

MODEL MUNICIPAL ORDINANCE
Agricultural Policy Statement and Notification Requirements

Prepared by American Farmland Trust for the Burlington County Farmland
Preservation Program, administered by the Burlington County Agriculture
Development Board

Section 1. Findings

The Township finds and declares that:

- A. Agriculture is an important economic activity that contributes to the township's economic and fiscal health. Local economies benefit from agriculture directly through sales, jobs, support services and businesses, and through secondary activities such as food processing and tourism. Privately owned and managed agricultural land generates more in local tax revenues than it costs in services.
- B. Well-managed agricultural land provides fresh local food, food and cover for wildlife, helps control flooding, protects wetlands and watersheds, maintains air quality and has the potential to produce renewable energy and sequester carbon.
- C. Many residents continue to reside or have moved to this community because they appreciate the beautiful landscapes and rural character created by actively managed agricultural land.
- D. Farmland provides opportunities for hunting and fishing, horseback riding and other recreational activities. Township residents believe keeping land in active agricultural use is vital to maintaining the community's character and country way of life.
- E. As a result, [*municipality*] has shown a strong commitment to agricultural viability by committing a portion of its tax revenues to farmland preservation.
- F. The Township may limit services typically provided in more urban areas such as public water and sewer, and municipal trash and leaf pick up. In addition, residents should be prepared to endure slow moving farm machinery, early morning tractor noise, roosters' crowing, dust, odors and other aspects of normal farming operations.
- G. The township's commitment to agriculture is evidenced by (*include applicable*):
 - 1) Adoption of a Right to Farm Ordinance consistent with the NJ Right to Farm Act (as amended by P.L. 1998, c.48) N.J.S.A. 4:1C-1 et seq.
 - 2) Establishment of an Agricultural Advisory Committee consistent with N.J.A.C. 2:76-17A and the Burlington CADB Model Ordinance
 - 3) The development of a Farmland Preservation Element of the (*insert applicable*) Township Master Plan pursuant to N.J.S.A. 40:55D-28b.(13) and N.J.A.C. 2:76-17A
 - 4) Dedicated township funding for the permanent protection of farmland
 - 5) Adoption of a TDR ordinance that results in the permanent protection of farmland
 - 6) Additional examples, as appropriate.

Section 2: Statutory Authority

The municipality of *[municipality]* is empowered to regulate land uses under the provisions of the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*, which authorizes each municipality to plan and regulate land use in order to protect public health, safety and welfare by protecting agricultural land to perpetuate the industry of agriculture.

Section 3: Definitions

“Agricultural Development Area (ADA)” means areas identified by a County Agricultural Development Board pursuant to N.J.S.A. 4:1C-11 *et seq.* and certified by the State Agriculture Development Committee where agriculture is the preferred land use. ADAs encompass productive agricultural land in zones that permit agriculture; are reasonably free of conflicting suburban and conflicting commercial development; comprise not more than 90 percent of the county’s agricultural land base; and include other characteristics deemed important by the County Agriculture Development Board.

“County Agriculture Development Board (CADB)” means a public body established by a county governing body pursuant to N.J.S.A. 4:1C-14 to help implement the state’s Agriculture Retention and Development Act and Right to Farm Act. A CADB must be composed of seven voting members who are residents of the county. A majority of the voting members must be actively engaged in agriculture.

“State Agriculture Development Committee” means a public body within, but independent from, the New Jersey Department of Agriculture established pursuant to N.J.S.A. 4:1C-4. The SADC administers the state’s farmland preservation programs including grants to counties, municipalities and nonprofit organizations to fund the purchase of development easements on farmland; directly purchasing farms and development easements from landowners; and providing matching grants to implement soil and water conservation projects.

Section 4: Policy Statement

In keeping with the findings stated above, the township shall adhere to the following guidelines:

- A. All township boards, plans, policies and ordinances shall help create a positive business climate for agriculture and advance farmland protection.
- B. The township shall not extend infrastructure that would lead to incompatible non-farm residential and/or commercial development into Agricultural Development Areas (ADA) unless it is for the purpose of implementing an agriculture friendly growth management plan or to solve a documented public health issue with existing development.

- C. Township officials shall work to minimize land use conflicts among township residents by encouraging the preservation of contiguous blocks of farmland, educating residents and prospective non-farm residential buyers about the realities of living near land in active agricultural use, and providing notification about local and state policies related to generally accepted agricultural management practices.

Section 5: Notification Requirements

To ensure that current and future residents are informed about the township's agricultural policy statement outlined above the township hereby establishes the following notification requirements.

A) The Township Clerk shall post a copy of this ordinance and the Township's Right to Farm ordinance in the township hall and on the township's Web site (if applicable) within 30 days of enactment. The township clerk shall make available a copy of this ordinance to each person who pays property taxes each fiscal year in a manner deemed most efficient by the Township Clerk. Owners of properties are recommended to provide occupants of rental units this information for their records.

B) Sellers of real property or their agents shall inform potential buyers if a non-farm residential property is located in an ADA and/or adjacent to land that receives differential property tax assessment under the NJ Farmland Assessment Act of 1964. This notification shall be in the form of a formal Real Estate Transfer Disclosure Statement consistent with the language included in the Township's Right to Farm ordinance. The disclosure statement shall be recorded with the settlement documents.

C) The Burlington CADB shall provide a copy of their ADA policy and ADA map to any interested party within ten business days of a formal request.

D))[OPTIONAL PROVISION TO BE REVIEWED BY TOWNSHIP COUNSEL BEFORE ADOPTION] Sellers of real property or their agents shall include the following text in all property listings for non-farm residential properties located in an ADA or adjacent to land actively devoted to commercial agriculture:

"This property is located in an Agricultural Development Area (ADA) and/or adjacent to land that receives differential property tax assessment under the NJ Farmland Assessment Act of 1964. State and local law protects commercial farms engaged in generally accepted management practices from private and public nuisance suits. _____ Township encourages viable commercial farming and supports the rights of local farmers to engage in generally accepted farming practices."

Section 6. Adoption

Upon adoption this ordinance will be incorporated into and become part of the code of the Township of _____.

Section 7. Effective Date

This ordinance shall take effect after final adoption and publication according to the laws of the State of New Jersey.

Final Version: November 10, 2009