
Farm Practices Protection (Right to Farm) Act

7. IMPORTANT INFORMATION FOR STAFF OF LOCAL GOVERNMENTS

British Columbia's new *Farm Practices Protection (Right to Farm) Act* benefits farmers and residents who live in or near farming communities by supporting farmers who use normal farm practices, establishing a new process to resolve complaints about farm practices, and encouraging local governments to support farming in their local plans and bylaws.

This new legislation represents a new partnership between local governments and the province to work together to strengthen farming in communities throughout B.C.

Local governments and their staff should be aware of the important changes brought about by the new legislation.

What does the act say?

The act says that farmers have the “right to farm” in the Agricultural Land Reserve (ALR) provided they use “normal farm practices” and follow other legislation listed in the act. The act defines farm operations as activities undertaken by a farm business - in general, all of the activities or practices needed to grow, produce, raise or keep animals or plants.

When a farmer has the “right to farm,” it means that noises, odours, dust or other disturbances that result from normal farm practices are not subject to nuisance lawsuits or to a local government’s nuisance and miscellaneous bylaws.

Why is the province bringing in this new legislation?

The ALR has been very successful in protecting the agricultural land base but it does not extend to protection of farming. Some farmers have found it difficult to farm because of a variety of constraints placed on their activities by local government bylaws. The Ministry of Agriculture, Fisheries and Food and the Agricultural Land Commission will help local governments plan for farming so that the potential for conflicts about farm practices can be reduced.

When do nuisance or miscellaneous bylaws apply to farmers?

Farm operations which use normal farm practices are protected under the new legislation, but any activities unrelated to the business of farming continue to be subject to nuisance or miscellaneous bylaws. For example, harvesting crops, managing manure, irrigating, and feeding or moving livestock are within the definition of farm operation. However, loud parties on a farm or barking farm dogs are not farm operations and can be controlled with these bylaws.

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What about farming operations outside of the ALR?

The right to farm outside of the ALR protects farmers from nuisance lawsuits only. While the right to farm does not over-ride nuisance and miscellaneous bylaws for farming operations outside of the ALR, the ministry is still available to assist local government staff with information and resolution of concerns. Complaints about farm practices can also be made to the Farm Practices Board.

What about weed control bylaws or the management of farm animals at large?

Some provisions of nuisance or miscellaneous bylaws can still be used to control farm activities when normal farm practices are not used on a farm. For example, the failure of a farmer to control noxious weeds or to contain livestock in established pound areas are situations where a weed-control bylaw or animal-control bylaw could be enforced.

How will local government staff know when to enforce a bylaw?

When staff are not sure if a farm practice is a “normal farm practice” or part of a “farm operation,” they may contact the local office of the Ministry of Agriculture, Fisheries and Food for assistance. If the farmer claims the right to farm, and thus protection from the bylaw, the ministry can help determine the status of the practice. If the matter cannot be resolved quickly or satisfactorily, the Farm Practices Board can rule on whether the farmer is using normal farm practices or not.

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What do local government staff do when complaints come in about farm practices?

Local governments have long been the point of first contact for complaints about farming practices. The new legislation offers two new avenues for handling of concerns or complaints about farm practices.

The ministry has established an informal process, designed to be an inexpensive and efficient alternative to the more formal Farm Practices Board. Concerns are addressed using regional and district ministry staff or farmers’ peers - people who have expertise in farm practices and who have specific training in solving these types of problems.

If the ministry office is unable to resolve a complaint, it may be filed with the Farm Practices Board. The board will determine whether the farmer is using normal farm practices. The board can order the practice stopped or changed to conform with normal farm practice. If necessary, public hearings are held so that all parties to the complaint can be involved.

What about complaints about a practice similar to a farmer’s, but not on a farm?

The new legislation only applies to farm operations as part of a farm business.

FOR MORE INFORMATION,
CONTACT:

Your local Ministry of
Agriculture, Food and
Fisheries office.

The ministry’s Resource
Management Branch
(Abbotsford).

Phone: 604 556-3100
Fax: 604 556-3099

The Farm Practices Board
(Victoria).

Phone: 250 356-8946
Fax: 250 356-5131

The Agricultural Land
Commission (Burnaby).

Phone: 604 660-7000
Fax: 604 660-7033

Or visit the ministry’s home
page on the Internet.

<http://www.agf.gov.bc.ca/>

This fact sheet is one of a
series on the new *Farm
Practices Protection
(Right to Farm) Act*