

# **CHAPTER XXIII RIGHT TO FARM AND COUNTRY CODE**

## **23-1 RIGHT TO FARM.**

### **23-1.1 Recognition.**

The Township recognizes that the industry of farming is a natural right and that this industry has been the main source of income and occupation since the founding of our republic and State. (1977 Code § 43-1; Ord. No. 7-81)

### **23-1.2 Where Applicable.**

This right to farm exists throughout the Township except where specifically prohibited by duly enacted zoning regulations. (1977 Code § 43-2; Ord. No. 7-81)

### **23-1.3 Equipment.**

This right to farm includes all manner and means of physical labor and mechanical equipment now available, including but not limited to irrigation pumps and equipment, aerial and ground seeding and spraying tractors and their attachments, use and application of recognized fertilizers, approved insecticides and approved herbicides. (1977 Code § 43-3; Ord. No. 7-81)

### **23-1.4 Methods.**

Farming shall include all recognized methods and types as pertains to the growing of crops and the raising of animals or fowls, throughout the country as a whole. (1977 Code § 43-4; Ord. No. 7-81)

### **23-1.5 Acceptable Practices.**

The right to farm includes the uses, methods and activities that have been proven effective in the past that are acceptable in the present and that are considered reasonable and necessary in the industry throughout the country as a whole and which are conducted in accordance with generally accepted agricultural practices. (1977 Code § 43-5; Ord. No. 7-81)

### **23-1.6 Times.**

The right to farm and the acceptable practices heretofore set forth may have to occur on holidays, Sundays, weekends, at night as well as during normal working hours, and such working conditions are recognized as incident to farming. (1977 Code § 43-6; Ord. No. 7-81)

### **23-1.7 Noise, Odors, Dust and Fumes.**

It is also recognized that reasonably incident to farming is the creation of noise, odors, dust and fumes, and it is recognized that these incidents of farming are specifically permitted as a legitimate part of the right to farm. (1977 Code § 43-7; Ord. No. 7-81)

### **23-1.8 Inconvenience to Public.**

It is specifically recognized that any inconveniences to the public caused by the above-mentioned incidents to farming are more than compensated by the inherent benefits derived from farming, benefits to the public at large by providing wholesome and fresh foods and farm products, to the community as a source of legitimate income and employment, to future generations by the preservation of open space and the benefits to be derived therefrom. (1977 Code § 43-8; Ord. No. 7-81)

## **23-2 COUNTRY CODE.**

### **23-2.1 Finding.**

The Township wishes to recognize its rural living, its rural community and environment and its history of farming and agriculture as a primary source of income and occupation in this Township and as stated in its Right to Farm Ordinance which has existed since the founding of our Republic and State. Upper Freehold Township recognizes that services in a rural environment should only be provided where absolutely necessary and affordable to the taxpayers and citizens while recognizing that as a Municipal Corporation of the State of New Jersey there is an obligation to comply with appropriate and applicable law. The Township Committee at the same time wishes to acknowledge that common sense and rural living and protection of the rural environment are in fact part of the policy of this Township. Upper Freehold Township continues its strong commitment to farmland preservation and New Jersey and Monmouth County programs implementing same with almost five thousand (5,000) acres of land in the "program" and acknowledges that hundreds of properties in Upper Freehold Township qualify for Farmland Assessment pursuant to New Jersey law. (Ord. No. 43-1998, Preamble)

### **23-2.2 Policy Statement.**

a. Upper Freehold Township recognizes the agricultural and rural nature of this community, Farmland Preservation, and its many long-time residents and those who have

moved into our community because of its "rural atmosphere." The Township Committee believes that it is in the best interest of the Township as a public entity and its citizens including people who are considering moving here to give notice of a Police Statement to express the ideology of a rural code or a "country code" as part of the philosophy of this Township.

b. The Police Statement of Upper Freehold Township with respect to its rural environment and country living is herein set forth:

1. This document expresses the Philosophy of Upper Freehold Township Residents. The residents of this Township have either been raised here and chosen to stay or moved here because they enjoy the "rural life." This community has shown a strong commitment to remaining rural by: committing a portion of their tax dollars to Farmland Preservation, foregoing services taken for granted in suburban and City areas, and traveling the extra distance for the necessities.

2. Many residents have moved to this area because the "rural atmosphere" of their former hometown has been lost to development. Others may be rural newcomers escaping the suburbs and cities. These residents must remember not to expect perfectly paved roads, water and sewer service, a local police department, municipal trash pickup, and other "luxuries." Residents in a rural community will endure the slow-moving farm machinery on the road, early morning tractor noise, and perhaps unpleasant odors of natural fertilizers for the sake of maintaining the country life.

3. If you are considering this area as your home, please remember that the snowplow may not come as often as you may feel necessary; the supermarket will always be at least one-half (1/2) hour ride away. The New Jersey State Police have been providing use with excellent coverage and all necessary special services and we hope to continue that relationship as long as possible. As a member of this community you will have to contract for trash removal with a private vendor and on two (2) occasions during the year you will be permitted to bring your larger, bulk waste to the Municipal Garage during a Township Clean-up Week and Weekend. In exchange for your participation in providing these services to your family we will insure a tax rate without the high costs associated with maintaining equipment and employing personnel to deliver these services.

4. You will sometimes have to pay a price to remain a rural community residential development, and farmland-assessed properties do not provide the rateables of commercial development. Farmland-assessed property provides a community with open space; owners enjoy a reduced property assessment, however, the entire municipality benefits from this acreage that will have no impact on the local school district. Property owners that sell development rights pursuant to the Farmland Preservation Act insure that farming will continue in New Jersey. The residential development must be controlled in consideration of the services it demands. New homes, new roads, new or expanded

schools and as we all know, the present funding of education through property taxes is a strain on the residents of New Jersey. The increased traffic through Upper Freehold Township that has been a result of development in surrounding communities has put pressure on local residents by compelling us to improve these roads for the sake of the safety of all citizens.

5. It is with this ideology that the Township Committee of Upper Freehold Township does hereby adopt this Code as a notice to all present citizens and future citizens of this community that Upper Freehold Township Officials will continue the philosophy in their policy and procedure to provide its constituents with a County Lifestyle.

c. According to the Constitution of the State of New Jersey and applicable law, the Township Committee as the Governing Body will carry out its responsibilities. However, the Township Committee believes it is appropriate to recognize the rural policies set forth above and will consider same as well as applicable legal criteria in making decisions to expend taxpayers' dollars when being asked to provide services to certain persons and/or entities and when complaints of certain inconveniences are being considered. Expenditures of public funds that may not produce results that are cost-effective to Upper Freehold Township and its rural life will always be thoroughly reviewed by the Township Committee in its legislative and executive capacity.

d. This section also specifically recognizes and reaffirms the Right to Farm under Chapter XXIII, Agricultural Preservation, of the Code of Upper Freehold Township as adopted by the Township Committee on October 1, 1981, as if more specifically set forth at length herein.

e. The Township Clerk/Administrator is requested to establish procedures to provide a copy of this section as well as Section 23-1, Right to Farm to each and every citizen who registers to vote in Upper Freehold Township, each and every citizen who seeks a Building Permit and each and every citizen who pays taxes in Township Hall and/or seeks advice on the quality of life in Upper Freehold Township and/or seeks copies of our Land Use Ordinances. This ordinance, besides setting forth a policy or philosophy of Upper Freehold Township's residents, is intended to give notice to those who may wish to live in this community as to how the residents in this community have lived for the last two (2) centuries while at the same time helping each other as neighbors and seeking to be responsible citizens.

(Ord. No. 43-1998 §§ 1-5)