

## New Rules Expand Right-to-Farm Protection for Equine Farms

The State Agriculture Development Committee (SADC) has adopted new rules that expand the list of equine-related activities eligible for right-to-farm protection and set forth the standards farmers will have to meet to qualify for that protection.

These rules extend right-to-farm protection to embrace the wide variety of equine-related activities that commonly take place on New Jersey's horse farms. As a result, equine farms that operate in accordance with accepted agricultural management practices will be able to more fully realize the protections of New Jersey's Right to Farm Act, which is considered one of the strongest in the nation.



The Right to Farm Act protects responsible commercial farmers from public and private nuisance actions and unduly restrictive municipal regulations. The Act specifically protects production activities such as breeding, pasturing and hay production, and gives the SADC authority to add to the Act's list of protected agricultural activities through regulation. The rules adopted by the SADC extend eligibility for right-to-farm protection to the boarding, keeping, training and rehabilitation of horses. Also covered by the rules are associated complementary activities, including clinics, open houses, demonstrations, educational camps, farm events, competitions and rodeos, as long as these complementary activities are related to the marketing of horses that are raised, bred, kept, boarded, trained or rehabilitated on the farm, and are in compliance with municipal requirements.

Among the criteria for right-to-farm protection, farms must meet the Act's definition of a commercial farm and be in conformance with agricultural management practices (AMPs) adopted by the SADC. The rules adopted by the SADC detail what income may be used to satisfy the production requirements to qualify as a commercial farm. The rules also require an equine operation to secure and be in compliance with a farm conservation plan prepared in accordance with the Natural Resources Conservation Service Field Office Technical Guide.

The rules establish an AMP for equine activities that sets the standards equine farms must meet to qualify for right-to-farm protection. They cover everything from stocking rates and manure management to the maximum allowable extent of equine-related buildings, parking areas and other improvements. The limit on improvements is intended to ensure equine farms qualifying for right-to-farm protection retain a reasonable agricultural production component or capacity.

The AMP allows a county agriculture development board to set the maximum limit for equine-related improvements within an allowable range. That range is 15 to 25 percent of the first 150 acres of total usable area plus 10 percent of all additional acres of total usable area above the first 150 acres. Total usable area includes all land on the farm that is available for farming (i.e., the gross lot minus any unusable wetlands and the area devoted to the farm's house).

While these rules apply to all equine farms, owners of preserved farms should be aware that farmland preservation deed restrictions may be more restrictive regarding the allowable extent of equine-related infrastructure. Further, equine-related service activities continue to be allowed on preserved farms as long as they are "ancillary" to equine production. Any equine operator who has questions regarding allowable activities on preserved farms should contact his or her county agriculture development board or the SADC.

The new rules were published in the August 4 New Jersey Register, which can be accessed through the SADC's website at [www.nj.gov/agriculture/sadc/ruleprop/](http://www.nj.gov/agriculture/sadc/ruleprop/).

**Questions? Visit the SADC website listed above or contact David Kimmel at (609) 984-2504**