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FARMING

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Chapter 77

FARMING

§ 77-1. Legislative findings.

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[HISTORY: Adopted by the Township Council of the Township of Allamuchy 12-4-80. Amendments noted where applicable.]

GENERAL REFERENCES

- Development regulations — See Ch. 68.
- Dogs and other animals — See Ch. 72.
- Storage on farm property — See Ch. 88, § 88-18.
- Soil erosion and sediment control — See Ch. 107.

§ 77-1. Legislative findings.

- A. The Township Council finds that farming has existed and been carried on in the township for hundreds of years and long before the residential development that has since been prevalent in the township. The Township Council further finds that residences have been located in close proximity to existing working farms that engage in spraying, the spreading of animal wastes, fertilizing and irrigation as well as other activities which are indigenous to farming. The Township Council finds and determines that farmers must be secure in their ability to earn a livelihood and utilize customary farming procedures and techniques.
- B. The township further finds that whatever burden may be caused to contiguous property owners it is offset by the

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benefits from farming to the township, county and state, as well as the preservation of open space areas within the township.

§ 77-2. Intent.

This chapter shall not be construed as a zoning ordinance and does not supersede any zoning ordinance and the rights and privileges arising from said ordinances.¹ It is the intent of this chapter to prohibit farming from being found to be a nuisance when practiced according to customary farming practices.

§ 77-3. Recognition of right.

The right to farm those lands and properties zoned for that use and properties currently being farmed within the Township of Allamuchy is hereby recognized to exist as a right of the farmer, his agents or assigns to utilize his land and properties in such a manner as to pursue his livelihood, subject only to the restrictions and regulations set forth in the township, county and state health codes and regulations. This right to farm recognizes the use of large irrigation pumps and equipment, aerial and ground seeding and spraying, large tractors and the application of chemical fertilizers, insecticides and herbicides, as well as other customary farm equipment utilized by the farmer for the purpose of producing from the land agricultural products, such as vegetables, grains, hay, fruits, fibers, wood, trees, plants, shrubs, flowers and seeds. The right to farm shall also include the right to utilize the land for grazing of animals, subject to the restrictions for intensive fowl or livestock farms or such restrictions as may be required by county, state and federal laws.

§ 77-4. Times of operation; ancillary effects.

The activities set forth herein incidental to the right to farm, when reasonable and necessary for the particular farming activity

¹ Editor's Note: See CL. 68, Development Regulations; Article VI, Zoning Provisions.

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and livestock or fowl production; and when conducted in accordance with generally accepted agricultural practices, may occur on holidays, Sundays and weekdays and at night and during the day. The noise, odors, dust and fumes that are caused by these activities are recognized as ancillary to the permitted activities set forth in this chapter and the right to farm.