

**TOWNSHIP OF MOORESTOWN**

**ORDINANCE NO. 9-2006**

**AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN TO AMEND  
CHAPTER 72 - RIGHT TO FARM  
OF THE CODE OF THE TOWNSHIP OF MOORESTOWN**

**WHEREAS**, the right to farm is hereby recognized to exist in the Township of Moorestown where and as farming, agricultural and horticultural uses are permitted in Chapter 180 Zoning of the Code of the Township of Moorestown and as further limited below; and

**WHEREAS**, health and sanitary codes and the applicable regulations of the County of Burlington and the State of New Jersey regarding farming operations exist to protect the public health, and

**WHEREAS**, the Master Plan of the Township of Moorestown, adopted by the Planning Board on June 27, 2002, recognizes that Moorestown’s heritage is based, in large part, on farming and includes in its Vision for Moorestown, “... an integrated system of open space encompassing streams, woodland and farmland”, and the Land Use Element of the Master Plan further there is “... a strong consensus for the preservation of land, both for open space and agricultural purposes;” and

**WHEREAS**, the benefit of farming and agricultural uses to the local community and society in general outweighs the temporary inconveniences and nuisances that may arise from these activities, and activities

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Moorestown, County of Burlington and State of New Jersey as follows:

**Section 1.** §72-1 through §72-7 shall be deleted in its entirety and the following shall be substituted in its place:

§72-1. The right to farm is hereby recognized to exist in the following zoning districts of the Township of Moorestown:

- R1 Residence
- R1A Residence
- R2 Residence
- Low and Moderate Income Residence
- Specially Restricted Commercial-2
- Specially Restricted Industrial

§72-2. The right to farm, as it is used in this Chapter includes, but is not limited to, use of large irrigation pumps and equipment, large trucks and other vehicles, the operation of large slow-moving vehicles and equipment over public roads within the Township of Moorestown, nighttime planting, plowing, irrigation and harvesting, numerous farm laborers, ground seeding and spraying, and the application of chemical fertilizers and

products for the control and elimination of insects, pests, weeds, and fungi and other substances injurious to the farming process.

§72-3. The foregoing activities, including the incidental noise, odors, dust, lights and fumes associated therewith may occur on holidays, weekdays and weekends by day or night.

§72-4. The foregoing activities shall be in conformance with applicable State and Federal law.

§72-5. Any person aggrieved by the operation of a commercial farm may file a complaint with the Burlington County Agricultural Development Board pursuant to the provisions of N.J.S.A. 4:1C-10.1 (known as the New Jersey Right to Farm Act).

**Section 2.** **Effective date.** This ordinance shall take effect upon its final passage, adoption and publication on the earliest date permitted by law.

**Section 3.** **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 such judgment shall be rendered.

**Section 4.** **Short Title.** This ordinance may be cited as Ordinance No. 9-2006.

#### CERTIFICATION

I hereby certify that Ordinance No. 9-2006 was introduced and adopted on first reading by the Township Council at a meeting held on April 24, 2006. This ordinance was duly adopted by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey at a meeting of the Township Council held on May 15, 2006.

<u>VOTE:</u>	
ABERANT	YES
ROCCATO	YES
MILLER	YES
SEGAL	YES
ERON	YES

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PATRICIA L. HUNT, RMC  
Township Clerk