

MODEL MUNICIPAL ORDINANCE
Establishment of an Agricultural Advisory Committee

Prepared by American Farmland Trust for the Burlington County Farmland
Preservation Program, administered by the Burlington County Agriculture
Development Board

Section 1. Intent and Purpose

The governing body of *[municipality]* finds that the needs and concerns of farmland owners and operators within the community are important and must be understood by township officials and residents. In order to protect and maintain the beneficial character of agriculture to *[municipality]*, farmland preservation plans must be complemented by establishing, protecting and maintaining within the jurisdiction of *[municipality]*, Burlington County and the State of New Jersey a positive business climate for agriculture. The interest of farmers in making reasonable economic use of their farms, preserved or not, must be taken into consideration when *[municipality]* considers new or revised plans, polices and ordinances.

The specific purposes and intent of establishing an Agricultural Advisory Committee in *[municipality]* are to:

- A. Represent the needs and concerns of farmland owners and operators within the community and facilitate communication and understanding among township officials, residents and the agricultural community;
- B. Assist township officials in efforts to plan for the continuation of agriculture and prevent the loss of agricultural resources;
- C. Review the impact of existing and proposed plans, policies and ordinances on the agricultural community and recommend changes as needed; and
- D. Partially meet eligibility requirements for Planning Incentive Grants administered by the State Agriculture Development Committee pursuant to N.J.A.C. 2:76-17 and -17A.
- E. Ensure that previous and on-going public investment in the preservation of agricultural land by the residents of *[municipality]*, Burlington County and the State of New Jersey is reinforced by policies at all levels of government to allow for a viable agriculture industry into the future.
- F. Ensure that the municipal Right to Farm ordinance is consistent with the State Model Right to Farm Ordinance and that other municipal ordinances and development regulations reinforce that farmers operating under generally accepted agricultural practices are not a nuisance to the community.

Section 2: Statutory Authority

The municipality of *[municipality]* is empowered to establish Agricultural Advisory Committees under N.J.S.A. 4:1C-43.1b. (2).

Section 3: Definitions

"Agricultural Development Area (ADA)" means areas identified by a County Agricultural Development Board pursuant to N.J.S.A. 4:1C-11 *et seq.* and certified by the State Agriculture Development Committee where agriculture is the preferred land use. ADAs encompass productive agricultural land in zones that permit agriculture; are reasonably free of conflicting suburban and conflicting commercial development; comprise not more than 90 percent of the county's agricultural land base; and include other characteristics deemed important by the County Agriculture Development Board.

"County Agriculture Development Board (CADB)" means a public body established by a county governing body pursuant to N.J.S.A. 4:1C-14 to help implement the state's Agriculture Retention and Development Act and Right to Farm Act. A CADB must be composed of seven voting members who are residents of the county. A majority of the voting members must be actively engaged in agriculture.

"State Agriculture Development Committee" means a public body within, but independent from, the New Jersey Department of Agriculture established pursuant to N.J.S.A. 4:1C-4. The SADC administers the state's farmland preservation programs including grants to counties, municipalities and nonprofit organizations to fund the purchase of development easements on farmland; directly purchasing farms and development easements from landowners; and providing matching grants to implement soil and water conservation projects.

Section 4. Establishment of the Agriculture Advisory Committee

There is hereby established within *[municipality]* an Agricultural Advisory Committee (AAC). The AAC shall serve as an ad hoc advisory committee to the Planning Board.

Section 5. Composition

The AAC shall be composed of at least three, but not more than five, residents of the *[municipality]*. A majority of the members must be actively engaged in farming and own at least a portion of the land they farm. The farmer-members shall, to the extent possible, represent the different scales and types of operations and different land tenure arrangements within *[municipality]*.

Members shall be appointed by the governing body of [*municipality*]. Each member shall serve a term of three years. Members shall select a chairperson, who shall serve as liaison between the AAC and the Planning Board, the Burlington County CADB and /or the SADC (if applicable). The AAC shall designate a secretary to keep notes of its meeting, which shall be submitted to the Planning Board, Township Committee, CADB, and if applicable, the SADC within 30 days. The Chairperson, or his/her appointed designee, shall serve as the spokesperson for the Committee to the Township Committee, Planning Board, CADB and if applicable, the SADC.

A member of the AAC or a member of his or her immediate family is prohibited from selling or applying to sell a development easement on his or her property or from selling or applying to sell his or her property in fee simple title pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq. and the Garden State Preservation Trust Act, N.J.S.A. 13:8C-1 et seq.

“Members of the immediate family” means a member’s spouse, child, parent, or sibling residing in the same household.

Section 6. Duties

The AAC shall meet at least three (3) times a year. In addition, the AAC shall meet with the Planning Board at least once a year to report on its activities and discussions and to make recommendations.

Duties shall include:

- A. Alerting local officials to issues in the farming community that should be considered when using municipal regulatory and land use authority.
- B. Reviewing existing and proposed ordinances for impacts or potential impacts upon the farming community, including all ordinances affecting land use in Agricultural Development Areas. This may include recommending growth management strategies such as transfer of development rights that have the potential to protect agricultural land while maintaining landowners’ equity.
- C. Advising the Planning Board in the development of a farmland preservation plan element pursuant to N.J.S.A. 40:55D-28b. (13) and N.J.A.C. 2:76-17.6(a) and -17A.3(a)3.
- D. Advising the Planning Board and the governing body in adjustments and amendments to the farmland preservation master plan element and the list of farms to be included in the County or State easement and fee simple acquisition programs.
- E. Advising the Planning Board in developing and considering amendments developed through master plan re-examinations and any other changes that would have an affect on the viability of farms within an ADA.

Duties may also include, but are not limited to:

- F. Reviewing and promoting economic development strategies being developed by the CADB and/or the NJ Department of Agriculture, including but not limited to marketing and promotion of locally grown and raised farm products and agricultural tourism opportunities.
- G. Encouraging the development of local outlets for agricultural products, including but not limited to community producer-driven farmers' markets, farm stands, community supported agriculture (CSA), local schools and government facilities, and local restaurants.
- H. Supporting adoption of model agricultural viability ordinances developed by the CADB and/or the NJ Department of Agriculture.
- I. Encouraging the development of private agricultural infrastructure including but not limited to value-added processing facilities, input and equipment outlets, equipment repair shops, and large animal veterinary practices.
- J. Attending monthly CADB and SADC meetings and reporting back to the AAC on County and statewide policy issues.
- K. Assisting local officials, residents, and farmers and the CADB and SADC, in preventing and resolving Right to Farm and other agricultural disputes by facilitating outreach efforts with non-farm residents and proving input during conflict resolution hearing and agricultural mediation sessions.

Section 7. Adoption

Upon adoption this ordinance will be incorporated into and become part of the code of the Township of _____.

Section 8. Effective Date

This ordinance shall take effect after final adoption and publication according to the laws of the State of New Jersey.

Final Version: November 10, 2009