

DEC 06 1991

PAULA M. COOPER, CLERK OF THE BOARD
BY [Signature] DEPUTY

ORDINANCE NO. 1133

(An Ordinance Amending the Yolo County Code
to Provide Protection of Certain Agricultural
Operations from Nuisance Claims and a
Grievance Procedure

The Board of Supervisors of the County of Yolo, State of
California, ORDAINS AS FOLLOWS:

SECTION 1. The Board of Supervisors finds as follows:

(a) It is the declared policy of this County to conserve,
enhance, and encourage agricultural operations within the County,
and to minimize potential conflict between agricultural and non-
agricultural land uses within the County. It is the further
intent to provide to the residents of this County proper
notification of these policies;

(b) Where non-agricultural land uses, especially residential
development, extend into agricultural lands or locate in the
vicinity of agricultural lands, agricultural operations may be the
subject of nuisance complaints. Such complaints may cause the
curtailment of agricultural operations and discourage investments
for the improvement of agricultural land. This is detrimental to
the economic viability of the agricultural industry of the County.
It is the purpose and intent of this Ordinance to prevent the loss
to the County of its agricultural resources by limiting the
circumstances under which agricultural operations may be
considered a nuisance;

(c) This policy can best be implemented by educating
residents about the laws protecting agricultural operations from
conflicts with non-agricultural uses, and by notifying current

1 property owners in the County of the potentially objectionable
2 circumstances associated with agricultural operations in the
3 County. These may include, but are not limited to, the noises,
4 odors, dust, chemicals, smoke, and extended hours of operation
5 that may accompany agricultural operations;

6 (d) Implementation of the policies can be strengthened by
7 establishing a dispute resolution procedure that is less formal
8 and expensive than court proceedings and can bring about a
9 resolution of many complaints about agricultural operations; and

10 (e) Title insurers have agreed to assist in notifying
11 prospective property purchasers about the provisions of this
12 ordinance by including a County-prepared form of notice with
13 preliminary title reports. Further, the County intends to make a
14 one-time mailing of a similar notice as a part of the property tax
15 statements in order to notify existing property owners of the
16 existence of this ordinance.

17 SECTION 2. Chapter 6 is added to Title 10 of the Yolo
18 County Code to read as follows:

19 Chapter 6: Agriculture.

20 Article 1: Right to Farm, Dispute Resolution,

21 Notice to Purchasers of Nearby Properties.

22 Sec. 10-6.101. Definitions. As Used in this Article the
23 following terms shall have the following meanings:

24 (a) "Agricultural Land" means those land areas of the
25 County specifically classed and zoned as Agricultural Preserve (A-
26 P), Agricultural Exclusive (A-E), and Agricultural General (A-1),

1 as those zones are defined in the Yolo County Zoning Ordinances.

2 (b) "Agricultural activity, operation, or facility or
3 appurtenances thereof" means and includes, but is not limited to,
4 the cultivation and tillage of the soil, dairying, the production,
5 irrigation, frost protection, cultivation, growing, harvesting,
6 and processing of any commercial agricultural commodity, including
7 timber, viticulture, apiculture or horticulture, the raising of
8 livestock, fur-bearing animals, fish or poultry, and any practices
9 performed by a farmer or on a farm as incident to or in
10 conjunction with such operations, including the application of
11 pesticides, use of farm equipment, storage or preparation for
12 market, delivery to storage or to market, or to carriers for
13 transportation to market.

14 Sec. 10-6.102. Properly Operated Farm not a Nuisance.

15 (a) No agricultural activity, operation, or facility, or
16 appurtenances thereof, conducted or maintained on agricultural
17 lands for commercial purposes, and in a manner consistent with
18 proper and accepted customs and standards, as established and
19 followed by similar agricultural operations in the same locality,
20 shall be or become a nuisance, private or public, due to any
21 changed condition in or about the locality, after the same has
22 been in operation for more than three years if it was not a
23 nuisance at the time it began.

24 (b) Subdivision (a) shall not apply if the agricultural
25 activity, operation, or facility, or appurtenances thereof
26 obstructs the free passage or use, in the customary manner, of any

1 navigable lake, river, bay, stream, canal, or basin, or any public
2 park, square, street, or highway.

3 (c) This section shall not invalidate any provision
4 contained in the Health and Safety Code, Fish and Game Code, Food
5 and Agricultural Code, or Division 7 (commencing with Section
6 13000) of the Water Code, if the agricultural activity, operation,
7 or facility, or appurtenances thereof, constitute a nuisance,
8 public or private, as specifically defined or described in any
9 such provision.

10 (d) Notwithstanding any other provision of this Code, no
11 action, alleging that an agricultural operation has interfered
12 with private property or personal well-being, shall be maintained
13 unless the plaintiff has sought and obtained a decision of the
14 agricultural grievance committee provided in Section 10-6.104 of
15 this Chapter or a decision has been sought but no decision is
16 rendered within the time limits provided in said Section. This
17 subsection shall not prevent a public agency from enforcing the
18 provisions of other applicable laws without first resorting to the
19 grievance procedure.

20 Sec. 10-6.103. Construction with Other Laws.

21 This chapter shall take precedence over all ordinances or
22 parts of ordinances or resolutions or parts of resolutions in
23 conflict herewith.

24 Sec. 10-6.104. Resolution of Disputes.

25 (a) Should any controversy arise regarding any
26 inconveniences or discomfort occasioned by agricultural operations

1 which cannot be settled by direct negotiation of the parties
2 involved, either party may submit the controversy to a grievance
3 committee as set forth below in an attempt to resolve the matter
4 prior to the filing of any court action.

5 (b) Any controversy between the parties shall be
6 submitted to the grievance committee within thirty (30) days of
7 the later of the date of the occurrence of the particular activity
8 giving rise to the controversy or the date a party became aware of
9 the occurrence.

10 (c) The grievance committee shall consist of five (5)
11 members appointed from the community at large by the Board of
12 Supervisors, and serving at the pleasure of the Board of
13 Supervisors, two of whom shall be engaged in the commercial
14 practice of agriculture, two of whom shall have no financial
15 interest in any agricultural property or operation, and one of
16 whom shall have knowledge of and expertise in agricultural
17 production practices. A majority of the members shall constitute
18 a quorum of the grievance committee, and no decision shall be
19 valid or binding unless taken upon a majority vote of the members
20 present. The Yolo County Agricultural Commissioner shall be the
21 Secretary who shall call meetings as the need arises and shall
22 maintain minutes of each meeting. The committee shall adopt rules
23 of procedure governing the conduct of its meetings. Members of
24 the committee shall receive no compensation for carrying out these
25 duties.

26 (d) The effectiveness of the grievance committee as a

1 forum for resolution of disputes is dependent upon full discussion
2 and complete presentation of all pertinent facts concerning the
3 dispute in order to eliminate any misunderstandings. The parties
4 are encouraged to cooperate in the exchange of pertinent
5 information concerning the controversy.

6 (e) The controversy shall be presented to the committee
7 by written request of one of the parties within the time limits
8 specified. Thereafter the committee may investigate the facts of
9 the controversy but must, within twenty-five (25) days, hold a
10 meeting to consider the merits of the matter and within five (5)
11 days of the meeting render a written decision to the parties. At
12 the time of the meeting both parties shall have an opportunity to
13 present what each considers to be pertinent facts. No party
14 bringing a complaint to the committee for settlement or resolution
15 may be represented by counsel unless the opposing party is also
16 represented by counsel. The time limits provided in this
17 subsection for action by the committee may be extended upon the
18 written stipulation of all parties in a dispute.

19 (f) Any reasonable costs associated with the functioning
20 of the grievance committee process shall be borne by the
21 participants. The Board of Supervisors may, by resolution,
22 prescribe fees to recover those costs.

23 SECTION 3. EFFECTIVE DATE/PUBLICATION.

24 This ordinance shall take effect and be in force thirty (30)
25 days following its adoption and, prior to the expiration of
26 fifteen (15) days after its adoption, it shall be published once

1 in the Daily Democrat, a newspaper of general
2 circulation, printed and published in the County of Yolo.


3 **SECTION 4.** Severability. If any section, subsection,
4 sentence, clause or phrase of this ordinance is held by a court of
5 competent jurisdiction to be invalid, such decision shall not
6 affect the remaining portions of this ordinance. The Board of
7 Supervisors hereby declares that it would have passed this
8 ordinance and each section, subsection, sentence, clause or phrase
9 thereof irrespective of the fact that one or more sections,
10 subsections, sentences, clauses or phrases be declared invalid.

11 **PASSED AND ADOPTED** by the Board of Supervisors of the County
12 of Yolo, State of California, this 3rd day of December,
13 1991, by the following vote:

14 AYES: Marchand, Thomson, DeMars.

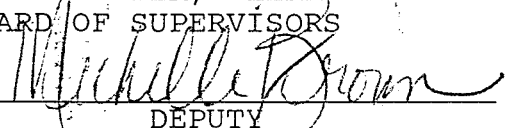
15 NOES: None

16 ABSENT: Cameron, Mast.

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18 
CHAIRMAN, BOARD OF SUPERVISORS
COUNTY OF YOLO, STATE OF CALIFORNIA

19 ATTEST:

20 PAULA COOPER, CLERK
21 BOARD OF SUPERVISORS

22 BY 
23 DEPUTY
(SEAL)