

ORDINANCE NO. 2013-03

TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF N.J.

**AN ORDINANCE TO AMEND CHAPTER XXX-LAND USE REGULATIONS
OF THE TOWNSHIP OF GREEN, PARTICULARLY ARTICLE XVII-
GENERAL PROVISIONS – BY ADDING THE FOLLOWING
NEW SECTION THERETO, TO BE DESIGNATED AS
SECTION 30-76 AND BEING ENTITLED AND READING
AS SET FORTH HEREIN BELOW**

BE IT ORDAINED, by the Township Committee of the Township of Green that, that Article XVII – General Provisions of Chapter XXX - Land Use Regulations of the Township of Green, be amended to the end that the following new provision shall be added thereto, to be designated as Section 30-76 and reading particularly as follows:

Right to Farm.

The Township Committee of the Township of Green finds that farming has existed and been carried on in the Township of Green for hundreds of years last past and long prior to the residential development that has since become prevalent within the Township. As a result of residential construction which has occurred in close proximity to existing working farms which engage in conventional agricultural practices such as spraying, the spreading of animal waste, fertilization and irrigation as well as other activities which are normally associated with active agricultural operations, those residences have been or may be subjected to the effects or impacts, which some residents may deem to be nuisances, from such agricultural activities. It has been further determined that the farmer must be secure in the ability to continue operation of the farm, earn a livelihood therefrom and engage in customary agricultural practices and techniques, free from the threat of nuisance complaints or litigation resulting from such impacts to other residents. The Township Committee has determined that whatever adverse effects to residential and other property owners which result from such farming activities are more than offset by the benefits to the Township of Green, the County of Sussex and the State of New Jersey of such agricultural operations which include the preservation of open space, the preservation of a desirable agricultural visual environment and the provision of agricultural products and farm output. Consequently, the purpose of this Ordinance is to assure the continuation and expansion of commercial and home-based agricultural pursuits by encouraging a positive agricultural business climate and protecting the farmer against unnecessary municipal regulation and private nuisance suits while approved agricultural practices are utilized and agricultural production is engaged in, consistent with relative Federal and State law, thereby establishing a proper balance among the varied

and sometimes conflicting interests of the farm owners/operators and the residents of Green Township.

- a. Statement of Intent. This Section shall not be construed as, in any manner, superseding any Zoning Ordinance provision with respect to principally permitted, accessory or conditional uses permitted or prohibited in any particular zone district other than to protect and preserve the right to engage in agriculture, agricultural uses and employ approved agricultural practices which are a permitted use in the all Zone Districts. Accordingly, it is the intent of this section to preclude farming and agricultural operations, when conducted in accordance with accepted agricultural management and farming practices, from constituting or being found to constitute a public or private nuisance.
- b. Activities permitted and protected under this Section include all uses and structures ordinarily and customarily incidental to agricultural uses permitted by the Zoning Ordinance, including, but not limited to, the following uses:
 1. The storage, processing and sale of farm products subject, however, to all other conditions and limitations applicable thereto as set forth in the Zoning Ordinance.
 2. The use of irrigation pumps and equipment.
 3. The application of chemical fertilizers, insecticides, herbicides, pesticides *and liquid/liquefied manure and/or fertilizer which shall only be applied to ground which is not frozen and which shall be tilled into the soil within 24 hours after its application.*
 4. On-site distribution of organic agricultural wastes.
 5. Use of the land for the grazing of animals, subject to all applicable restrictions for intensive fowl or livestock farms.
 6. The use of farm laborers employed by the farm owner and/or operator.
 7. The use of public roadways for the transportation of tractors and other large slow-moving vehicles and equipment.
 8. The construction of fences for retention of animals and livestock.

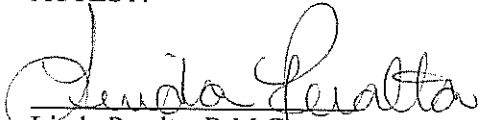
9. The use of customary farm machinery and equipment.
 10. The creation of noise, dust, odors and fumes conventionally associated with such agricultural activities.
 11. The engaging in farm practices at any and all times deemed reasonably necessary, including, but not limited to, Sundays, holidays and in the evenings.
 12. The raising and keeping of farm animals, including, but not limited to: dairy cattle, beef cattle, sheep, goats, swine, fowl, horses, ponies and mules provided, however, that proper sanitation measures, minimum recommended acreage limitations and appropriate setbacks between fencing and enclosures for such farm animals and adjoining properties are established and maintained.
 13. Installation of physical facilities for soil and water conservation and the harvesting of timber.
 14. Provisions for the wholesale and retail marketing of the agricultural output of the farm, which include the building of temporary and permanent structures and parking areas for said purpose, providing same conform to all applicable provisions of the Green Township Zoning Ordinance and the Green Township Site Plan Review Ordinance.
- c. For the purpose of giving due notice of nearby uses to present and future residents, the Planning Board of the Township of Green shall require an applicant for a major or minor subdivision, as a condition of approval thereof, to include the following notice, both on the subdivision plat itself and in an instrument in recordable form, to provide constructive record notice to buyers of the existence of any proximate agricultural uses, such instrument to be approved by the Planning Board of Green prior to the filing of the final subdivision plat or recording of any deed(s), as the case may be. Such notice shall read as follows: *Grantee is hereby noticed that there is, or may in the future be, farm use near the described premises from which may emanate noise, odors, dust and fumes associated with the agricultural practices permitted under Section 30-76, Right to Farm, of the Green Township Zoning Ordinance. A copy of this Ordinance is herewith attached to this deed(s).*

Except as specifically repealed by the foregoing (Section 30-76), said Land Use Regulations shall remain in full force and effect.

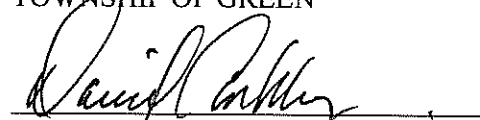
PUBLIC NOTICE is hereby given that the above entitled ordinance was introduced and passed at first reading at a meeting of the Township Committee of the Township of Green held on February

11, 2013, at the Municipal Building, 150 Kennedy Rd., Tranquility, NJ. A public hearing regarding same will be held at a meeting beginning at 7:00 PM on February 25, 2013, at the Municipal Building, 150 Kennedy Rd., Tranquility, NJ at which time all persons interested both for and against said ordinance shall be given an opportunity to be heard concerning same.

ATTEST:


 Linda Peralta, R.M.C.
 Clerk/Administrator

TOWNSHIP OF GREEN


 Daniel Conkling
 Mayor

INTRODUCED: 02/11/2013
 PUBLIC HEARING: 2/25/2013
 ADOPTED: 2/25/2013

ADVERTISED: 02/14/2013
 ADVERTISED: 03/01/2013

Vote on Introduction of Ordinance No. 2013-03:

	AYE	NAY	ABSTAIN	ABSENT
Mr. Bilik	✓			
Mr. Chirip	✓			
Mr. Kurzeja	✓			
Mrs. Phillips	✓			
Mr. Conkling	✓			