

Chapter 29. Right to Farm

ATTACHMENTS

029a Real Estate Transfer Discl State 

SECTION 29-1. Definitions

As used in this chapter, the following words shall have the following meanings:

[Ord. #1773, 12-28-2004, added]

COMMERCIAL FARM means:

- a. A farm management unit of no less than five acres producing agricultural or horticultural products worth \$2,500 or more annually and satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq.; or
- b. A farm management unit less than five acres, producing agricultural or horticultural products worth \$50,000 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq.

FARM MANAGEMENT UNIT — Means a parcel or parcels of land, whether contiguous or noncontiguous, together with agricultural or horticultural buildings, structures and facilities, producing agricultural or horticultural products and operated as a single enterprise.

FARM MARKET — Means a facility used for the wholesale or retail marketing of the agricultural output of a commercial farm, and products that contribute to farm income, except that if a farm market is used for retail marketing at least 51% of the annual gross sales of the retail farm market shall be generated from sales of agricultural output of the commercial farm, or at least 51% of the sales area shall be devoted to the sale of the agricultural output of the commercial farm, and except that if a retail farm market is located on land less than five acres in area, the land on which the farm market is located shall produce annually agricultural or horticultural products worth at least \$2,500.

PICK-YOUR-OWN OPERATION — Means a direct marketing alternative wherein retail or wholesale customers are invited onto a commercial farm in order to harvest agricultural, floricultural or horticultural products.

SECTION 29-2. Permitted Use

The right to farm is hereby recognized to exist in this Township and is hereby declared a permitted use in all zones of this Township. This right to farm includes, but not by way of limitation:

[Ord. #1773, 12-28-2004, added]

- a. Production of agricultural and horticultural crops, trees, apiary and forest products, livestock, poultry and other commodities as described in the Standard Industrial Classification for agriculture, forestry, fishing and trapping.
- b. Housing and employment of necessary farm laborers.
- c. Erection of essential agricultural buildings, including those dedicated to the processing and packaging of the output of the commercial farm and ancillary to agricultural and horticultural production.
- d. The grazing of animals and use of range for fowl.
- e. Construction of fences.
- f. The operation and transportation of large, slow-moving equipment over roads within the township.
- g. Control of pests, including but not limited to insects and weeds, predators and diseases of plants and animals.
- h. Conduction of agriculture-related educational and farm-based recreational activities, provided that the activities are related to marketing the agricultural or horticultural output of the commercial farm and permission of the farm owner and lessee is obtained.
- i. Use of any and all equipment, including but not limited to irrigation pumps and equipment, aerial and ground seeding and spraying, tractors, harvest aides and bird control devices.
- j. Processing and packaging of the agricultural output of the commercial farm.
- k. The operation of a farm market with attendant signage, including the construction of building and parking areas in conformance with Township standards.
- l. The operation of a pick-your-own operation with attendant signage.
- m. Replenishment of soil nutrients and improvement of soil tilth.

- n. Clearing of woodlands using open burning and other techniques, installation and maintenance of vegetative and terrain alterations and other physical facilities for water and soil conservation and surface water control in wetland areas.
- o. On-site disposal of organic agricultural wastes.
- p. The application of manure and chemical fertilizers, insecticides and herbicides.
- q. Installation of wells, ponds and other water resources for agricultural purposes such as irrigation, sanitation and marketing preparation.
- r. Commercial farm operators may engage in any other agricultural activity as determined by the State Agriculture Development Committee and adopted by rule or regulation pursuant to the provisions of the Administrative Procedure Act, P.L. 1968, c.410 (N.J.S.A. 52:14B-1 et seq.).

SECTION 29-3. Agricultural Management Practices

Commercial farm operators are strongly advised to adhere to generally accepted agricultural management practices that have been:

[Ord. #1773, 12-28-2004, added]

- a. Promulgated as rules by the State Agriculture Development Committee;
- b. Recommended as site-specific agricultural management practices by the County Agriculture Development Board;
- c. Approved by the local Soil Conservation District in the form of a farm conservation plan that is prepared in conformance with the United States Department of Agriculture, Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG), revised April 20, 1998, as amended and supplemented; or
- d. Recommended by the Rutgers Agricultural Experiment Station.

SECTION 29-4. Applicability with Law

The foregoing activities must be in conformance with applicable Federal and State law.

[Ord. #1773, 12-28-2004, added]

SECTION 29-5. Hours

The foregoing practices and activities may occur on holidays, weekdays and weekends by day or night and shall include the attendant or incidental noise, odors, dust and times associated with these practices.

[Ord. #1773, 12-28-2004, added]

SECTION 29-6. Nuisance

It is hereby determined that whatever nuisance may be caused to others by these foregoing uses and activities is more than offset by the benefits of farming to the neighborhood community and society in general.

[Ord. #1773, 12-28-2004, added]

SECTION 29-7. Filing of Complaints

Any person aggrieved by the operation of a commercial farm shall file a complaint with the applicable County Agriculture Development Board or the State Agriculture Development Committee in counties where no county board exists prior to filing an action in court.

[Ord. #1773, 12-28-2004, added]

SECTION 29-8. Disclosure

- a. An additional purpose of this chapter is to promote a good neighbor policy by advising purchasers and users of property adjacent to or near commercial farms of accepted activities or practices associated with those neighboring farms. It is intended that, through mandatory disclosures, purchasers and users will better understand the impacts of living near agricultural operations and be prepared to accept attendant conditions as the natural result of living in or near land actively devoted to commercial agriculture or in an agricultural development area, meaning an area identified by a County Agriculture Development Board pursuant to the provisions of N.J.S.A. 4:1C-1 8 and certified by the State Agriculture Development Committee.
- b. The disclosure required by this section is set forth herein and shall be made a part of the following disclosure form entitled "Real Estate Transfer Disclosure Statement."^[1]