



AGRICULTURAL DEVELOPMENT BOARD

MERCER COUNTY AGRICULTURAL DEVELOPMENT BOARD

ENFORCEMENT POLICY

Purpose:

To establish a process for the Mercer County Agricultural Development Board (MCADB) to enforce Deed of Easement restrictions in place on all preserved farmlands.

The MCADB's intent is to prevent violations of Deed of Easement restrictions. Therefore, the MCADB has established a process to enforce the restrictions of the Deed of Easement on preserved farmland and to ensure that property owners comply with the terms of the Deed of Easement.

Policy:

Once a possible violation of the Deed of Easement restrictions has been brought to the attention of the MCADB (i) from outside sources, or (ii) identified by MCADB Staff, the following process shall be initiated:

1. If the possible violation has been reported from outside sources, MCADB Staff will first conduct a site visit to document the issue.
2. Staff will provide the Board with a summary of the possible violation and report their findings at the next regularly scheduled meeting.
3. After Board review of the possible violation, there are three potential outcomes:
 - a. The MCADB determines that no violation exists and no action will be required on the part of the landowner.
 - b. The MCADB determines that more information is needed, and conducts the following steps:
 - i. Written notice shall be sent to the property owner, which may be provided by mail or electronic mail, that the MCADB has identified a possible violation of the Deed of Easement. The notice shall require that, within thirty (30) days of receiving the aforesaid notice, the property owner provide to the MCADB a written explanation of or further information on the possible Deed of Easement violation. The landowner may request a meeting with MCADB Staff to discuss the matter.
 - ii. If after receiving the landowner's response the Board deems that no violation exists, Staff shall notify landowner, by mail or electronic mail, that no further action is required.
 - iii. If after receiving the landowner's response the Board deems that a violation exists, the process will move to the steps outlined in section 3c.
 - iv. If the landowner does not respond, the Board may make a determination on the violation using the best available information.

- c. The MCADB determines that a violation exists and conducts the following steps:
 - i. Written notice shall be sent to the property owner, which may be provided by mail or electronic mail, that the MCADB has identified a violation of the Deed of Easement. The notice shall require that, within thirty (30) days of receiving the aforesaid notice, the property owner provide the MCADB, by mail or electronic mail, with a proposed plan to restore the Premises to its prior condition
 - ii. Staff, along with appropriate professional consultants, may conduct periodic site visits until the violation is remedied and no longer exists.
 - iii. If violation(s) persist beyond the proposed restoration plan timeline, or the landowner is non-cooperative in responding and creating a restoration plan, the MCADB may take the following actions:
 - 1. Notify the appropriate officials of the municipality in which the farm is located, advising that the property owner is in violation of the Deed of Easement and may be in violation of municipal ordinances, and requesting that the municipality investigate same.
 - 2. Notify any applicable Federal or State agency(ies)
 - 3. Pursue all remedies available to the MCADB, as holder of the Deed of Easement, to enforce the Deed of Easement including those contained in Paragraph 16 of the Deed of Easement, which states that the MCADB: “may institute, in the name of the State of New Jersey, any proceedings to enforce these terms and conditions including the institution of suit to enjoin such violations and to require restoration of the Premises to its prior condition”.
 - 4. Record a Resolution outlining the Deed of Easement violations with the Mercer County Clerk.

In accordance with the provisions of the Deed of Easement, the MCADB does “not waive or forfeit the right to take any other legal action necessary to insure compliance with the terms, conditions, and purpose of (the) Deed of Easement by a prior failure to act.”

This policy supersedes the Mercer County Agricultural Development Board Deed of Easement Violation Policy adopted on June 5, 2023.

Adopted:	Effective:	Revision #	Last Revised:
6-5-23	6-5-23	1	10-7-24