

## TOWNSHIP OF MOORESTOWN

### ORDINANCE NO. 22-2004

#### ESTABLISHING RIGHT-TO-FARM POLICIES IN THE SRC-2 DISTRICT OF THE TOWNSHIP OF MOORESTOWN

**Section 1. Right to farm in the SRC-2 District.** The right to farm land within the SRC-2 District, as depicted on the Zoning Map of the Township of Moorestown, is hereby recognized to exist as a natural right subject to the provisions of Chapter 180 Zoning of the Code of the Township of Moorestown in general, and specifically subject to the provisions of Chapter 180 Section 61, Permitted Uses in the SRC-2 District, and subject to any specific health and sanitary regulations of the County of Burlington, the State of New Jersey and the United States Environmental Protection Agency.

**Section 2. Permitted Activities under the Right to Farm.** The right to farm land in the SRC-2 District, as it is used in this section, shall mean agricultural uses as set forth herein, including actual farming operation or the growing of crops, and the ancillary handling or processing of farm products, waste or manure related to the actual farm or agricultural activity which is being conducted on the site. The right to farm shall specifically include the following activities conducted by an owner, resident or tenant of the site as primary uses, and accessory activities related thereto, excluding intensive corporate operations, subject to the limitations stated herein or in the Permitted Uses Ordinance relating to agricultural or farming uses in the SRC-2 District, to be adopted hereafter (the "Permitted Uses Ordinance") of the Moorestown Township Code:

1. Production of agricultural crops, horticultural crops, and dairy crops, including, but not limited to vegetables, grains, hay, fruits, fibers, trees, plants, shrubs, flowers and seeds.
2. Housing and grazing of horses or livestock,. "Livestock," as used herein may include, in addition to the primary agricultural use, the ancillary keeping of assorted farm animals, in limited numbers, and not as a primary activity.
3. Notwithstanding the limitations of Paragraph 2 above, a dairy operation conducted by an owner, resident or tenant of the property, for personal consumption or for sale of dairy products shall be permitted subject to the limitations on the number of animals set forth in the Permitted Uses Ordinance.
4. A demonstration farm conducted for educational or civic purposes, subject to applicable federal, state, and local regulations, statutes and ordinances.
5. Erection of accessory agricultural buildings, to comply with the Bulk Standards set forth in the Permitted Uses Ordinance; including, without limiting:
  - a) housing for livestock,

- b) facilities for storage of silage or agricultural or horticultural products that are produced or used on the farm,
  - c) for storage of farming machinery and equipment; and
  - d) facilities for preliminary packaging and processing of agricultural, horticultural or dairy products, excepting commercial slaughter facilities. "Preliminary packaging and processing," as used herein, shall be limited to the packaging and processing of those items actually produced onsite.
6. Construction of fences, gates, and pens for livestock, in compliance with the standards set forth in the Permitted Uses Ordinance;
  7. The operation and transportation of farm equipment within the borders of the farm and upon public roads in compliance with applicable federal, state, county and municipal law.
  8. Control of pests, including but not limited to insects and weeds, predators and diseases of plants and animals.
  9. Use of equipment related to irrigation pumps and equipment, ground seeding and spraying devices, tractors, harvest aids, milking and milk storage equipment, and traps or animal control devices.
  10. Preliminary processing and packaging of agricultural, horticultural or dairy products (e.g., sizing, grading, baling, palleting, pasteurization and homogenization processes for dairy products), limited to those items actually produced onsite.
  11. Application of manure and chemical fertilizers, insecticides and herbicides in compliance with applicable federal, state, county and municipal law..
  12. On-site storage and disposal of organic agricultural wastes, such as compost or manure, produced by the farming operations on the site, subject to the minimum standards set forth in the Permitted Uses Ordinance.
  13. A roadside stand, farm market or a cooperative farmer's market, for the sale of farm or dairy products , provided that the majority of the items offered for sale at such stand or market are actually produced on the lot where said stand or market is located. A tailgate market. Any and all uses contemplated in this paragraph 13 shall conform to the standards set forth in the Permitted Uses Ordinance, including but not limited to adequate parking, egress and access to protect the public health and safety, and site plan review shall be required for any such use.

**Section 3. Prohibited Activities.** The following activities are prohibited due to the size and nature of the SRC-2 District and its proximity to commercial and residential districts:

1. The use of any aircraft to spray fertilizers, pesticides, or herbicides, or to seed fields.
2. The keeping of swine or poultry as a primary use.
3. The use of the site exclusively, or as a primary use, for the slaughter of animals. Notwithstanding, the slaughter of individual animals, as an accessory use to the Permitted Activities of the farm, shall be allowed under the following circumstances:

- a) the animal to be slaughtered is for the personal consumption of the residents of the farm; or
  - b) the animal to be slaughtered will be sold from a farmer's market, stand, or tailgate market located on the property or shall immediately be delivered to another market; or
  - c) the slaughter is reasonably and immediately necessary for humanitarian or public health reasons.
4. The use of the site exclusively, or as a primary use, as a pre-slaughter feed lot.
  5. The keeping of animals and livestock in numbers exceeding the limitations on the number of animals set forth in the Permitted Uses Ordinance.

**Section 4. Hours and days of operation not restricted.** The foregoing uses and activities included in the right to farm, when reasonable and necessary for the particular farming operation and when conducted in accordance with generally accepted agricultural practices as the same may be determined and promulgated from time to time by the State Agricultural Development Committee, may occur on holidays, weekends and weekdays, at night and in the day, and the noise, odor, dust and lighting that are caused by the operation are specifically permitted as a part of the exercise of this right to farm.

**Section 5. Findings.** It is expressly found that whatever temporary inconveniences may be caused to others by such uses and activities so conducted are more than offset by the benefits from farming to the community and to society in general, by the preservation of open space, the aesthetics of farm fields and clean air, and by the preservation and continuance of farming operations in the Township of Moorestown and in New Jersey as a source of agricultural products for this and future generations. It is further found that a rebuttable presumption exists that the uses and activities permitted hereunder are not nuisances.

**Section 6. Complaints.** Any person aggrieved by activities pertaining to farming operations within the SRC-2 District shall first attempt to resolve the dispute directly with the operating farmer. In the event such discussions are unsuccessful and the dispute is not resolved within sixty (60) days any aggrieved person shall then file a complaint with the County Agriculture Development Board, which decision shall be final and binding on all parties.

**Section 7. Duration.** This ordinance shall remain in effect only until December 31, 2005, unless the County of Burlington has, on or before that date, acquired all or part of the property identified as Block 8801, Lots 2 and 3 on the Tax Map of the Township of Moorestown and commonly known as the "Winner Farm," and unless the Township Council has, on or before that date, adopted a Permitted Uses Ordinance adding agricultural farm uses for the SRC-2 District and setting forth therein appropriate standards and specifications for said agricultural or farm uses. If these two conditions have not been met on or before December 31, 2005, this

ordinance shall expire on that date, unless this ordinance is extended by the Township Council.

**Section 8. Effective date.** This ordinance shall take effect upon its final passage, adoption and publication on the earliest date permitted by law.

**Section 9. Severability.** If any section, paragraph, clause, phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in which such judgment was rendered.

**Section 10. Short Title.** This ordinance may be cited as Ordinance No. 22-2004.

#### NOTICE AND CERTIFICATION

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, held on July 26, 2004. This ordinance will be further considered for final passage by the Township Council at a meeting to be held in the Council Chambers of Moorestown Township, 111 West Second Street, Moorestown, NJ on August 23, 2004 at 8pm or at any time and place to which such meeting may be adjourned. All persons interested will be given the opportunity to be heard concerning such ordinance. During the week prior to and including the date of such further consideration, copies will be made available at the Municipal Clerk's Office in said Municipal Building to any member of the general public who shall request such copies.

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PATRICIA L. HUNT, RMC  
Township Clerk