
- 4. Residents and visitors also have obligations under Colorado State Statute and Park County regulations. A partial list of these obligations includes:
 - a. Avoiding any trespasses upon agricultural operations; irrigation and drainage systems and other private property
 - b. Controlling pets.
 - c. Not harassing livestock.
 - d. Not pilfering crops, livestock or equipment.
- 5. Historically, rural people have worked together to help their neighbors for the mutual benefit, however, many people are unfamiliar with this tradition and in spite of everyone's efforts to be good neighbors, conflicts arise. The purpose of this resolution is to help set guidelines to help alleviate future problems.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Park County that:

1. Policy Statement.

Ranching, farming and all manner of agricultural activities and operations within and throughout Park County are integral elements of and necessary for the continued vitality of the County's history, culture, economy, landscape and lifestyle. Given their importance to Park County and the State, agricultural lands and operations are worthy of recognition and protection.

Colorado is a "Right-to-Farm State" pursuant to C.R.S. 35-3-101, *et seq.* Landowners, residents and visitors must be prepared to accept the activities, sights, sounds and smells of Park County's agricultural operations as a normal and necessary aspect of living in a county with a strong rural character and a healthy ranching section. Those with an urban sensitivity may perceive such activities, sights, sounds and smells only as inconvenience, eyesore, noise and odor. However, state law and County policy provide that ranching or other agricultural activities and operations within Park County shall be not considered to be nuisances so long as operated in conformance with the law and in a non-negligent manner. Therefore all must be prepared to encounter noises, odors, lights, mud, dust, smoke, chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides, any one or more of which may naturally occur as a part of legal and non-negligent agricultural operations.

In addition, all owners of land, whether ranch or residence, have obligations under state law and County regulations with regard to the maintaining of fences and irrigation ditches, controlling weeds, keeping livestock and pets under control and other aspects of using and maintaining property. Residents and landowners are encouraged to learn about these rights and responsibilities and act as good neighbors and citizens of the County.



2. Public Education and Information Campaign. The Board, with the primary assistance of the C.S.U. Extension Office and through the use of County staff as needed, shall support efforts to educate and inform the public of the "Right-to-Farm and Ranch" Policy. Such efforts shall include dissemination of written information and oral presentations to community associations and organizations and schools, provision of information at the Park County Fair, and preparation and distribution of press releases relating to the "Right-to-Farm and Ranch Policy."

3. Property Owner Notification. The Board shall notify the owners of land within the County by the following means:

a. The Board shall encourage real estate brokers County-wide to voluntarily disclose the policy to purchasers of real property in the County.

b. A copy of this resolution shall continue to be posted on the County's website.

4. Repeal. Resolution No. 99-34 is hereby repealed

Moved, seconded, and approved this 13th day of May, 2010.

PARK COUNTY BOARD OF COUNTY COMMISSIONERS



Mark Dowaliby, Chairperson

ATTEST:



County Clerk and Recorder

