

ORDINANCE CODE PART VII, CHAPTER 29
RIGHT TO FARM

(Formerly Chapter 9, added by Ord. No. 2931, effective 11-9-90)

ARTICLE 1. DEFINITIONS

DEFINITIONS

SECTION 7-29-1000 (formerly Section 7900). Unless the context otherwise requires, the following definitions in this section shall govern the construction of this Chapter:

- (a) "Agricultural land" shall mean those land areas of the County specifically classed and zoned as Exclusive Agricultural (AE), Exclusive Agricultural - 10 Acre Minimum (AE-10), Exclusive Agricultural - 20 Acre Minimum (AE-20), Exclusive Agricultural - 40 Acre Minimum (AE-40), Exclusive Agricultural - 80 Acre Minimum (AE-80), Agricultural (A-1), Foothill Agricultural (AF), or Timber Preserve (TPZ), as those eight zones are defined in the Tulare County Zoning Ordinance (Ordinance No. 352 as amended).
- (b) "Agricultural operations" shall mean and include, but not be limited to, the cultivation and tillage of the soil, dairying, the production, irrigation, frost protection, cultivation, growing, harvesting and processing of any agricultural commodity, including timber, viticulture, apiculture, or horticulture, the raising of livestock, fur bearing animals, fish, or poultry, and any commercial agricultural practices performed as incident to or in conjunction with such agricultural operations, including preparation for market, delivery to storage or to market, or to carriers for transportation to market.

ARTICLE 3. RIGHT TO FARM
(formerly Article 2).

PURPOSES

SECTION 7-290-1050 (formerly Section 7901).

- (a) Where non-agricultural land uses, especially residential development, extend into agricultural areas, or locate in the vicinity of agricultural land, 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 Chapter to prevent the loss to the County of its agricultural resources.

- (b) 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.
- (c) This policy can best be implemented by educating residents as to the laws protecting agricultural operations from conflicts with non-agricultural uses, and by notifying owners and users of real property in the County of inherent potential problems associated with the ownership and/or use of real property located adjacent to or in the vicinity of agricultural operations, including, but not limited to, noise, odors, dust, chemicals, smoke and extended hours of operation which may accompany such agricultural operations. It is intended that, through the use of such notice, owners and users of real property within the County will better understand the impact of living near agricultural operations and be prepared to accept such problems as the natural result of living on or near agricultural lands.

NUISANCE

SECTION 7-29-1055 (formerly Section 7902). No agricultural operation, conducted or maintained for commercial purposes, and in a manner consistent with the proper and accepted customs and standards established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after the same has been in operation for more than three years if it was not a nuisance at the time it began.

DISCLOSURE STATEMENT

SECTION 7-29-1060 (formerly Section 7903).

- (a) Upon any transfer by sale, exchange, installment land sale contract, as defined in Section 2985 of the California Civil Code, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, of real property, or residential stock cooperative, improved with or consisting of not less than one nor more than four dwelling units, the transferor shall deliver to the prospective transferee the written statement required by sub-section (b) of this Section.
- (b) The disclosure statement shall contain, and be in the form of, the following:

LOCAL OPTION

REAL ESTATE TRANSFER DISCLOSURE STATEMENT

THIS DISCLOSURE STATEMENT CONCERNS THE REAL PROPERTY SITUATED IN THE COUNTY OF TULARE, STATE OF CALIFORNIA, DESCRIBED AS _____ THIS STATEMENT IS A DISCLOSURE OF THE CONDITION OF THE ABOVE DESCRIBED PROPERTY IN COMPLIANCE WITH ORDINANCE NO. 2931 OF THE ORDINANCE CODE OF TULARE COUNTY AS OF NOVEMBER 9, 1990. IT IS NOT A WARRANTY OF ANY KIND BY THE SELLER(S) OR ANY AGENT(S) REPRESENTING ANY PRINCIPAL(S) IN THIS TRANSACTION, AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THE PRINCIPAL(S) MAY WISH TO OBTAIN.

I

SELLER'S INFORMATION

The Seller discloses the following information with the knowledge that even though this is not a warranty, prospective Buyers may rely on this information in deciding whether and on what terms to purchase the subject property. Seller hereby authorizes any agent(s) representing any principal(s) in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property. THE FOLLOWING ARE THE REPRESENTATIONS MADE BY THE SELLER(S) AS REQUIRED BY THE COUNTY OF TULARE AND ARE NOT THE REPRESENTATIONS OF THE AGENT(S), IF ANY. THIS INFORMATION IS A DISCLOSURE AND IS NOT INTENDED TO BE PART OF ANY CONTRACT BETWEEN THE BUYER AND SELLER.

The County of Tulare permits operation of properly conducted agricultural operations with the County. If the property in which you are taking an interest is located near agricultural lands or operations, or included within an area zoned for agricultural purposes, you may be subject to inconveniences or discomfort arising from such operations. Such may include, but may not necessarily be limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any 24 hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. One or more of the inconveniences described may occur as a result of any agricultural

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operation which is in conformance with existing laws and regulations and accepted customs and standards. If you live near an agricultural area, you should be prepared to accept such inconveniences and discomfort as a normal and necessary aspect of living in a county with a strong rural character and an active agricultural sector.

Seller certifies that the information herein is true and correct to the best of Seller's knowledge as of the date signed by the Seller.

Seller _____ Date _____

Seller _____ Date _____

II

BUYER(S) AND SELLER(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE AND/OR INSPECTIONS OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN BUYER(S) AND SELLER(S) WITH RESPECT TO ANY ADVICE/INSPECTIONS/DEFECTS. I/WE ACKNOWLEDGE RECEIPT OF A COPY OF THIS STATEMENT.

Seller _____ Date _____ Buyer _____ Date _____

Seller _____ Date _____ Buyer _____ Date _____

Agent (Broker)

Representing Seller) _____ By _____ Date _____
(Associate Licensee or Broker)

Agent (Broker)

Obtaining the Offer) _____ By _____ Date _____
(Associate Licensee or Broker)

A REAL ESTATE BROKER IS QUALIFIED TO ADVISE ON REAL ESTATE. IF YOU DESIRE LEGAL ADVICE, CONSULT YOUR ATTORNEY.

INTENT

SECTION 7-29-1065 (formerly Section 7904). Pursuant to Section 1102.6a of the California Civil Code, it is intended by Section 7-29-1060 (formerly Section 7903) of this Chapter to require disclosures in addition to those disclosures required by Section 1102.6 of the California Civil Code.

**RIGHT TO
FARM NOTICE**

SECTION 7-29-1070 (formerly Section 7905).

- (a) All discretionary approvals by the County for parcel maps, subdivision maps or use permits relating to agricultural land, or real property located adjacent to agricultural land, shall include a condition that the owners of such real property record a "Right to Farm Notice," in substantially the form provided in subsection (d) of this section.
- (b) All applicants for building permits for new residential construction or mobile home installation to be issued by the County shall be provided with a "Right to Farm Notice" in substantially the form provided in subsection (d) of this section.
- (c) The Clerk-Recorder of the County shall include a "Right to Farm Notice" in substantially the form provided in subsection (d) of this Section with any grant deed, quitclaim deed or land sale contract returned to the grantee by the Clerk-Recorder after recording.
- (d) "Tulare County Right to Farm Notice". It is the declared policy of Tulare County to conserve, enhance and encourage agricultural operations within the County. Residents of property on or near agricultural land should be prepared to accept the inconveniences and discomfort associated with agricultural operations, including, but not necessarily limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any 24 hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. Consistent with this policy, California Civil Code Section 3482.5 provides that no agricultural operation, as defined and limited by that section, conducted and maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after the same has been in operation for more than three years if it was not a nuisance at the time it began.