

MERCER COUNTY AGRICULTURAL DEVELOPMENT BOARD RESOLUTION

RIGHT TO FARM CONFLICT RESOLUTION

Block 75, Lot 1.02

Hopewell Township, Mercer County

WHEREAS, pursuant to the Right to Farm Act, N.J.S.A. 4:1C-1 et seq., and the State of New Jersey Agriculture Development Committee ("SADC") regulations, N.J.A.C. 2:76-2.10(a), any person aggrieved by the operation of a commercial farm shall first file a complaint in writing with the applicable County Agricultural Development Board (CADB), or, the SADC in counties where no CADB exists, prior to filing an action in court; and,

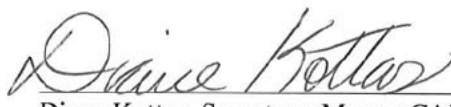
WHEREAS, in April 2024, the Mercer CADB received a complaint from [REDACTED] representing Hopewell Township, against [REDACTED] for unpermitted housing activities (Exhibit A). The complaint cites Mr. [REDACTED] as being in violation of Municipal Code due to a lack of municipal approvals or permits for the use of an RV/mobile home as a residence on property owned by him, a lack of a Certificate of Occupancy for either structure, and citing both structures as unfit for human habitation due to a lack of electrical service, public sewer or on-site septic; and,

WHEREAS, at its May 6, 2024 meeting, the CADB heard testimony and comments from County Counsel, [REDACTED] the tenant farmer who leases and resides on Mr. [REDACTED] property, whose testimony was proffered on behalf of [REDACTED] contended that his tenant farmer needs to reside on the farm in order to protect his sheep from predators and that this activity is protected by Right to Farm. County Counsel recommended the dismissal of the matter as not being the jurisdiction of the CADB, concluding that housing code violations are not included in the specific protected activities enumerated in the Right to Farm Act and that since housing shall comply with all provisions of the State Uniform Construction Code and the Department of Community Affairs standards and requirements, this matter is not within the purview of the CADB and thus, not eligible for Right to Farm protection; and,

WHEREAS, after deliberation the Board determined that it does not have jurisdiction in matters of housing code violations especially as they concern health and safety and that housing is not one of the permissible activities set forth in N.J.S.A. 4:1C-9.

NOW THEREFORE BE IT RESOLVED, that the Mercer CADB finds that it lacks authority or jurisdiction in this matter, refusing to hear the matter and referring it back to Hopewell Township.

I, Diane Kottas, Secretary of the Mercer County Agricultural Development Board, hereby certify that the foregoing is a true copy of a resolution adopted by the Board on June 3, 2024 through an electronic voting process unanimously consented to by the Board.


Diane Kottas, Secretary, Mercer CADB


Date