

CHAPTER XXII

RIGHT TO FARM

22-1 “RIGHT TO FARM” ACTIVITIES PROTECTED

Farming activities may be conducted up to and along the property line of the property being farmed. In accordance with the purposes and preambles set forth herein, the following farming activities shall be deemed established as acceptable, recognized and entitled to encouragement and protection as the collective embodiment of the “Right to Farm” subject in all cases, however, to any supervening applicable Federal, State or county laws or regulations respecting the public health, safety or otherwise:

- a. Produce agricultural and horticultural crops, trees and forest products, livestock, poultry and other related such commodities;
- b. Process and package the agricultural output of the commercial farm in conformance with the applicable zoning;
- c. Provide for the wholesale and retail marketing, including “U-Pick” marketing and sales, of the agricultural output of the commercial farm, and related products that contribute to farm income, including the construction of building and parking areas in conformance with applicable municipal standards;
- d. Replenish soil nutrients, including, but not limited to, the spreading of manure and applying chemical and organic fertilizers;
- e. In the interest of best farming practices, use Federally-approved products, in accordance with labeled instructions or practices, as recommended by the New Jersey Department of Environmental Protection and Energy, New Jersey Agricultural Experiment Station, N.J. Fish and Game Commission and the U.S. Environmental Protection Agency for the control of pests, predators, varmints, diseases affecting plants and livestock and for the control of weed infestation;
- f. Clear woodlands using open burning and other accepted techniques and install and maintain vegetative and terrain alterations and other physical facilities for water and soil conservation and surface water control in wetland areas; (In the event open burning techniques are used, the farmer proposing the use of same must apply for and procure any and all applicable State, county, local or Federal permits required);

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- g. Use irrigation pumps and equipment and undertake aerial and ground seeding and spraying, using tractors and other necessary equipment;
- h. Hire and utilize necessary farm labor;
- i. Construct fences;
- j. Transport large, slow-moving equipment over roads within the township;
- k. The cutting and removal of trees;
- l. Conduct farming activities on holidays and Sundays as well as weekdays, in the evening and during the day, notwithstanding the production thereby of normal but unavoidable noise, dust, odors and fumes caused by such necessary activities when conducted in accordance with recognized agricultural practices;
- m. In the event that a farmer proposes to alter, divert, dam, widen, deepen, narrow or in any way affect a stream, pond or lake, in connection with the uses described in paragraph g. above, for drainage purposes or otherwise, or purposes in any way to change a watercourse from its existing state he/she must apply for and obtain any and all State, county, local or Federal permits required, excepting activities set forth in the Freshwater Protection Act.
(Ord. #93-957, §1)

22-2 NOTICE OF FARM USE

For the purpose of giving due notice of nearby farming uses to proposed new residential areas adjacent to unimproved land then being commercially farmed or suitable therefore, the planning board shall require an applicant for an adjacent major or minor subdivision, as a condition of approval of such application, to include a provision in each and every contract for and deed conveying all or any portion of the lands thereby subdivided, as well as on filed final subdivision maps, the following record notice to and waiver by grantees of such present or future proximate farming uses, which such provision shall be made to run with the land:

Grantee hereby acknowledges notice that there are presently or may in the future be farm uses in close proximity to the above described premises from which may emanate noise, odors, dust and fumes associated with lawful agricultural practices permitted under applicable Right to Farm laws, regulations and ordinances, and, by acceptance of this conveyance, Grantee does hereby waive objection to such activities, grantee does also hereby acknowledge N.J.S.A. 4:17-2 prohibiting trespassing on agricultural lands. (Ord. #93-957, §2)

RIGHT TO FARM**22-3 DEFINITIONS**

For purposes of interpretation of this chapter, the following definitions shall apply:

“Commercial agriculture” shall mean the production principally for sale to others of plants and animals or their products, including, but not limited to, forage and sod crops, grain and feed crops, dairy animals and dairy products, livestock including beef cattle, poultry, sheep, swine, horses, ponies, mules and goats; the breeding and grazing of such animals; bees and apiary products, fruits of all kinds, including grapes, nuts and berries, vegetables, nursery, floral, ornamental and greenhouse products, and tree farming or woodland management.

“Farm” shall mean an area of land of single or multiple contiguous or noncontiguous parcels which is actively devoted to agricultural or horticultural use, including, but not limited to, cropland, pasture, idle or fallow land, woodland, wetlands, farm ponds, farm roads and certain farm buildings and other enclosures related to agricultural pursuits.

“Home agriculture” shall mean the production principally for home use or consumption of plants, animals or their products and for sale to others where such sales are incidental, including, but not limited to, gardening, fruit production and poultry and livestock products for household use only.
(Ord. #93-957, §3)