

Village of Rothbury v Double JJ Resort Ranch, Inc.

2004 WL 1837835 (Mich. App.)

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Village of Rothbury v. Double JJ Resort Ranch, Inc. (2004 WL 1837835(Mich. App.)) was recently decided in Michigan. The issue that was raised in this case was whether certain activities, specifically rental of horses for recreational riding and the use of a corn field as a maze were protected by Michigan's right to farm law. In Michigan agricultural practices have to be consistent with generally accepted agricultural management practices (GAAMPs) to be protected by the right to farm law. GAAMPs are regulations that are defined by the Michigan commission of agriculture. M.C.L.A. 286.472. This case was unreported, so it is not binding on the courts of Michigan, but it indicates how the Court of Appeals of Michigan may rule on such issues in the future. MCR 7.215.

This case arose because the Village of Rothbury sued to prevent the Double JJ Resort Ranch from conducting agricultural and commercial activities in an area with residential zoning. The Double JJ Resort Ranch successfully argued the Michigan right to farm act protects nontraditional forms of agricultural activity. Since the law specifically provides that a riding stable is an agricultural operation; the rental of riding horses was protected from local zoning ordinances. The court stated that "horses are farm animals, and activities involving the use, handling and care of farm animals qualify as a farm operation."

The court also determined that a corn field maze was protected by the right to farm law. The court reasoned that since a field of corn is agriculturally produced and the definition of farm product is not limited to products that are edible, a corn field maze was

protected by the right to farm law. The court stated that the legislature intended to create a broad definition of agricultural product by including a wide range of agricultural products used for pleasure, such as flowers, nursery stock, and trees.

Because the court ruled that the activities in question were agricultural activities and conformed to GAAMPs that they were protected from local zoning ordinances by Michigan's right to farm law.