

CHAPTER 15

FARMLAND ASSESSMENT ACT

Authority

N.J.S.A. 54:1-35.1, 54:3-14, 54:3-21.5, 54:4-8.47,
54:4-23.21, 54:4-26 and 54:50-1.

Source and Effective Date

R.1998 d.421, effective July 21, 1998.
See: 30 N.J.R. 1922(a), 30 N.J.R. 3066(b).

Executive Order No. 66(1978) Expiration Date

Chapter 15, Farmland Assessment Act, expires on July 21, 2003.

Chapter Historical Note

Chapter 15, Farmland Assessment Act, was filed and effective before September 1, 1969.

Pursuant to Executive Order No. 66(1978), Chapter 15, Farmland Assessment Act, was readopted as R.1983 d.355, effective August 12, 1983. See: 15 N.J.R. 1082(a), 15 N.J.R. 1487(b).

Pursuant to Executive Order No. 66(1978), Chapter 15, Farmland Assessment Act, was readopted as R.1988 d.408, effective July 29, 1988. See: 20 N.J.R. 1066(a), 20 N.J.R. 2319(a). Pursuant to Executive Order No. 66(1978), Chapter 15 expired on July 29, 1993.

Chapter 15, Farmland Assessment Act, was adopted as new rules by R.1993 d.481, effective October 4, 1993. See: 25 N.J.R. 2653(a), 25 N.J.R. 4604(b).

Pursuant to Executive Order No. 66(1978), Chapter 15, Farmland Assessment Act, was readopted as R.1998 d.421, effective July 21, 1998. See: Source and Effective Date.

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SUBCHAPTER 1. DEFINITIONS

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The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

“Act” or “The Act” means the Farmland Assessment Act of 1964, c.48, Laws of 1964, (N.J.S.A. 54:4-23.1 *et seq.*).

“Actively Devoted to Agricultural or Horticultural Use”. See Subchapter 6 (Actively Devoted) of this Chapter.

“Agricultural use” means land which is devoted to the production for sale of plants and animals useful to man, including, but not limited to:

1. Forages and sod crops;
2. Grains and feed crops;
3. Dairy animals and dairy products;
4. Poultry and poultry products;
5. Livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, and the breeding, boarding, raising, rehabilitating, training or grazing of any or all such animals, except that livestock shall not include dogs;
6. Bees and apiary products;
7. Fur animals;

8. Trees and forest products (see N.J.A.C. 18:15-2.7 for additional conditions); or

9. When devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the Federal Government.

“Approved forester” means a forester meeting standards and qualifications established by the New Jersey Department of Environmental Protection pursuant to N.J.S.A. 13:1L-1 *et seq.* and rules issued thereunder.

“Appurtenant woodland” means a wooded piece of property which is contiguous to, part of, or beneficial to a tract of land, which tract of land has a minimum area of at least five acres devoted to agricultural or horticultural uses other than the production for sale of trees and forest products, exclusive of Christmas trees, to which tract of land the woodland is supportive and subordinate.

“Assessor” means the municipal tax assessor appointed pursuant to the provisions of N.J.S.A. 40A:9-1 *et seq.*

“Beneficial to a tract of land” means land which enhances the use of other land devoted to agricultural or horticultural production by providing benefits such as, but not limited to, windbreaks, watershed, buffers, soil erosion control, or other recognizable enhancements of the viability of the qualifying land.

“Change in Use”. See Subchapter 8 (Change in Use) of this Chapter.

“Commissioner” means the Commissioner of the New Jersey Department of Environmental Protection or his representative.

“Farmland Assessment” means valuation, assessment and taxation under the Farmland Assessment Act of 1964, Chapter 48, Laws of 1964.

“Fees received for grazing” means only those fees which are actually paid in consideration for grazing and which reasonably reflect the value of the grazing provided. The income which would otherwise be imputed to the land used for grazing as established and determined by the State Farmland Evaluation Advisory Committee shall be prima facie evidence of those fees which reasonably reflect the value of the grazing provided.

“Horticultural-Use” means land which is devoted to the production for sale of fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or when devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the Federal Government.