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Brent Johnson - For The Star-Ledger, 'N.J. to allow special events on preserved farmland under new law Supporters say this will provide new revenue streams for some farmers in New Jersey. But some residents are concerned about the implications of the law.', *Star-Ledger, The* (online), 5 Feb 2023 003

CL/JA

P.L. 2023, CHAPTER 9, *approved February 3, 2023*
Senate, No. 757 (*Third Reprint*)

1 AN ACT concerning special occasion events on preserved farmland
2 ¹[and] ²[1] and² supplementing Title 4 of the Revised Statutes
3 ²[¹, and making an appropriation¹]².
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 ¹[1. As used in this act:

9 “Board” means a county agriculture development board
10 established pursuant to section 7 of P.L.1983, c.32 (C.4:1C-14).

11 “Commercial farm” means the same as that term is defined in
12 section 3 of P.L.1983, c.31 (C.4:1C-3).

13 “Committee” means the State Agriculture Development
14 Committee established pursuant to section 4 of P.L.1983, c.31
15 (C.4:1C-4).

16 “Grantee” means the entity to which the development rights of a
17 preserved farm were conveyed pursuant to the provisions of section 24
18 of P.L.1983, c.32 (C.4:1C-31), section 5 of P.L.1988, c.4 (C.4:1C-
19 31.1), section 1 of P.L.1989, c.28 (C.4:1C-38), section 1 of P.L.1999,
20 c.180 (C.4:1C-43.1), sections 37 through 40 of P.L.1999, c.152
21 (C.13:8C-37 through C.13:8C-40), or any other State law enacted for
22 farmland preservation purposes. “Grantee” shall include all entities
23 which lawfully succeed to the rights and responsibilities of a grantee,
24 including, but not limited to, the grantee’s successors and assigns.

25 “Occupied area” means any area supporting the activities and
26 infrastructure associated with a special occasion event including, but
27 not limited to: an area for parking, vendors, tables, equipment,
28 infrastructure, or sanitary facilities; an existing building; or a
29 temporary or portable structure.

30 “Preserved farmland” means land on which a development
31 easement was conveyed to, or retained by, the State Agriculture
32 Development Committee, a county agriculture development board, a
33 county, a municipality, or a qualifying tax exempt nonprofit
34 organization pursuant to the provisions of section 24 of P.L.1983, c.32
35 (C.4:1C-31), section 5 of P.L.1988, c.4 (C.4:1C-31.1), section 1 of
36 P.L.1989, c.28 (C.4:1C-38), section 1 of P.L.1999, c.180 (C.4:1C-
37 43.1), sections 37 through 40 of P.L.1999, c.152 (C.13:8C-37 through

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAN committee amendments adopted March 21, 2022.

²Senate floor amendments adopted June 29, 2022.

³Senate amendments adopted in accordance with Governor's recommendations September 29, 2022.

1 C.13:8C-40), or any other State law enacted for farmland preservation
2 purposes.

3 "Special occasion event" means a wedding, lifetime milestone
4 event, or other cultural or social event conducted, in whole or in part,
5 on preserved farmland on a commercial farm. "Special occasion
6 event" shall not include:

7 (1) an activity which is eligible to receive right to farm benefits
8 pursuant to the "Right to Farm Act," P.L.1983, c.31 (C.4:1C-1 et seq.);

9 (2) a recreational use permitted pursuant to a farmland
10 preservation deed of easement; or

11 (3) a wedding held for:

12 (a) a spouse, parent, child, grandparent, grandchild, sibling, niece,
13 nephew, or cousin of the landowner of the commercial farm; or

14 (b) the operator or an employee of the commercial farm.】¹

15

16 ¹【2. a. Notwithstanding any law, or any rule or regulation
17 adopted pursuant thereto, to the contrary, a person shall not hold a
18 special occasion event on preserved farmland without first obtaining
19 approval therefor from the grantee pursuant to section 3 of this act, and
20 shall hold the special occasion event in compliance with the
21 requirements of this section and the rules and regulations adopted by
22 the committee pursuant to section 6 of this act.

23 b. The owner or operator of a commercial farm located on
24 preserved farmland that produces agricultural or horticultural products
25 worth \$10,000 or more annually may hold special occasion events on
26 the farm. The special occasion event shall comply with the following
27 requirements:

28 (1) A special occasion event shall have a maximum duration of
29 two consecutive calendar days.

30 (2) A special occasion event shall not interfere with the use of the
31 preserved farmland for agricultural or horticultural production. The
32 special occasion event shall have minimal effects on the occupied area,
33 and shall be designed to protect the agricultural resources of the land
34 and ensure that the land can be readily returned to productive
35 agricultural or horticultural use after the event.

36 (3) A special occasion event that involves the service of alcoholic
37 beverages shall comply with all applicable State and local laws,
38 regulations, resolutions, and ordinances.

39 (4) All applicable State and local laws, regulations, resolutions,
40 and ordinances including, but not limited to, those concerning food
41 safety, litter, noise, solid waste, traffic, and the protection of public
42 health and safety shall apply to the special occasion event and all
43 activities related thereto.

44 (5) A special occasion event shall not cause a significant and direct
45 negative impact to any surrounding properties.

46 (6) No new structures shall be constructed or erected on preserved
47 farmland for the purpose of holding a special occasion event, and

1 improvements to existing structures shall be limited to the minimum
2 required for the protection of public health and safety;

3 (7) No structure constructed fewer than five years prior to the date
4 of an application pursuant to section 3 of this act to hold a special
5 occasion event shall be used for the purpose of holding the special
6 occasion event.

7 (8) No public utilities including water, gas, or sewer lines shall be
8 extended to the preserved farmland for the purpose of holding special
9 occasion events, except that electric service may be extended to
10 preserved farmland for the purpose of holding special occasion events.

11 (9) The occupied area associated with a special occasion event
12 shall be limited to the greater of:

13 (a) two and one-half acres, or

14 (b) five percent of the preserved farmland, up to a maximum of
15 five acres.

16 (10) Any temporary structures, including an enclosed or open
17 canopy or tent or other portable structure or facility, utilized for a
18 special occasion event shall be erected only for the minimum amount
19 of time reasonably necessary to accommodate the special occasion
20 event.

21 (11) Parking at a special occasion event shall be provided through
22 the use of existing parking areas on the farm and curtilage surrounding
23 existing buildings to the extent possible. Additional on-site areas
24 required to provide temporary parking shall comply with the standards
25 for on-farm direct marketing facilities, activities, and events adopted
26 by the committee pursuant to P.L.1983, c.31 (C.4:1C-1 et seq.).

27 c. (1) A special occasion event shall be conducted on a Friday,
28 Saturday, Sunday, or federal or State holiday, except that a special
29 occasion event may be conducted on another day with the approval of
30 the committee. The committee may delegate this authority to a
31 grantee.

32 (2) No commercial farm shall hold more than one special occasion
33 event per calendar day.

34 (3) A commercial farm that produces agricultural or horticultural
35 products worth between \$10,000 and \$100,000 annually may hold up
36 to a maximum of 15 special occasion events per calendar year, of
37 which two may have 250 guests or more in attendance at any time
38 during the event.

39 (4) A commercial farm that produces agricultural or horticultural
40 products worth \$100,000 or more annually may hold up to a maximum
41 of 26 special occasion events per calendar year, of which six may have
42 250 guests or more in attendance at any time during the event.

43 d. A retail food establishment other than a temporary retail food
44 establishment, as those terms are defined in the State Sanitary Code
45 adopted pursuant to section 7 of P.L.1947, c.177 (C.26:1A-7), shall not
46 operate on a commercial farm in support of a special occasion event.

47 e. Notwithstanding any law, or any rule or regulation adopted
48 pursuant thereto, to the contrary, a special occasion event during which

1 fewer than 250 people will be in attendance as guests at any time may
2 be held without a variance or site plan approval.】¹

3
4 ¹【3. a. No person shall hold a special occasion event on preserved
5 farmland pursuant to this act unless the owner or operator of the
6 commercial farm applies to the grantee for approval pursuant to this
7 section; except that if the grantee is the owner of the preserved
8 farmland, the application shall be made to the committee for approval.
9 A grantee whose approval is required for a special occasion event to be
10 held on preserved farmland shall develop an application process by
11 which an owner or operator of a commercial farm located on preserved
12 farmland may apply for approval. The application shall, at a
13 minimum, allow the grantee, or committee, as applicable, to
14 determine:

15 (1) the annual value of agricultural or horticultural products
16 produced by the commercial farm;

17 (2) the number of special occasion events held on the commercial
18 farm during the calendar year;

19 (3) the maximum attendance of the special occasion event;

20 (4) the acreage of the occupied area, as delineated on a map or
21 aerial photograph, to be used for the special occasion event; and

22 (5) whether the farm is in compliance with its farmland
23 preservation deed of easement.

24 b. Upon request of the grantee, or committee, as applicable, the
25 owner or operator of the commercial farm shall provide evidence that
26 a proposed special occasion event on preserved farmland will be in
27 compliance with State and local laws as required in paragraphs (3) and
28 (4) of subsection b. of section 2 of this act. The grantee, or committee,
29 as applicable, may condition its approval upon receipt of evidence
30 from the municipality, county, or applicable State agency that the
31 event will comply with the provisions of paragraphs (3) and (4) of
32 subsection b. of section 2 of this act.

33 c. The grantee, or committee, as applicable, shall approve an
34 application made pursuant to this section upon a finding that the
35 special occasion events on the preserved farmland that are the subject
36 of the application are in compliance with the requirements of this act
37 and any rules and regulations adopted by the committee to implement
38 this act. The grantee shall forward a copy of its approval to the
39 committee and to the board in the county in which the preserved
40 farmland is located.

41 d. An applicant shall annually certify to the grantee or committee,
42 as applicable, in a form and manner to be prescribed by the grantee, or
43 committee, as applicable, information about the special occasion
44 events held in the prior calendar year that were approved pursuant to
45 this section, including, but not limited to, the date, occasion, and
46 approximate number of attendees of each event. The grantee shall
47 forward a copy of the certification to the committee.

1 e. Upon the effective date of this act, and prior to the adoption by
2 the committee of rules and regulations pursuant to section 6 of this act,
3 a grantee, or the committee, as applicable, may accept applications
4 pursuant to this section and approve applications for special occasion
5 events that comply with the provisions of this act. Upon the adoption
6 of rules and regulations pursuant to section 6 of this act, approvals
7 pursuant to this section shall also comply with the rules and
8 regulations adopted by the committee.】¹

9
10 ¹【4. a. The committee and the grantee have the right, without
11 advance notice, to inspect a preserved farm that has received approval
12 from the grantee to hold one or more special occasion events, upon
13 presentation of appropriate credentials during normal business hours or
14 during a special occasion event, in order to determine compliance with
15 the provisions of this act.

16 b. The committee or the grantee may, upon reasonable cause,
17 order and specify the scope of an audit of the owner or operator of a
18 commercial farm engaged in conducting special occasion events on
19 preserved farmland for the purpose of determining compliance with
20 this act. The audit shall be conducted by an independent certified
21 public accountant approved by the committee, and the reasonable costs
22 thereof shall be paid by the owner or operator of the commercial farm.
23 The committee may establish a list of independent certified public
24 accountants approved for the purposes of conducting an audit pursuant
25 to this subsection. Copies of the audit shall be submitted to the
26 grantee, the committee, and the owner or operator of the commercial
27 farm.

28 c. An owner or operator of a commercial farm engaged in
29 conducting special occasion events on preserved farmland shall not be
30 subjected to an audit authorized pursuant to this section more than
31 once per year without good cause demonstrated by the grantee or the
32 committee.】¹

33
34 ¹【5. a. An owner or operator of a commercial farm who
35 violates the provisions of this act shall be liable to a civil
36 administrative penalty of up to \$2,500 for the first offense, up to
37 \$10,000 for the second offense, or up to \$25,000 for a third and
38 subsequent offense. Each day in which a violation occurs shall be
39 considered a separate offense.

40 b. In addition to the penalties established pursuant to subsection a.
41 of this section:

42 (1) for a second offense, the committee shall suspend the owner or
43 operator of the commercial farm from holding special occasion events
44 for a period of up to six months;

45 (2) for a third offense, the committee shall suspend the owner or
46 operator of the commercial farm from holding special occasion events
47 for a period of six months up to one year; and

1 (3) for a fourth or subsequent offense, the committee shall suspend
2 the owner or operator of the commercial farm from holding special
3 occasion events for a period of at least one year, or may permanently
4 suspend the owner or operator of the commercial farm from holding
5 special occasion events.

6 c. No civil administrative penalty pursuant to subsection a. of this
7 section or penalty established in subsection b. of this section shall be
8 imposed pursuant to this section until after the owner or operator of the
9 commercial farm has been notified of the alleged violation by certified
10 mail or personal service. The notice shall include:

11 (1) a reference to the section of the statute, regulation, order, or
12 condition alleged to have been violated;

13 (2) a concise statement of the facts alleged to constitute a
14 violation;

15 (3) a statement of the amount of the civil administrative penalty
16 that may be imposed and the duration of the suspension that may be
17 imposed, if any; and

18 (4) a statement of the right of the owner or operator to a hearing.

19 The owner or operator served with the notice shall have 20 days
20 after the receipt of the notice to request in writing a hearing before the
21 committee. After the hearing, if the committee finds that a violation
22 has occurred, the committee may issue a final order assessing the
23 amount of the civil administrative penalty set forth in the notice and
24 imposing the suspension, if any. If no hearing is requested, then the
25 notice shall become a final order 20 days after the date upon which the
26 notice was served. Payment of the civil administrative penalty shall be
27 due, and duration of the suspension, if any, shall begin, on the date
28 when a final order is issued or the notice becomes a final order.

29 A civil administrative penalty imposed pursuant to this section
30 may be collected, with costs, in a summary proceeding pursuant to the
31 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et
32 seq.). The Superior Court and the municipal court shall have
33 jurisdiction to enforce the provisions of the "Penalty Enforcement Law
34 of 1999" in connection with this act.

35 d. The committee shall notify, in writing, the board in the county
36 in which the preserved farmland is located and the applicable grantee
37 when it suspends an owner or operator of a commercial farm from
38 holding special occasion events pursuant to subsection b. of this
39 section.】¹

40
41 ¹【6. The committee shall adopt, pursuant to the "Administrative
42 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
43 regulations to implement this act, including any rules and
44 regulations necessary to determine compliance with the
45 requirements of section 2 of this act.】¹

46
47 ¹【7. a. The committee shall prepare a report annually on the
48 implementation of this act, and shall submit the report to the Governor,

1 and to the Legislature pursuant to section 2 of
2 P.L.1991, c.164 (C.52:14-19.1).

3 b. The report shall include:

4 (1) the number of preserved farms for which approvals to hold
5 special occasion events have been issued by grantees;

6 (2) the frequency, type, and size of special occasion events held;

7 (3) the extent to which municipalities, county agriculture
8 development boards, and qualifying tax exempt nonprofit
9 organizations that hold a development easement on preserved farmland
10 report problems associated with the holding of special occasion events;

11 (4) the number of audits that have been conducted pursuant to
12 section 4 of this act; and

13 (5) an accounting of penalties collected pursuant to section 5 of
14 this act.¹

15

16 ¹[8. This act shall take effect immediately.]¹

17

18 ¹1. The Legislature finds and declares that:

19 a. Over ³[2,700] 2,800³ farms comprising over ³[241,000]
20 247,000³ acres of farmland have been preserved in New Jersey
21 since the inception of the State's farmland preservation program;

22 b. The original intent of the farmland preservation program was
23 to prevent suburban sprawl and the conversion of agriculturally
24 suitable land to other purposes, and to keep agriculture as an
25 economically ³[attractive business in] viable industry within³ the
26 State;

27 ³[c. Agriculture should be viewed as simultaneously a land use
28 and a business enterprise, and preservation of farmland is not meant
29 to prevent farmers from marketing products or engaging in practices
30 that enhance long-term viability of the farm;

31 d.] c. ³ Keeping agriculture as a sustainable industry in the State
32 ensures residents have continued access to fresh food with low
33 environmental impact;

34 ³[e.] d. ³ The growing interest in agritourism, i.e., activities that
35 attract the public to working farms for enjoyment or education of
36 visitors and generate supplementary income for the farmer, has
37 provided farmers with supplemental revenue and enhanced
38 opportunities to market the State's agricultural and horticultural
39 products; and

40 ³[f.] e. ³ With proper oversight, special occasion events on
41 preserved farmland can have minimal impact on land's viability for
42 farming and provide for new business opportunities for farmers in
43 the State without displacing agricultural or horticultural production
44 as the first priority use of preserved farmland or disrupting
45 neighborhoods that surround preserved farms.¹

1 ¹2. As used in P.L. , c. (C.) (pending before the
2 Legislature as this bill):

3 ³“Applicant” means the owner, and in cases where the owner is
4 not also the operator of the farm and the operator is the person
5 seeking to hold the special occasion event, then the operator of the
6 commercial farm who applies pursuant to subsection c. of section 3
7 of this act for approval to hold a special occasion event.³

8 “Board” means a county agriculture development board
9 established pursuant to section 7 of P.L.1983, c.32 (C.4:1C-14).

10 “Commercial farm” means the same as that term is defined in
11 section 3 of P.L.1983, c.31 (C.4:1C-3), except that “commercial
12 farm” shall not include a farm that qualifies for farmland
13 assessment pursuant to the "Farmland Assessment Act of 1964,"
14 P.L.1964, c.48 (C.54:4-23.1 et seq.), based entirely on a woodland
15 management plan ³ or a forest stewardship plan³ pursuant to section
16 3 of P.L.1964, c.48 (C.54:4-23.3).

17 “Committee” means the State Agriculture Development
18 Committee established pursuant to section 4 of P.L.1983, c.31
19 (C.4:1C-4).

20 "Exception area" means a portion of ³**[a commercial farm that,]**
21 the applicant’s landholdings that is excluded from the premises and,
22 although identified in the deed of easement, is unencumbered by the
23 farmland preservation deed restrictions set forth in the deed of
24 easement.³ ³**[although identified in the deed of easement, is**
25 unencumbered by the farmland preservation deed of easement
26 restrictions applicable to preserved farmland pursuant to rules and
27 regulations of the committee.]³

28 ²“Grantee” means the entity to which the development rights of a
29 preserved farm were conveyed pursuant to the provisions of section
30 24 of P.L.1983, c.32 (C.4:1C-31), section 5 of P.L.1988, c.4
31 (C.4:1C-31.1), section 1 of P.L.1989, c.28 (C.4:1C-38), section 1 of
32 P.L.1999, c.180 (C.4:1C-43.1), sections 37 through 40 of P.L.1999,
33 c.152 (C.13:8C-37 through C.13:8C-40), or any other State law
34 enacted for farmland preservation purposes. “Grantee” shall
35 include all entities which lawfully succeed to the rights and
36 responsibilities of a grantee, including, but not limited to, the
37 grantee’s successors and assigns.

38 “Nonprofit entity” means a corporation organized pursuant to the
39 “New Jersey Nonprofit Corporation Act,” N.J.S.15A:1-1 et seq. or a
40 corporation organized pursuant to Title 16 of the Revised Statutes.²

41 “Occupied area” means any area supporting the activities and
42 infrastructure associated with a special occasion event including,
43 but not limited to: an area for parking, vendors, tables, equipment,
44 infrastructure, or sanitary facilities; an existing building; or a
45 temporary or portable structure.

46 ³“Owner” means the record owner of the preserved farmland.

1 “Permittee” means the owner, and if applicable, the operator of
 2 the commercial farm to whom permission to hold special occasion
 3 events has been issued by the grantee.³

4 “Preserved farmland” means land on which a development
 5 easement was conveyed to, or retained by, the State Agriculture
 6 Development Committee, a county agriculture development board,
 7 a county, a municipality, or a qualifying tax exempt nonprofit
 8 organization pursuant to the provisions of section 24 of P.L.1983,
 9 c.32 (C.4:1C-31), section 5 of P.L.1988, c.4 (C.4:1C-31.1), section
 10 1 of P.L.1989, c.28 (C.4:1C-38), section 1 of P.L.1999, c.180
 11 (C.4:1C-43.1), sections 37 through 40 of P.L.1999, c.152 (C.13:8C-
 12 37 through C.13:8C-40), or any other State law enacted for
 13 farmland preservation purposes.

14 “Special occasion event” means a wedding, lifetime milestone
 15 event, or other cultural or social event conducted, in whole or in
 16 part, on preserved farmland on a commercial farm. “Special
 17 occasion event” shall not include:

18 (1) an activity which is eligible to receive right to farm benefits
 19 pursuant to the “Right to Farm Act,” P.L.1983, c.31 (C.4:1C-1 et
 20 seq.);

21 (2) a recreational use permitted pursuant to a farmland
 22 preservation deed of easement; or

23 (3) a wedding held for:

24 (a) a spouse, parent, child, grandparent, grandchild, sibling,
 25 niece, nephew, or cousin of the ³[landowner] owner³ of the
 26 commercial farm; or

27 (b) the ³[landowner] owner³, operator, or an employee of the
 28 commercial farm.

29 “Winery” means a commercial farm where the owner or operator
 30 of the commercial farm has been issued and is operating in
 31 compliance with a plenary winery license or farm winery license
 32 pursuant to R.S.33:1-10.¹

33
 34 ¹³. a. Notwithstanding any law, or any rule or regulation
 35 adopted pursuant thereto, to the contrary, a person may hold a
 36 special occasion event on preserved farmland, provided that the
 37 ³grantee determines the preserved farm complies with the terms of
 38 the Farmland Preservation Program deed of easement recorded
 39 against the preserved farmland, the³ person complies with the
 40 requirements set forth in P.L. , c. (C.) (pending before the
 41 Legislature as this bill), and the special occasion event is held in
 42 compliance with the requirements of this section and the rules and
 43 regulations adopted by the committee pursuant to section 6 of
 44 P.L. , c. (C.) (pending before the Legislature as this bill).

45 b. The owner or operator of a commercial farm located on
 46 preserved farmland that produces agricultural or horticultural
 47 products worth \$10,000 or more annually may hold special occasion

- 1 events on the farm. The special occasion event shall comply with
2 the following requirements:
- 3 (1) A special occasion event shall have a maximum duration of
4 two consecutive calendar days if the event is marketed as a single
5 event. An event shall be considered a single special occasion event,
6 even if the event lasts for more than one day, if the event:
- 7 (a) is marketed as a single event;
8 (b) occurs only on consecutive days; and
9 (c) does not last for more than two days.
- 10 (2) A special occasion event shall ³[be designed to] not interfere
11 with the use of the preserved farmland for agricultural or horticultural
12 production. The special occasion event shall have minimal effects on
13 the occupied area and shall be designed to protect the agricultural
14 resources of the land and ³ ensure that the land can be readily
15 returned to productive agricultural or horticultural use after the
16 event.
- 17 (3) A special occasion event that involves the service of
18 alcoholic beverages shall comply with all applicable State and local
19 laws, regulations, resolutions, and ordinances.
- 20 (4) (a) All applicable State and local laws, regulations,
21 resolutions, and ordinances including, but not limited to, those
22 concerning food safety, litter, noise, solid waste, traffic, and the
23 protection of public health and safety shall apply to the special
24 occasion event and all activities related thereto. To comply with
25 local laws, regulations, resolutions, and ordinances, the
26 municipality may ³require that an owner or operator of a
27 commercial farm located on preserved farmland submit an
28 application to the municipality for approval and may ³ designate an
29 office or agency of the municipality to review ³municipal³
30 applications for conducting special occasion events. A municipality
31 may require ³[an] a municipal³ application if the special occasion
32 event would:
- 33 (i) generate a parking or traffic flow situation that could
34 unreasonably interfere with the movement of normal traffic or
35 emergency vehicles or other organized group sharing similar
36 common purposes or goals proceeding in or upon any street, park,
37 or other public place within the municipality; or
- 38 (ii) require the expenditure of municipal resources or
39 inspections from agencies or authorities of the municipality.
- 40 (b) For ³[an] a municipal³ application submitted in accordance
41 with subparagraph (a) of this paragraph, the municipality shall not
42 charge an application fee of more than ²[\$200] \$50² . The
43 ³municipal³ application shall not require more information than an
44 identification of locations of where tents and other temporary
45 structures ³, sanitary facilities, parking, and access and egress³ will
46 be located for each event, where music will be played, the number
47 of expected guests, and other information that may be of public

1 concern and would be required of a similar event when conducted at
2 a public park or another public venue.

3 (5) ²(a)² No new permanent structures shall be constructed or
4 erected on preserved farmland for the purpose of holding a special
5 occasion event, and improvements to existing structures shall be
6 limited to the minimum required for the protection of health and
7 safety.

8 ³(b) No permanent structure constructed fewer than five years
9 prior to the date of application to the grantee to hold a special
10 occasion event pursuant to subsection c. of this section shall be used
11 for the purpose of holding the special occasion event.³

12 ³²(b) (c)³ The installation and use of tents, canopies,
13 umbrellas, tables, chairs, and other temporary structures on
14 preserved farmland for the purpose of holding special occasion
15 events shall be a permitted use provided that the tent, canopy,
16 umbrella, table, chairs, or other temporary structure conforms to all
17 applicable provisions of the State Uniform Construction Code and
18 Uniform Fire Code, which have been adopted by the Commissioner
19 of Community Affairs pursuant to P.L.1975, c.217 (C.52:27D-119,
20 et seq.) and P.L.1983, c.383 (C.52:27D-192 et seq.), respectively.
21 The permitted use of tents, canopies, umbrellas, tables, chairs, and
22 other temporary structures allowed by this subparagraph shall be
23 limited to the timeframe encompassing the first day of April
24 through November 30 of each year.

25 ³[(c)] (d)³ No public utilities, including gas or sewer lines, shall
26 be extended to the preserved farmland for the purpose of holding
27 special occasion events, except that electric and water service may
28 be extended to preserved farmland for the purpose of holding
29 special occasion events.²

30 (6) Parking at a special occasion event shall be provided through
31 the use of existing parking areas on the farm and curtilage
32 surrounding existing buildings to the extent possible. Additional
33 on-site areas required to provide temporary parking shall comply
34 with the standards for on-farm direct marketing facilities, activities,
35 and events adopted by the committee pursuant to the "Right to Farm
36 Act," P.L.1983, c.31 (C.4:1C-1 et seq.).

37 (7) The occupied area associated with a special occasion event
38 ²[, excluding parking areas,]² shall be no more than ²[15] the
39 lesser of 10 acres or 10² percent of the preserved farmland.

40 c. ²[Notwithstanding the provisions of this subsection to the
41 contrary, a municipality may adopt a municipal ordinance to
42 increase the number of, and allowable attendance at, special
43 occasion events.] A special occasion event shall not be held on
44 preserved farmland unless the ³[owner or operator of the
45 commercial farm] applicant³ obtains approval to hold special
46 occasion events, in writing from the grantee, prior to holding a
47 special occasion event. ³[An owner or operator shall only] If the

1 applicant is the operator, but not the owner, of the farm, then the
2 operator shall submit to the grantee a notarized affidavit from the
3 owner authorizing the application. Once approval is obtained from
4 the grantee, a permittee shall³ be required to submit an application
5 pursuant to this subsection ³not more than³ once ³annually³, and an
6 individual application shall not be required for each special
7 occasion event. ³【The application】

8 (1) A grantee whose approval is required for a special occasion
9 event to be held on preserved farmland shall develop an application
10 process by which an owner or operator of a commercial farm
11 located on preserved farmland may apply for approval. The
12 application shall, at a minimum, allow the grantee to determine:

13 (a) that the commercial farm located on the preserved farmland
14 produces agricultural or horticultural products worth \$10,000 or
15 more annually, and this may include an attestation that the
16 commercial farm located on the preserved farmland produces
17 agricultural or horticultural products worth \$10,000 or more
18 annually;

19 (b) the number of special occasion events to be held on the
20 commercial farm during the calendar year;

21 (c) the maximum attendance of the special occasion events;

22 (d) the acreage of the occupied area, as delineated on a map or
23 aerial photograph, to be used for the special occasion event; and

24 (e) whether the farm is in compliance with its farmland
25 preservation deed of easement.

26 (2) The grantee shall approve an application made pursuant to
27 this section upon a finding that the special occasion events on the
28 preserved farmland that are the subject of the application comply
29 with the requirements of this act and any rules and regulations
30 adopted by the committee to implement this act. The Grantee shall
31 forward a copy of its approval to the committee and to the board in
32 the county in which the preserved farmland is located.

33 (a) If the grantee is a qualifying tax exempt nonprofit
34 organization as defined pursuant to P.L.1999, c.152 (C.13:8C-3),
35 the grantee may approve, approve with conditions, or deny the
36 application submitted pursuant to this section.³ ³【shall not require
37 more information than an identification of locations of where tents
38 and other temporary structures will be located for each event, the
39 number of expected events, and the number of expected guests.】³

40 ³(b)³ If the grantee does not respond to a written request to hold
41 special occasion events within 90 days following receipt of a
42 request, then the request shall be deemed approved. ³【If the owner
43 or operator of the commercial farm】

44 (c) If the grantee denies an application made pursuant to this
45 section, the grantee shall provide a reason for the denial and an
46 opportunity for the applicant to reapply with an amended
47 application.

1 (3) An applicant shall annually certify to the grantee in a form
2 and manner to be prescribed by the grantee, information about the
3 special occasion events held in the prior calendar year that were
4 approved pursuant to this section, including, but not limited to, the
5 date, occasion, and approximate number of attendees of each event.
6 The grantee shall forward a copy of the certification to the
7 committee.³ ³[determines to refrain from holding any further
8 special occasion events on the preserved farm in the future, after
9 previously obtaining approval from the grantee pursuant to this
10 subsection, the owner or operator shall provide written notification
11 to the grantee of the decision to refrain from holding special
12 occasion events.]³

13 d.² A commercial farm shall not hold more than one special
14 occasion event with over ²[75] 100² guests per calendar day.
15 ²[Unless the number of permitted special occasion events, or the
16 number of permitted guests per special occasion event, or both, is
17 increased by municipal ordinance, the frequency and attendance of
18 special occasion events shall be limited as follows:

19 (1)² A commercial farm may hold 26 special occasion events
20 each calendar year, of which only six special occasion events may
21 have 250 guests or more in attendance at any time during the event.
22 ²[If all roads on the perimeter of a commercial farm have a speed
23 limit of 25 miles per hour or less, then the municipality, by
24 ordinance, may restrict the commercial farm to holding, no more
25 than two special occasion events per calendar year with 1,500
26 guests or more in attendance at any time during the event.

27 (2) No more than 15 of the special occasion events permitted
28 each calendar year shall be held indoors in a permanent structure, of
29 which only two special occasion events may have 250 guests or
30 more in attendance at any time during the event. A municipality
31 may further limit the number of special occasion events that may be
32 held indoors in a permanent structure to no more than seven special
33 occasion events, of which only one special occasion event may have
34 250 guests or more in attendance at any time during the event.
35 Events attended by fewer than 75 people shall not be considered
36 special occasion events for the purposes of indoor event limitations.
37 A winery shall not be restricted by special occasion event
38 limitations specific to indoor events, as provided by this paragraph,
39 but shall be restricted by paragraph (1) of this subsection.] A special
40 occasion event held by or for a nonprofit entity shall not count
41 against the limitations on events provided by this subsection if the
42 event has fewer than 100 guests and the ³permittee does not charge
43 for, and receives no fees or compensation for hosting the event,
44 other than for reimbursement of out-of-pocket expenses. The³
45 maximum reimbursement to the ³[owner or operator of the
46 commercial farm does] permittee shall³ not exceed \$1,000².

1 ²[d.] e.² A retail food establishment other than a temporary
 2 retail food establishment, as those terms are defined in the State
 3 Sanitary Code adopted pursuant to section 7 of P.L.1947, c.177
 4 (C.26:1A-7), shall not operate on a commercial farm in support of a
 5 special occasion event. The limitations of this subsection on the use
 6 of a retail food establishment shall not apply to ³[a special occasion
 7 event held by a winery or to]³ a retail food establishment based at
 8 the commercial farm.

9 ²[e.] f.² Nothing in P.L. , c. (C.) (pending before the
 10 Legislature as this bill), or the rules and regulations adopted by the
 11 committee pursuant to section 6 of P.L. , c. (C.) (pending
 12 before the Legislature as this bill), shall apply to any special
 13 occasion event that is not held, in whole or in part, on preserved
 14 farmland on a commercial farm ³, including, but not limited to,
 15 exception areas³.

16 ³[²f.] g.² With the exception of the requirements of P.L. ,
 17 c. (C.) (pending before the Legislature as this bill) related to
 18 the numerical limitations for special occasion events and the
 19 application of local laws, regulations, resolutions, and ordinances to
 20 special occasion events, along with any associated rules and
 21 regulations adopted by the committee pursuant to section 6 of
 22 P.L. , c. (C.) (pending before the Legislature as this bill),
 23 no other requirements of P.L. , c. (C.) (pending before the
 24 Legislature as this bill) shall apply to an exception area. For the
 25 purposes of P.L. , c. (C.) (pending before the Legislature as
 26 this bill), an exception area shall be considered a part of the
 27 preserved farmland, except that paragraph (5) of subsection b. of
 28 this section concerning the construction or erection of permanent
 29 structures shall not apply to an exception area.¹³

30
 31 ¹4. a. The ³[board] grantee and the committee³ shall have the
 32 right, without advance notice, to inspect a preserved farm on which
 33 special occasion events are held, upon presentation of appropriate
 34 credentials during normal business hours or during a special
 35 occasion event, in order to determine compliance with the
 36 provisions of P.L. , c. (C.) (pending before the Legislature
 37 as this bill).

38 b. ³[An owner or operator of a commercial farm] A permittee³
 39 engaged in conducting special occasion events on preserved
 40 farmland shall not be subjected to an inspection for any particular
 41 type of event authorized pursuant to P.L. , c. (C.) (pending
 42 before the Legislature as this bill) more than once per year ³[unless
 43 one or more] without good cause demonstrated by the grantee or
 44 committee.³ ³[additional inspection is prompted by a complaint
 45 concerning State and local laws, regulations, resolutions, and
 46 ordinances as described in paragraph (4) of subsection b. of section

1 3 of P.L. , c. (C.) (pending before the Legislature as this
 2 bill).¹³

3
 4 15. a. ³²If a grantee, a board, or the committee determines that
 5 an] A permittee who violates the provisions of this act shall be
 6 liable to a civil administrative penalty of up to \$1,000 for the first
 7 offense, up to \$2,500 for the second offense, or up to \$5,000 for a
 8 third and subsequent offense. Each day in which a violation occurs
 9 shall be considered a separate offense.³ ³[owner or operator of a
 10 commercial farm or winery has violated the provisions of P.L. ,
 11 c. (C.) (pending before the Legislature as this bill), the
 12 grantee, board, or committee, as applicable, shall request the
 13 municipality in which the preserved farmland is located to issue a
 14 summons, in the same form and manner as other summons are
 15 issued in the municipality, for a violation of P.L. , c. (C.)
 16 (pending before the Legislature as this bill) to the owner or
 17 operator.² An owner or operator of a commercial farm who violates
 18 the provisions of P.L. , c. (C.) (pending before the
 19 Legislature as this bill) shall be liable to a civil administrative
 20 penalty of up to \$500 for the first offense, up to \$2,500 for the
 21 second offense, or up to \$5,000 for a third and subsequent offense.
 22 Each day in which a violation occurs shall be considered a separate
 23 offense. ²[A board shall have the authority] If the board
 24 determines that an owner or operator of a commercial farm has
 25 violated the provisions of P.L. , c. (C.) (pending before the
 26 Legislature as this bill), the board shall authorize the municipality
 27 in which the commercial farm is located² to assess a civil
 28 administrative penalty against ²[a] the² commercial farm ²[located
 29 within the same county]² in accordance with this section. ²A
 30 summons pursuant to this subsection shall include the amount of the
 31 penalty to be assessed, and the duration of the suspension, if any,
 32 pursuant to subsection b. of this section, and be issued and enforced
 33 in the same manner as other municipal summons are issued and
 34 enforced. A penalty collected under the provisions of this section
 35 shall be paid into the treasury of the municipality in which the
 36 preserved farmland is located for the general uses of the
 37 municipality, provided that the municipality shall enter into a
 38 penalty division agreement with the board related to the penalties
 39 collected and shall transfer funds to the board as required by the
 40 penalty division agreement.²³

41 b. In addition to the penalties established pursuant to subsection
 42 a. of this section ³², the board shall authorize a municipality to²³:

43 (1) for a second offense ³the committee shall³, ²[the board
 44 shall]² suspend the ³[owner or operator of the commercial farm]
 45 permittee³ from holding special occasion events for a period of up
 46 to six months;

1 (2) for a third offense, ³the committee shall³ ²the board shall²
2 suspend the ³owner or operator of the commercial farm
3 permittee³ from holding special occasion events for a period of six
4 months up to one year; and

5 (3) for a fourth or subsequent offense, ³the committee shall³
6 ²the board shall² suspend the ³owner or operator of the
7 commercial farm] permittee³ from holding special occasion events
8 for a period of at least one year, or ²may² permanently suspend
9 the owner or operator of the commercial farm from holding special
10 occasion events.

11 c. ³No civil administrative penalty pursuant to subsection a. of
12 this section or penalty established in subsection b. of this section
13 shall be imposed pursuant to this section until after the permittee
14 has been notified of the alleged violation by certified mail or
15 personal service. The notice shall include:

16 (1) a reference to the section of the statute, regulation, order, or
17 condition alleged to have been violated;

18 (2) a concise statement of the facts alleged to constitute a
19 violation;

20 (3) a statement of the amount of the civil administrative penalty
21 that may be imposed and the duration of the suspension that may be
22 imposed, if any; and

23 (4) a statement of the right of the permittee to a hearing.

24 d. The permittee served with notice pursuant to subsection c. of
25 this section shall have 20 days after the receipt of the notice to
26 request in writing a hearing before the committee. The committee
27 may retain the matter for a hearing before the committee or transmit
28 the matter to the Office of Administrative Law in accordance with
29 the provisions of the “Administrative Procedure Act”, P.L.1968,
30 c.410 (C.52:14B-1 et seq.).

31 (1) If the hearing is conducted by the committee, the hearing
32 shall be conducted in accordance with relevant provisions of the
33 “Administrative Procedure Act”, P.L.1968, c.410 (C.52:14B-1 et
34 seq.) and regulations adopted pursuant thereto, and shall provide
35 opportunity for testimony from the municipality in which the
36 preserved farmland is located. After the hearing, if the committee
37 finds that a violation has occurred, the committee may issue a final
38 order assessing the amount of the civil administrative penalty set
39 forth in the notice and imposing the suspension, if any.

40 (2) If no hearing is requested, then the notice shall become a
41 final order 20 days after the date upon which the notice was served.
42 Payment of the civil administrative penalty shall be due, and
43 duration of the suspension, if any, shall begin, on the date when a
44 final order is issued or the notice becomes a final order. ³ ²No civil
45 administrative penalty pursuant to subsection a. of this section or
46 penalty established in subsection b. of this section shall be imposed
47 pursuant to this section until after the owner or operator of the

1 commercial farm has been notified of the alleged violation by
 2 certified mail or personal service. The notice shall include:

3 (1) a reference to the section of the statute, regulation, order, or
 4 condition alleged to have been violated;

5 (2) a concise statement of the facts alleged to constitute a
 6 violation;

7 (3) a statement of the amount of the civil administrative penalty
 8 that may be imposed and the duration of the suspension that may be
 9 imposed, if any; and

10 (4) a statement of the right of the owner or operator to a hearing.

11 d. The owner or operator served with notice pursuant to
 12 subsection c. of this section shall have 20 days after the receipt of
 13 the notice to request in writing a hearing before the board. After
 14 the hearing, if the board finds that a violation has occurred, the
 15 board may issue a final order assessing the amount of the civil
 16 administrative penalty set forth in the notice and imposing the
 17 suspension, if any. If no hearing is requested, then the notice shall
 18 become a final order 20 days after the date upon which the notice
 19 was served. Payment of the civil administrative penalty shall be
 20 due, and duration of the suspension, if any, shall begin, on the date
 21 when a final order is issued or the notice becomes a final order.

22 e. A civil administrative penalty imposed pursuant to this
 23 section may be collected, with costs, in a summary proceeding
 24 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,
 25 c.274 (C.2A:58-10 et seq.). The Superior Court and the municipal
 26 court shall have jurisdiction to enforce the provisions of the
 27 "Penalty Enforcement Law of 1999" in connection with P.L. ,
 28 c. (C.) (pending before the Legislature as this bill).

29 f.² ³ [The board shall notify the committee when it ² [suspends]
 30 authorizes the suspension of² an owner or operator of a commercial
 31 farm from holding special occasion events pursuant to subsection b.
 32 of this section.

33 ² [g.] d.² The enforcement responsibilities provided to the board
 34 pursuant to this section, and section 4 of P.L. , c. (C.)³

35 ³e. The committee shall notify, in writing, the grantee and the
 36 board in the county in which the preserved farmland is location
 37 when it suspends a permittee from holding special occasion events
 38 pursuant to subsection b. of this section.³

39 ³ [(pending before the Legislature as this bill), may be transferred to
 40 the committee by a majority vote of the members of the board.¹]³

41
 42 ¹6. ³Notwithstanding the provisions of the "Administrative
 43 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to the
 44 contrary, the committee may adopt, immediately upon filing with
 45 the Office of Administrative Law, such regulations as the
 46 committee deems necessary to implement the applicable provisions
 47 of this act, which shall be effective for a period not to exceed 12

1 months.³ The committee shall ³thereafter³ adopt, pursuant to the
 2 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
 3 seq.), rules and regulations to implement P.L. , c. (C.)
 4 (pending before the Legislature as this bill), including any rules and
 5 regulations necessary to determine compliance with the
 6 requirements of section 3 of P.L. , c. (C.) (pending before
 7 the Legislature as this bill). The rules and regulations adopted
 8 pursuant to this section shall ³[be no more restrictive than as
 9 specifically provided for in P.L. , c. (C.) (pending before
 10 the Legislature as this bill), and shall]³ provide forms, processes,
 11 and procedures that are the least burdensome as ³[may be] feasible
 12 and which are³ necessary to implement P.L. , c. (C.)
 13 (pending before the Legislature as this bill).¹ ³A grantee may accept
 14 applications pursuant to this act and approve applications for special
 15 occasion events that comply with the provisions of this act prior to the
 16 adoption of the rules required under this section. Upon adoption of
 17 rules and regulations pursuant to this section, all approvals pursuant to
 18 this act shall comply with the rules and regulations adopted by the
 19 committee.³

20
 21 17. a. ²[Rutgers, The State University] The committee² shall
 22 ²[conduct an ongoing study] report² on special occasion events as
 23 authorized by P.L. , c. (C.) (pending before the Legislature
 24 as this bill). ²[The committee, and the] ³[A² board ²[, shall]
 25 may²] All grantees shall³ provide ²[Rutgers, The State University]
 26 the committee² with data requested in relation to the ²[study]
 27 report² . The ²[study] report² shall include, but shall not be limited
 28 to, an exploration of the following:

29 (1) the number of commercial farms on which special occasion
 30 events are held;

31 (2) the number of guests, type, and frequency of events;

32 (3) the extent to which disputes are reported between:
 33 commercial farms and neighboring properties, commercial farms
 34 and municipalities, and commercial farms and the ³[board]
 35 grantee³ or committee;

36 (4) the frequency of violations of P.L. , c. (C.) (pending
 37 before the Legislature as this bill); and

38 (5) the frequency of unintended undesirable consequences of
 39 special occasion events, such as possible instances of the removal
 40 of land from active agricultural or horticultural production to host
 41 events.

42 b. ²[Rutgers, The State University] The committee² shall
 43 submit the initial ²[study] report² conducted pursuant to this
 44 section to the Governor and to the Legislature, pursuant to section 2
 45 of P.L.1991, c.164 (C.52:14-19.1), on or before the first day of the
 46 18th month next following the effective date of P.L. ,

1 c. (C.) (pending before the Legislature as this bill).
 2 Following submission of this initial ²[study, Rutgers, The State
 3 University] report, the committee² shall submit to the Governor and
 4 the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
 5 19.1):

6 (1) an update of the ²[study] report² on an annual basis; and
 7 (2) a ²revised² report, once every four years beginning after
 8 submission of the initial ²[study] report² , summarizing the
 9 successes and drawbacks of special occasion events, and
 10 recommending any administrative and legislative changes ²[.

11 c. The powers and responsibilities provided to Rutgers, The
 12 State University pursuant to this section, shall be specifically
 13 provided to the New Jersey Agricultural Experiment Station, unless
 14 another division of Rutgers, The State University is designated by
 15 the university as most appropriate]² .¹

16
 17 ²[^{18.} There is appropriated from the General Fund to Rutgers,
 18 The State University the sum of \$85,000 to effectuate the purposes
 19 of section 7 of this act.]²

20
 21 ²[^{19.} 8.² ³[With the exception of the application of this act to
 22 a] This act shall take effect immediately, except the authority of a
 23 municipality to require an application by a winery pursuant to
 24 paragraph (4) of subsection b. of section 3 of this act shall take
 25 effect on January 1, 2023.³ ³[winery ²[that has participated in the
 26 pilot program established pursuant to P.L.2014, c.16 (C.4:1C-32.7
 27 et seq.)]² , this act shall take effect upon the earlier of: the first day
 28 of the third month next following enactment; or the adoption of a
 29 municipal ordinance pursuant to paragraph (4) of subsection b. of
 30 section 3 of this act. For a winery ²[that has participated in the
 31 pilot program established pursuant to P.L.2014, c.16 (C.4:1C-32.7
 32 et seq.)]² , this act shall take effect ²immediately, except that the
 33 authority of a municipality to require an application by a winery
 34 pursuant to paragraph (4) of subsection b. of section 3 of this act
 35 shall take effect² on January 1, 2023 ²[, and the winery shall
 36 continue to use the approval process established for that pilot
 37 program until January 1, 2023]² .¹³

38
 39
 40
 41
 42 Authorizes special occasion events at certain commercial farms
 43 on preserved farmland, under certain conditions.

SENATE, No. 757

STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

Senator Ruiz

SYNOPSIS

Authorizes special occasion events at certain farms on preserved farmland, under certain conditions.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/7/2022)

1 AN ACT concerning special occasion events on preserved farmland
2 and supplementing Title 4 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. As used in this act:

8 "Board" means a county agriculture development board
9 established pursuant to section 7 of P.L.1983, c.32 (C.4:1C-14).

10 "Commercial farm" means the same as that term is defined in
11 section 3 of P.L.1983, c.31 (C.4:1C-3).

12 "Committee" means the State Agriculture Development
13 Committee established pursuant to section 4 of P.L.1983, c.31
14 (C.4:1C-4).

15 "Grantee" means the entity to which the development rights of a
16 preserved farm were conveyed pursuant to the provisions of section 24
17 of P.L.1983, c.32 (C.4:1C-31), section 5 of P.L.1988, c.4 (C.4:1C-
18 31.1), section 1 of P.L.1989, c.28 (C.4:1C-38), section 1 of P.L.1999,
19 c.180 (C.4:1C-43.1), sections 37 through 40 of P.L.1999, c.152
20 (C.13:8C-37 through C.13:8C-40), or any other State law enacted for
21 farmland preservation purposes. "Grantee" shall include all entities
22 which lawfully succeed to the rights and responsibilities of a grantee,
23 including, but not limited to, the grantee's successors and assigns.

24 "Occupied area" means any area supporting the activities and
25 infrastructure associated with a special occasion event including, but
26 not limited to: an area for parking, vendors, tables, equipment,
27 infrastructure, or sanitary facilities; an existing building; or a
28 temporary or portable structure.

29 "Preserved farmland" means land on which a development
30 easement was conveyed to, or retained by, the State Agriculture
31 Development Committee, a county agriculture development board, a
32 county, a municipality, or a qualifying tax exempt nonprofit
33 organization pursuant to the provisions of section 24 of P.L.1983, c.32
34 (C.4:1C-31), section 5 of P.L.1988, c.4 (C.4:1C-31.1), section 1 of
35 P.L.1989, c.28 (C.4:1C-38), section 1 of P.L.1999, c.180 (C.4:1C-
36 43.1), sections 37 through 40 of P.L.1999, c.152 (C.13:8C-37 through
37 C.13:8C-40), or any other State law enacted for farmland preservation
38 purposes.

39 "Special occasion event" means a wedding, lifetime milestone
40 event, or other cultural or social event conducted, in whole or in part,
41 on preserved farmland on a commercial farm. "Special occasion
42 event" shall not include:

43 (1) an activity which is eligible to receive right to farm benefits
44 pursuant to the "Right to Farm Act," P.L.1983, c.31 (C.4:1C-1 et seq.);

45 (2) a recreational use permitted pursuant to a farmland
46 preservation deed of easement; or

47 (3) a wedding held for:

1 (a) a spouse, parent, child, grandparent, grandchild, sibling, niece,
2 nephew, or cousin of the landowner of the commercial farm; or

3 (b) the operator or an employee of the commercial farm.
4

5 2. a. Notwithstanding any law, or any rule or regulation adopted
6 pursuant thereto, to the contrary, a person shall not hold a special
7 occasion event on preserved farmland without first obtaining approval
8 therefor from the grantee pursuant to section 3 of this act, and shall
9 hold the special occasion event in compliance with the requirements of
10 this section and the rules and regulations adopted by the committee
11 pursuant to section 6 of this act.

12 b. The owner or operator of a commercial farm located on
13 preserved farmland that produces agricultural or horticultural products
14 worth \$10,000 or more annually may hold special occasion events on
15 the farm. The special occasion event shall comply with the following
16 requirements:

17 (1) A special occasion event shall have a maximum duration of
18 two consecutive calendar days.

19 (2) A special occasion event shall not interfere with the use of the
20 preserved farmland for agricultural or horticultural production. The
21 special occasion event shall have minimal effects on the occupied area,
22 and shall be designed to protect the agricultural resources of the land
23 and ensure that the land can be readily returned to productive
24 agricultural or horticultural use after the event.

25 (3) A special occasion event that involves the service of alcoholic
26 beverages shall comply with all applicable State and local laws,
27 regulations, resolutions, and ordinances.

28 (4) All applicable State and local laws, regulations, resolutions,
29 and ordinances including, but not limited to, those concerning food
30 safety, litter, noise, solid waste, traffic, and the protection of public
31 health and safety shall apply to the special occasion event and all
32 activities related thereto.

33 (5) A special occasion event shall not cause a significant and direct
34 negative impact to any surrounding properties.

35 (6) No new structures shall be constructed or erected on preserved
36 farmland for the purpose of holding a special occasion event, and
37 improvements to existing structures shall be limited to the minimum
38 required for the protection of public health and safety;

39 (7) No structure constructed fewer than five years prior to the date
40 of an application pursuant to section 3 of this act to hold a special
41 occasion event shall be used for the purpose of holding the special
42 occasion event.

43 (8) No public utilities including water, gas, or sewer lines shall be
44 extended to the preserved farmland for the purpose of holding special
45 occasion events, except that electric service may be extended to
46 preserved farmland for the purpose of holding special occasion events.

47 (9) The occupied area associated with a special occasion event
48 shall be limited to the greater of:

- 1 (a) two and one-half acres, or
2 (b) five percent of the preserved farmland, up to a maximum of
3 five acres.
- 4 (10) Any temporary structures, including an enclosed or open
5 canopy or tent or other portable structure or facility, utilized for a
6 special occasion event shall be erected only for the minimum amount
7 of time reasonably necessary to accommodate the special occasion
8 event.
- 9 (11) Parking at a special occasion event shall be provided through
10 the use of existing parking areas on the farm and curtilage surrounding
11 existing buildings to the extent possible. Additional on-site areas
12 required to provide temporary parking shall comply with the standards
13 for on-farm direct marketing facilities, activities, and events adopted
14 by the committee pursuant to P.L.1983, c.31 (C.4:1C-1 et seq.).
- 15 c. (1) A special occasion event shall be conducted on a Friday,
16 Saturday, Sunday, or federal or State holiday, except that a special
17 occasion event may be conducted on another day with the approval of
18 the committee. The committee may delegate this authority to a
19 grantee.
- 20 (2) No commercial farm shall hold more than one special occasion
21 event per calendar day.
- 22 (3) A commercial farm that produces agricultural or horticultural
23 products worth between \$10,000 and \$100,000 annually may hold up
24 to a maximum of 15 special occasion events per calendar year, of
25 which two may have 250 guests or more in attendance at any time
26 during the event.
- 27 (4) A commercial farm that produces agricultural or horticultural
28 products worth \$100,000 or more annually may hold up to a maximum
29 of 26 special occasion events per calendar year, of which six may have
30 250 guests or more in attendance at any time during the event.
- 31 d. A retail food establishment other than a temporary retail food
32 establishment, as those terms are defined in the State Sanitary Code
33 adopted pursuant to section 7 of P.L.1947, c.177 (C.26:1A-7), shall not
34 operate on a commercial farm in support of a special occasion event.
- 35 e. Notwithstanding any law, or any rule or regulation adopted
36 pursuant thereto, to the contrary, a special occasion event during which
37 fewer than 250 people will be in attendance as guests at any time may
38 be held without a variance or site plan approval.
- 39
- 40 3. a. No person shall hold a special occasion event on preserved
41 farmland pursuant to this act unless the owner or operator of the
42 commercial farm applies to the grantee for approval pursuant to this
43 section; except that if the grantee is the owner of the preserved
44 farmland, the application shall be made to the committee for approval.
45 A grantee whose approval is required for a special occasion event to be
46 held on preserved farmland shall develop an application process by
47 which an owner or operator of a commercial farm located on preserved
48 farmland may apply for approval. The application shall, at a

1 minimum, allow the grantee, or committee, as applicable, to
2 determine:

3 (1) the annual value of agricultural or horticultural products
4 produced by the commercial farm;

5 (2) the number of special occasion events held on the commercial
6 farm during the calendar year;

7 (3) the maximum attendance of the special occasion event;

8 (4) the acreage of the occupied area, as delineated on a map or
9 aerial photograph, to be used for the special occasion event; and

10 (5) whether the farm is in compliance with its farmland
11 preservation deed of easement.

12 b. Upon request of the grantee, or committee, as applicable, the
13 owner or operator of the commercial farm shall provide evidence that
14 a proposed special occasion event on preserved farmland will be in
15 compliance with State and local laws as required in paragraphs (3) and
16 (4) of subsection b. of section 2 of this act. The grantee, or committee,
17 as applicable, may condition its approval upon receipt of evidence
18 from the municipality, county, or applicable State agency that the
19 event will comply with the provisions of paragraphs (3) and (4) of
20 subsection b. of section 2 of this act.

21 c. The grantee, or committee, as applicable, shall approve an
22 application made pursuant to this section upon a finding that the
23 special occasion events on the preserved farmland that are the subject
24 of the application are in compliance with the requirements of this act
25 and any rules and regulations adopted by the committee to implement
26 this act. The grantee shall forward a copy of its approval to the
27 committee and to the board in the county in which the preserved
28 farmland is located.

29 d. An applicant shall annually certify to the grantee or committee,
30 as applicable, in a form and manner to be prescribed by the grantee, or
31 committee, as applicable, information about the special occasion
32 events held in the prior calendar year that were approved pursuant to
33 this section, including, but not limited to, the date, occasion, and
34 approximate number of attendees of each event. The grantee shall
35 forward a copy of the certification to the committee.

36 e. Upon the effective date of this act, and prior to the adoption by
37 the committee of rules and regulations pursuant to section 6 of this act,
38 a grantee, or the committee, as applicable, may accept applications
39 pursuant to this section and approve applications for special occasion
40 events that comply with the provisions of this act. Upon the adoption
41 of rules and regulations pursuant to section 6 of this act, approvals
42 pursuant to this section shall also comply with the rules and
43 regulations adopted by the committee.

44
45 4. a. The committee and the grantee have the right, without
46 advance notice, to inspect a preserved farm that has received approval
47 from the grantee to hold one or more special occasion events, upon
48 presentation of appropriate credentials during normal business hours or

1 during a special occasion event, in order to determine compliance with
2 the provisions of this act.

3 b. The committee or the grantee may, upon reasonable cause,
4 order and specify the scope of an audit of the owner or operator of a
5 commercial farm engaged in conducting special occasion events on
6 preserved farmland for the purpose of determining compliance with
7 this act. The audit shall be conducted by an independent certified
8 public accountant approved by the committee, and the reasonable costs
9 thereof shall be paid by the owner or operator of the commercial farm.
10 The committee may establish a list of independent certified public
11 accountants approved for the purposes of conducting an audit pursuant
12 to this subsection. Copies of the audit shall be submitted to the
13 grantee, the committee, and the owner or operator of the commercial
14 farm.

15 c. An owner or operator of a commercial farm engaged in
16 conducting special occasion events on preserved farmland shall not be
17 subjected to an audit authorized pursuant to this section more than
18 once per year without good cause demonstrated by the grantee or the
19 committee.
20

21 5. a. An owner or operator of a commercial farm who violates
22 the provisions of this act shall be liable to a civil administrative
23 penalty of up to \$2,500 for the first offense, up to \$10,000 for the
24 second offense, or up to \$25,000 for a third and subsequent offense.
25 Each day in which a violation occurs shall be considered a separate
26 offense.

27 b. In addition to the penalties established pursuant to subsection a.
28 of this section:

29 (1) for a second offense, the committee shall suspend the owner or
30 operator of the commercial farm from holding special occasion events
31 for a period of up to six months;

32 (2) for a third offense, the committee shall suspend the owner or
33 operator of the commercial farm from holding special occasion events
34 for a period of six months up to one year; and

35 (3) for a fourth or subsequent offense, the committee shall
36 suspend the owner or operator of the commercial farm from holding
37 special occasion events for a period of at least one year, or may
38 permanently suspend the owner or operator of the commercial farm
39 from holding special occasion events.

40 c. No civil administrative penalty pursuant to subsection a. of this
41 section or penalty established in subsection b. of this section shall be
42 imposed pursuant to this section until after the owner or operator of the
43 commercial farm has been notified of the alleged violation by certified
44 mail or personal service. The notice shall include:

45 (1) a reference to the section of the statute, regulation, order, or
46 condition alleged to have been violated;

47 (2) a concise statement of the facts alleged to constitute a violation;

1 (3) a statement of the amount of the civil administrative penalty
2 that may be imposed and the duration of the suspension that may be
3 imposed, if any; and

4 (4) a statement of the right of the owner or operator to a hearing.

5 The owner or operator served with the notice shall have 20 days
6 after the receipt of the notice to request in writing a hearing before the
7 committee. After the hearing, if the committee finds that a violation
8 has occurred, the committee may issue a final order assessing the
9 amount of the civil administrative penalty set forth in the notice and
10 imposing the suspension, if any. If no hearing is requested, then the
11 notice shall become a final order 20 days after the date upon which the
12 notice was served. Payment of the civil administrative penalty shall be
13 due, and duration of the suspension, if any, shall begin, on the date
14 when a final order is issued or the notice becomes a final order.

15 A civil administrative penalty imposed pursuant to this section
16 may be collected, with costs, in a summary proceeding pursuant to the
17 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et
18 seq.). The Superior Court and the municipal court shall have
19 jurisdiction to enforce the provisions of the "Penalty Enforcement Law
20 of 1999" in connection with this act.

21 d. The committee shall notify, in writing, the board in the county
22 in which the preserved farmland is located and the applicable grantee
23 when it suspends an owner or operator of a commercial farm from
24 holding special occasion events pursuant to subsection b. of this
25 section.

26
27 6. The committee shall adopt, pursuant to the "Administrative
28 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
29 regulations to implement this act, including any rules and
30 regulations necessary to determine compliance with the
31 requirements of section 2 of this act.

32
33 7. a. The committee shall prepare a report annually on the
34 implementation of this act, and shall submit the report to the Governor,
35 and to the Legislature pursuant to section 2 of
36 P.L.1991, c.164 (C.52:14-19.1).

37 b. The report shall include:

38 (1) the number of preserved farms for which approvals to hold
39 special occasion events have been issued by grantees;

40 (2) the frequency, type, and size of special occasion events held;

41 (3) the extent to which municipalities, county agriculture
42 development boards, and qualifying tax exempt nonprofit
43 organizations that hold a development easement on preserved farmland
44 report problems associated with the holding of special occasion events;

45 (4) the number of audits that have been conducted pursuant to
46 section 4 of this act; and

47 (5) an accounting of penalties collected pursuant to section 5 of this
48 act.

1 8. This act shall take effect immediately.

2

3

4

STATEMENT

5

6 This bill would authorize commercial farms that are located on
7 preserved farmland, and that produce agricultural or horticultural
8 products worth \$10,000 or more annually, to hold special occasion
9 events, subject to certain conditions.

10 The bill would establish various restrictions on the special
11 occasion events. For example, under section 2 of the bill, a special
12 occasion event: (1) may not interfere with the use of the preserved
13 farmland for agricultural or horticultural production; (2) may not
14 cause a significant and direct negative impact to any surrounding
15 properties; (3) must be designed to protect the agricultural resources
16 of the land and ensure that the land can be readily returned to
17 productive agricultural or horticultural use after the event; (4) may
18 not violate any applicable State and local laws, regulations,
19 resolutions, and ordinances including those concerning alcohol,
20 food safety, litter, noise, solid waste, traffic, and the protection of
21 public health and safety; and (5) may not involve the construction
22 of any new structures or water or sewer utilities on the preserved
23 farmland.

24 Under the bill, a farm that produces agricultural or horticultural
25 products worth between \$10,000 and \$100,000 annually may hold
26 up to a maximum of 15 special occasion events per calendar year,
27 of which two may have 250 guests or more in attendance. A farm
28 that produces agricultural or horticultural products worth \$100,000
29 or more annually may hold up to a maximum of 26 special occasion
30 events per calendar year, of which six may have 250 guests or more
31 in attendance.

32 The bill would require the owner or operator of the commercial
33 farm to apply to the grantee of the farm, i.e. the entity to which the
34 development rights of the farm have been transferred, for approval
35 prior to holding a special occasion event. In cases where the
36 grantee is also the owner of the preserved farmland, the owner
37 would apply to the State Agriculture Development Committee
38 (SADC) for approval. The bill directs grantees to develop an
39 application process for this purpose. Furthermore, the bill imposes
40 certain minimum requirements on this application. For example, it
41 requires the application to allow the grantee or the SADC as
42 applicable, to determine the value of agricultural goods produced by
43 the farm, the number of special occasion events already held on the
44 farm that year, and the area of the preserved farmland to be used for
45 the special occasion event. The bill would authorize a grantee or
46 the SADC, as applicable, upon the effective date of the bill, and
47 prior to the adoption by the SADC of rules and regulations pursuant
48 to section 6 of the bill, to accept applications under the bill and

1 approve applications for special occasion events that comply with
2 the provisions of the bill. Upon the adoption of rules and
3 regulations by the SADC under the bill, applications and approvals
4 would also be required to comply with those rules and regulations.

5 The bill would also allow the SADC and the appropriate grantee
6 to inspect a commercial farm that has received approval for a
7 special occasion event, without prior notice, in order to verify that it
8 is in compliance with the bill's provisions. In addition, the bill
9 would allow the SADC or the grantee, upon reasonable cause, to
10 order an audit of a farm to verify that it is in compliance with the
11 bill's provisions.

12 Under the bill, an owner or operator of a commercial farm who
13 violates the bill's provisions would be subject to a civil
14 administrative penalty of up to \$2,500 for the first offense, up to
15 \$10,000 for the second offense, or up to \$25,000 for a third and
16 subsequent offense. In addition, an owner or operator who
17 repeatedly violates the bill's provisions would be prohibited from
18 holding special occasion events on the preserved farm for a period
19 of time that increases along with the number of violations.

20 Finally, the bill would require the SADC to submit an annual
21 report to the Governor and the Legislature that includes the number
22 of special occasion events held that year, the number of audits
23 conducted, the amount of penalties collected, and a description of
24 any problems associated with the holding of special occasion events
25 reported by municipalities, county agriculture development boards,
26 and nonprofit organizations that are grantees. The bill would
27 require the SADC to adopt rules and regulations to implement the
28 provisions of the bill.

ASSEMBLY AGRICULTURE AND FOOD SECURITY
COMMITTEE

STATEMENT TO

SENATE, No. 757

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 21, 2022

The Assembly Agriculture and Food Security Committee reports favorably Senate Bill No. 757, with committee amendments.

As amended, this bill would authorize certain commercial farms, as specified in the bill, that are located on preserved farmland, and produce agricultural or horticultural products worth \$10,000 or more annually, to hold special occasion events, subject to certain conditions.

The bill would establish various restrictions on the special occasion events. The size and frequency of special occasion events would be limited as described below, except that a municipality may increase the allowable frequency and size of indoor and outdoor special occasion events by municipal ordinance. The bill would authorize a commercial farm to hold up to 26 special occasion events each calendar year, of which only six events may have 250 guests or more in attendance at any time during the event. An event would be considered as a single special occasion event even if the event lasts for more than one day, provided the event is marketed as a single event, occurs only on consecutive days, and does not last for more than two days. If all roads on the perimeter of a commercial farm have a speed limit of 25 miles per hour or less, then the municipality may restrict the commercial farm to holding no more than two special occasion events per year with 1,500 guests or more.

The bill prohibits more than 15 of the special occasion events each calendar year from being held in a permanent structure, of which only two may have 250 guests or more in attendance at any time during the event. A municipality may further limit the number of special occasion events that may be held indoors in a permanent structure to no more than seven special occasion events, of which only one may have 250 guests or more. However, events attended by fewer than 75 people would not be considered special occasion events for the purposes of indoor event limitations. A winery would not be restricted by special occasion event limitations specific to indoor events.

Under the bill, a municipality may adopt a municipal ordinance to increase the number of, and allowable attendance at, special occasion events. However, a commercial farm would not be authorized to hold

more than one special occasion event with over 75 guests per calendar day.

The bill would also authorize a municipality to restrict a commercial farm from conducting special occasion events unless the farm receives approval from a municipal officer or agency, to be designated by ordinance of the municipal governing body. A municipality may require an application if the special occasion event would generate a parking or traffic flow situation that could unreasonably interfere with the movement of normal traffic or emergency vehicles or other organized group sharing similar common purposes or goals proceeding in or upon any street, park or other public place within the municipality, or require the expenditure of municipal resources or inspections from agencies or authorities of the municipality. The bill would limit the application fee to no more than \$200, and would provide that the application be limited to an identification of locations of where tents and other temporary structures would be located, where music will be played, the number of expected guests, and other information that may be of public concern and would be required as a condition of approval of a similar event when conducted at a public park or another public venue.

Under section 3 of the bill, a special occasion event: (1) is required to be designed to ensure that the land can be readily returned to productive agricultural or horticultural use after the event; and (2) may not violate any applicable State and local laws, regulations, resolutions, and ordinances including those concerning alcohol, food safety, litter, noise, solid waste, traffic, and the protection of public health and safety.

With the exception of the requirements in the bill related to the numerical limitations for special occasion events and the application of local laws, regulations, resolutions, and ordinances to special occasion events, along with any associated rules and regulations adopted by the committee pursuant to section 6 of the bill, no other requirements in the bill would apply to any special occasion event held on land that is part of an exception area. For the purposes of this bill, an exception area shall be considered a part of the preserved farmland, except that the provisions in subsection b. of section 3 concerning the construction or erection of permanent structures would not apply to an exception area.

The bill would also allow a county agriculture development board (CADB) to inspect preserved farms on which special occasion events are held, upon presentation of appropriate credentials during normal business hours or during a special occasion event, in order to determine compliance with the bill's provisions. The bill authorizes CADB inspections to occur once annually unless complaints necessitate additional inspections.

Under the bill, an owner or operator of a commercial farm who violates the bill's provisions would be subject to a civil administrative

penalty of up to \$500 for the first offense, up to \$2,500 for the second offense, or up to \$5,000 for a third and subsequent offense. In addition, an owner or operator who repeatedly violates the bill's provisions would be prohibited from holding special occasion events on the preserved farm for a period of time that increases along with the number of violations. Enforcement and inspection responsibilities under the bill would be provided to the CADB, unless the CADB transfers these responsibilities to the State Agriculture Development Committee (SADC) by a majority vote of the members.

The bill would require Rutgers, The State University to conduct an ongoing study on special occasion events on preserved farmland, and periodically report to the Governor and the Legislature on the results of the study.

The bill would appropriate \$85,000 from the General Fund to Rutgers, The State University, for the purposes of the study.

With the exception of the application of the bill to certain wineries, the bill would take effect upon the earlier of: the first day of the third month following enactment; or the adoption of a municipal ordinance designating an appropriate municipal agency to administer special occasion event approval. For a winery that has participated in the special occasion event pilot program, the bill would take effect on January 1, 2023, and the winery would continue to use the approval process established for the pilot program until January 1, 2023 thereby temporarily continuing approval processes used in association with the pilot program for these wineries.

COMMITTEE AMENDMENTS

The committee amendments to this bill make the following changes:

- Add a findings and declarations section;
- Limit the definition of “commercial farm” to exclude those farms under the bill when the farm’s farmland assessment is based entirely on the farm having a woodland management plan;
- Define “exception areas,” and clarify that these areas, identified in, but unencumbered by deeds or easement, would be considered part of any preserved farmland for the purposes of the bill, except for the application of the certain construction restrictions;
- Remove an express restriction on the amount of time a temporary structure may be erected for a special occasion event;
- Remove certain express restrictions on the effects of an event on agricultural production and on surrounding properties, but limit the permitted occupied area of a special occasion event to no more than 15 percent of the preserved farmland;

- Remove an express limitation on the extension of utility service for special occasion event purposes, and remove certain other restrictions set forth in section 2 of the bill concerning conditions for holding special occasion events;
- Modify various restrictions on the number, size, and duration of special occasion events that may be held annually, removing certain connections between the number and size of permitted events and the farming-related income of the farm;
- Establish various new restrictions on the number and size of different types of special occasion events, including a prohibition on hosting more than 26 events per year, but authorize municipalities to ease, or in some cases enhance, the restrictions;
- Provide that a municipality may not authorize a commercial farm to hold more than one special occasion event with over 75 guests per calendar day;
- Define a “winery,” and provide that, except for wineries, no more than 15 of the special occasion events permitted each year may be held indoors, of which only two events may have 250 guests or more;
- Provide that a municipality may prohibit a commercial farm from holding more than two special occasion events per calendar year with 1,500 guests or more, if all roads surrounding the farm have a speed limit of 25 miles per hour or less;
- Remove application requirements as conditions for hosting special occasion events, except that a municipality may require application to a municipal agency, with certain limitations;
- Remove the requirement to have the grantee of the development rights of the preserved farm provide approval for the holding of a special occasion event and delete the definition of the term “grantee”;
- Provide the CADB of each county with inspection and enforcement responsibilities, unless the CADB transfers these responsibilities to SADC;
- Limit the potential administrative penalties to a maximum of \$500 for the first offense, up to \$2,500 for the second offense, or up to \$5,000 for a third and subsequent offense;
- Establish limitations on the extent of regulatory discretion of SADC and delete the authority of the committee to require audits concerning special occasion events;
- Provide Rutgers University with responsibilities to conduct an ongoing study on special occasion events;
- Appropriate \$85,000 from the General Fund to Rutgers University for the study; and
- Establish a delayed effective date, except that for wineries, the bill would take effect January 1, 2023, and the winery would

continue to use the approval process established for the special occasion event pilot program until January 1, 2023.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

SENATE, No. 757

STATE OF NEW JERSEY

DATED: FEBRUARY 10, 2022

The Senate Economic Growth Committee reports favorably Senate Bill No. 757.

As reported, this bill authorizes certain commercial farms that are located on preserved farmland to hold special occasion events, subject to certain conditions. Under the bill, a farm that produces agricultural or horticultural products worth between \$10,000 and \$100,000 annually may hold up to a maximum of 15 special occasion events per calendar year, of which two may have 250 guests or more in attendance. A farm that produces agricultural or horticultural products worth \$100,000 or more annually may hold up to a maximum of 26 special occasion events per calendar year, of which six may have 250 guests or more in attendance.

The bill establishes various restrictions on the special occasion events. Under the the bill, a special occasion event is required to: (1) not interfere with the use of the preserved farmland for agricultural or horticultural production; (2) not cause a significant and direct negative impact to any surrounding properties; (3) be designed to protect the agricultural resources of the land and ensure that the land can be readily returned to productive agricultural or horticultural use after the event; (4) not violate any applicable State and local laws, regulations, resolutions, and ordinances, including those concerning alcohol, food safety, litter, noise, solid waste, traffic, and the protection of public health and safety; and (5) not involve the construction of any new structures or water or sewer utilities on the preserved farmland.

The bill requires the owner or operator of the commercial farm to apply to the grantee of the farm, which means the entity to which the development rights of the farm were conveyed pursuant to the “Right to Farm Act,” or other applicable law, for approval prior to holding a special occasion event. In cases where the grantee is also the owner of the preserved farmland, the owner is required to apply to the State Agriculture Development Committee (SADC) for approval.

The bill directs grantees to develop an application process for the approval to hold special events. The bill imposes certain minimum requirements on this application, which include allowing the grantee or the SADC, as applicable, to determine the value of agricultural goods produced by the farm, the number of special occasion events already held on the farm that year, and the area of the preserved farmland to be used for the special occasion event.

The bill authorizes a grantee or the SADC, as applicable, upon the effective date of the bill, and prior to the adoption by the SADC of rules and regulations, to accept applications under the bill and approve applications for special occasion events that comply with the provisions of the bill. Upon the adoption of rules and regulations by the SADC pursuant to the bill, applications and approvals are required to comply with those rules and regulations.

The bill also allows the SADC and the appropriate grantee to inspect a commercial farm that has received approval for a special occasion event, without prior notice, in order to verify that it is in compliance with the bill's provisions. In addition, the bill allows the SADC or the grantee, upon reasonable cause, to order an audit of a farm to verify that it is in compliance with the bill's provisions.

Under the bill, an owner or operator of a commercial farm who violates the bill's provisions is subject to a civil administrative penalty of up to \$2,500 for the first offense, up to \$10,000 for the second offense, or up to \$25,000 for a third and subsequent offense. In addition, an owner or operator who repeatedly violates the bill's provisions may be prohibited from holding special occasion events on the preserved farm for a period of time that increases in accordance the number of violations.

Finally, the bill requires the SADC to submit an annual report to the Governor and the Legislature that includes the number of special occasion events held that year, the number of audits conducted, the amount of penalties collected, and a description of any problems associated with the holding of special occasion events reported by municipalities, county agriculture development boards, and nonprofit organizations that are grantees. The bill requires the SADC to adopt rules and regulations to implement the provisions of the bill.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 757

STATE OF NEW JERSEY

DATED: FEBRUARY 28, 2022

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 757.

This bill authorizes certain commercial farms that are located on preserved farmland to hold special occasion events, subject to certain conditions. Under the bill, a farm that produces agricultural or horticultural products worth between \$10,000 and \$100,000 annually may hold up to a maximum of 15 special occasion events per calendar year, of which two may have 250 guests or more in attendance. A farm that produces agricultural or horticultural products worth \$100,000 or more annually may hold up to a maximum of 26 special occasion events per calendar year, of which six may have 250 guests or more in attendance.

The bill establishes various restrictions on the special occasion events. Under the bill, a special occasion event is required to: (1) not interfere with the use of the preserved farmland for agricultural or horticultural production; (2) not cause a significant and direct negative impact to any surrounding properties; (3) be designed to protect the agricultural resources of the land and ensure that the land can be readily returned to productive agricultural or horticultural use after the event; (4) not violate any applicable State and local laws, regulations, resolutions, and ordinances, including those concerning alcohol, food safety, litter, noise, solid waste, traffic, and the protection of public health and safety; and (5) not involve the construction of any new structures or water or sewer utilities on the preserved farmland.

The bill requires the owner or operator of the commercial farm to apply to the grantee of the farm, which means the entity to which the development rights of the farm were conveyed pursuant to the "Right to Farm Act," or other applicable law, for approval prior to holding a special occasion event. In cases where the grantee is also the owner of the preserved farmland, the owner is required to apply to the State Agriculture Development Committee (SADC) for approval.

The bill directs grantees to develop an application process for the approval to hold special events. The bill imposes certain minimum requirements on this application, which include allowing the grantee or the SADC, as applicable, to determine the value of agricultural goods produced by the farm, the number of special occasion events already held on the farm that year, and the area of the preserved farmland to be used for the special occasion event.

The bill authorizes a grantee or the SADC, as applicable, upon the effective date of the bill, and prior to the adoption by the SADC of rules and regulations, to accept applications under the bill and approve applications for special occasion events that comply with the provisions of the bill. Upon the adoption of rules and regulations by the SADC pursuant to the bill, applications and approvals are required to comply with those rules and regulations.

The bill also allows the SADC and the appropriate grantee to inspect a commercial farm that has received approval for a special occasion event, without prior notice, in order to verify that it is in compliance with the bill's provisions. In addition, the bill allows the SADC or the grantee, upon reasonable cause, to order an audit of a farm to verify that it is in compliance with the bill's provisions.

Under the bill, an owner or operator of a commercial farm who violates the bill's provisions is subject to a civil administrative penalty of up to \$2,500 for the first offense, up to \$10,000 for the second offense, or up to \$25,000 for a third and subsequent offense. In addition, an owner or operator who repeatedly violates the bill's provisions may be prohibited from holding special occasion events on the preserved farm for a period of time that increases in accordance the number of violations.

Finally, the bill requires the SADC to submit an annual report to the Governor and the Legislature that includes the number of special occasion events held that year, the number of audits conducted, the amount of penalties collected, and a description of any problems associated with the holding of special occasion events reported by municipalities, county agriculture development boards, and nonprofit organizations that are grantees. The bill requires the SADC to adopt rules and regulations to implement the provisions of the bill.

FISCAL IMPACT:

The Office of Legislative Services estimates that the bill will result in an annual State cost increase of approximately \$120,788 based on an informal salary estimate provided by the Administration. Annual county and municipal expenditures are also likely to increase by a marginal amount.

The bill requires counties and municipalities that hold the development rights on preserved farmland to develop an application process by which persons can apply to hold special occasion events, to review applications that they receive, and to forward information about the applications annually to the State Agricultural Development Committee (SADC). These tasks can likely be subsumed within existing staff by some counties and municipalities, although those in which there are many farms that have been preserved may need to hire additional personnel to review the applications.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 757
STATE OF NEW JERSEY
220th LEGISLATURE

DATED: FEBRUARY 22, 2022

SUMMARY

- Synopsis:** Authorizes special occasion events at certain farms on preserved farmland, under certain conditions.
- Type of Impact:** Annual increase in State and local expenditures.
- Agencies Affected:** State Agriculture Development Committee, county agriculture development boards, certain counties and municipalities.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Expenditure Increase		Approximately \$120,788	
Local Expenditure Increase		Indeterminate	

- The Office of Legislative Services (OLS) estimates that the bill will result in an annual State cost increase of approximately \$120,788 based on an informal salary estimate provided by the Administration. Annual county and municipal expenditures are also likely to increase by a marginal amount.
- The bill requires counties and municipalities that hold the development rights on preserved farmland to develop an application process by which persons can apply to hold special occasion events, to review applications that they receive, and to forward information about the applications annually to the State Agricultural Development Committee (SADC). These tasks can likely be subsumed within existing staff by some counties and municipalities, although those in which there are many farms that have been preserved may need to hire additional personnel to review the applications.

BILL DESCRIPTION

This bill would authorize commercial farms that are located on preserved farmland, and that produce agricultural or horticultural products worth \$10,000 or more annually, to hold special occasion events, subject to certain conditions.

The bill would require the owner or operator of the commercial farm to apply to the grantee of the farm, i.e. the entity to which the development rights of the farm have been transferred, for

approval prior to holding a special occasion event. In cases where the grantee is also the owner of the preserved farmland, the owner would apply to the SADC for approval. The bill directs grantees to develop an application process for this purpose.

The bill would also allow the SADC and the appropriate grantee to inspect a commercial farm that has received approval for a special occasion event, without prior notice, in order to verify that it is in compliance with the bill's provisions. In addition, the bill would allow the SADC or the grantee, upon reasonable cause, to order an audit of a farm to verify that it is in compliance with the bill's provisions.

Under the bill, an owner or operator of a commercial farm who violates the bill's provisions would be subject to a civil administrative penalty of up to \$2,500 for the first offense, up to \$10,000 for the second offense, or up to \$25,000 for a third and subsequent offense. In addition, an owner or operator who repeatedly violates the bill's provisions would be prohibited from holding special occasion events on the preserved farm for a period of time that increases along with the number of violations.

Finally, the bill would require the SADC to submit an annual report to the Governor and the Legislature that includes the number of special occasion events held that year, the number of audits conducted, the amount of penalties collected, and a description of any problems associated with the holding of special occasion events reported by municipalities, county agricultural development boards (CADBs), and nonprofit organizations that are grantees. The bill would require the SADC to adopt rules and regulations to implement the provisions of the bill.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Executive has not submitted a formal fiscal note for this bill. However, the SADC has informed the OLS that it estimates that one new full-time employee will be required to appropriately manage the new workload. The SADC estimates the new staff member would receive a salary of approximately \$75,000 plus benefits.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that the bill will result in an annual State cost increase of approximately \$120,788 based on an informal salary estimate provided by the Administration. Annual county and municipal expenditures are also likely to increase by a marginal amount. The bill imposes additional administrative tasks on the SADC, CADBs, and certain counties and municipalities. For example, the bill requires the SADC to review certain applications for holding special occasion events, to compile and submit annual reports to the Governor and the Legislature, and to adopt rules and regulations to implement the bill's provisions. The latter administrative burden will likely be mitigated by the fact that the SADC has adopted rules to implement a similar program, namely the pilot program to allow special occasion events at wineries on preserved farmland. As noted above, the SADC estimates that it will require one additional staff member at a yearly salary of approximately \$75,000 plus benefits to handle the additional administrative tasks imposed by the bill. Inclusive of benefits and employer taxes, the OLS calculates that the annual cost to the SADC to be \$120,788. The bill also provides for the SADC to enforce the bill's provisions, and it gives the SADC and certain counties and municipalities the authority to inspect farms that have applied to hold special occasion events for compliance with the bill's provisions. However, the additional

resources or personnel utilized for enforcement and inspection is discretionary and may vary from year to year.

The bill requires counties and municipalities that hold the development rights of preserved farmland to develop an application process by which persons can apply to hold special occasion events, to review applications that they receive, and to forward information about the applications annually to the SADC. These tasks can likely be subsumed within existing staff by some counties and municipalities, although those in which there are many preserved farms may need to hire additional personnel to review the applications. Finally, to the extent that the special occasion events authorized by the bill would require local enforcement of municipal ordinances, there may be a marginal increase in municipal expenditures. There may also be marginal recurring revenue gains from the civil administrative penalties associated with the bill.

Section: Environment, Agriculture, Energy, and Natural Resources

*Analyst: Eric Hansen
Associate Research Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 757

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: MARCH 28, 2022

SUMMARY

- Synopsis:** Authorizes special occasion events at certain commercial farms on preserved farmland, under certain conditions; appropriates \$85,000.
- Type of Impact:** Annual State expenditure increase; annual local expenditure and revenue increases.
- Agencies Affected:** State Agriculture Development Committee; Rutgers, The State University of New Jersey; municipalities; county agriculture development boards.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Expenditure Increase	Indeterminate
Local Expenditure Increase	Indeterminate
Local Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) determines that this bill would result in an indeterminate annual expenditure increase by municipalities, particularly municipalities that contain many preserved farms. Municipalities are authorized by the bill, but not required, to adopt ordinances related to special occasion events and to require applications for certain special occasion events. Doing so would increase the administrative workload on the municipal government, but these tasks could likely be subsumed by current staff using existing resources.
- Municipalities that choose to require applications for special occasion events could see marginal revenue increases from the application fees. The OLS notes that the amount of these fees is limited to \$200.
- The bill would also authorize county agriculture development boards (CADBs) to inspect farms and enforce the bill's provisions. The OLS cannot predict how much of an administrative burden this would place on CADBs, because it is unclear how many preserved farms will violate the bill's provisions. The OLS notes that CADBs can delegate their enforcement

responsibilities to the State Agriculture Development Committee (SADC) by a majority vote of the board, thus shifting this expenditure increase from the county to the State.

BILL DESCRIPTION

The bill authorizes certain commercial farms that are located on preserved farmland, and produce agricultural or horticultural products worth \$10,000 or more annually, to hold special occasion events, subject to certain conditions. The bill authorizes municipalities to pass ordinances to modify the number and size of different types of allowable special occasion events.

The bill would also authorize a municipality to restrict a commercial farm from conducting special occasion events unless the farm receives approval from a municipal officer or agency, to be designated by ordinance of the municipal governing body. A municipality may require an application if the special occasion event would generate a parking or traffic flow situation, or require the expenditure of municipal resources or inspections from agencies or authorities of the municipality. The bill would limit the application fee to no more than \$200.

The bill would also allow a CADB to inspect preserved farms on which special occasion events are held in order to determine compliance with the bill's provisions. The bill authorizes CADB inspections to occur once annually unless complaints necessitate additional inspections. An owner or operator of a commercial farm who violates the bill's provisions would be subject to a civil administrative penalty of up to \$500 for the first offense, up to \$2,500 for the second offense, or up to \$5,000 for a third and subsequent offense. Enforcement and inspection responsibilities under the bill would be provided to the CADB, unless the CADB transfers these responsibilities to the SADC by a majority vote of the members.

The bill would require the SADC to adopt rules and regulations to implement the provisions of the bill and to provide certain forms, processes, and procedures as necessary to implement the bill. The bill would also require Rutgers to conduct an ongoing study of special occasion events on preserved farmland and periodically report to the Governor and the Legislature on the results of the study. The bill would appropriate \$85,000 from the General Fund to Rutgers for the purposes of the study.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that this bill would result in an indeterminate annual expenditure increase by municipalities, particularly municipalities that contain many preserved farms. Municipalities are authorized by the bill, but not required, to adopt ordinances related to special occasion events and to require applications for certain special occasion events. Doing so would increase the administrative workload on the municipal government, but these tasks could likely be subsumed by current staff using existing resources. In addition, to the extent that the special occasion events authorized by the bill would require local enforcement of municipal ordinances, there may be a marginal increase in municipal expenditures. Municipalities that choose to require applications for certain special occasion events could see marginal revenue increases from the application fees,

depending on how many farms choose to hold events for which applications are required. The OLS notes that the bill places conditions on a municipality's authority to require an application and the information that may be requested, and limits the amount of the application fee to \$200.

The bill would also authorize CADBs to inspect farms and enforce the bill's provisions. The OLS cannot predict how much additional administrative workload this would place on CADBs because it is unclear how many preserved farms will violate the bill's provisions or how many complaints may be filed that would necessitate inspections. The OLS notes that CADBs can delegate their enforcement responsibilities to the SADC by a majority vote of the board, thus shifting any expenditure increase from the county to the State. There may also be marginal recurring revenue gains from the civil administrative penalties associated with the bill, which may accrue to the county or the State, depending on whether the relevant CADB delegated its enforcement authority to the SADC.

The bill may also result in a one-time marginal State expenditure increase, since it would require the SADC to adopt rules and regulations and publish other materials to implement the bill. However, these tasks can likely be subsumed within existing staff duties. Finally, Rutgers may see a marginal annual expenditure increase as a result of the bill, since it is required to conduct an ongoing study of the special occasion events authorized by the bill and to provide periodic reports to the Legislature. The OLS notes that the bill appropriates \$85,000 to Rutgers for this purpose.

Section: Environment, Agriculture, Energy, and Natural Resources

*Analyst: Eric Hansen
Associate Research Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[Third Reprint]

SENATE, No. 757

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: OCTOBER 6, 2022

SUMMARY

- Synopsis:** Authorizes special occasion events at certain commercial farms on preserved farmland, under certain conditions.
- Type of Impact:** Annual State expenditure increase; annual local expenditure and revenue increases.
- Agencies Affected:** State Agriculture Development Committee; municipalities; counties; Office of Administrative Law.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Expenditure Increase	Indeterminate
Local Expenditure Increase	Indeterminate
Local Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) determines that this bill would result in an indeterminate annual expenditure increase by municipalities, particularly municipalities that contain many preserved farms. Municipalities are authorized by the bill, but not obligated, to require applications for certain special occasion events. Doing so would increase the administrative workload on the municipal government, but these tasks could likely be subsumed by current staff using existing resources.
- Municipalities that choose to require applications for special occasion events could see marginal revenue increases from the application fees. The OLS notes that the amount of these fees is limited to \$50.
- The bill would require the grantee of a farm's development rights – which may include the State Agriculture Development Committee (SADC), a county, a municipality, or a nonprofit organization – to review applications for a farm to hold special occasion events during a calendar year. This would increase the administrative workload of grantees, in varying amounts based on the number of development easements held by the grantee. The OLS notes that the bill does not require farms to apply for each special occasion event individually, mitigating the amount of administrative workload added to grantees by the bill.

- The bill would also authorize the grantee of a farm's development rights to inspect a farm on which special occasion events are held. In addition, the bill would require the SADC and the Office of Administrative Law (OAL) to enforce the bill's provisions. The OLS cannot predict the fiscal impact of these provisions, because it is unclear how many grantees will choose to inspect farms and how many enforcement actions will result from such inspections, or from other sources.

BILL DESCRIPTION

The bill authorizes certain commercial farms that are located on preserved farmland, and produce agricultural or horticultural products worth \$10,000 or more annually, to hold special occasion events, subject to certain conditions. The bill would require the farm to receive approval from the grantee of the preserved farm's development rights to hold special occasion events during the year. The bill would also authorize a municipality to require a municipal application for a special occasion event, if the special occasion event would generate a parking or traffic flow situation, or require the expenditure of municipal resources or inspections from agencies or authorities of the municipality. The bill would limit the application fee to no more than \$50.

The bill would also allow a grantee to inspect preserved farms on which special occasion events are held in order to determine compliance with the bill's provisions. The bill authorizes such inspections to occur once annually without good cause demonstrated by the grantee or the SADC. An owner or operator of a commercial farm who violates the bill's provisions would be subject to a civil administrative penalty of up to \$1,000 for the first offense, up to \$2,500 for the second offense, or up to \$5,000 for a third and subsequent offense. Enforcement responsibilities under the bill would be provided to the SADC. However, the SADC would be authorized to transmit an enforcement hearing to the OAL in accordance with the provisions of the Administrative Procedure Act.

The bill would require the SADC to adopt rules and regulations to implement the provisions of the bill and to provide certain forms, processes, and procedures as necessary to implement the bill. Finally, the bill would require the SADC to periodically report to the Governor and the Legislature on the special occasion events authorized by the bill.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that this bill would result in an indeterminate annual expenditure increase by municipalities, particularly municipalities that contain many preserved farms. Municipalities are authorized by the bill, but not obligated, to require applications for certain special occasion events. Doing so would increase the administrative workload on the municipal government, but these tasks could likely be subsumed by current staff using existing resources. In addition, to the extent that the special occasion events authorized by the bill would require local enforcement of municipal ordinances, there may be a marginal annual increase in municipal expenditures.

Municipalities that choose to require applications for certain special occasion events could see marginal revenue increases from the application fees, depending on how many farms choose to hold events for which applications are required. The OLS notes that the bill places conditions on a municipality's authority to require an application and the information that may be requested, and limits the amount of the application fee to \$50.

The bill would require the grantee of a farm's development rights – which may include the SADC, a county, a municipality, or a nonprofit organization – to review applications for a farm to hold special occasion events during the year. This would increase the administrative workload of grantees, in varying amounts based on the number of development easements held by the grantee. The OLS notes that the bill does not require farms to apply for each special occasion event individually, mitigating the amount of administrative workload added to grantees by the bill.

The bill would also authorize the grantee of a farm's development rights to inspect a farm on which special occasion events are held. In addition, the bill would require the SADC and the Office of Administrative Law to enforce the bill's provisions. The OLS cannot predict the fiscal impact of these provisions, because it is unclear how many grantees will choose to inspect farms and how many enforcement actions will result from such inspections, or from other sources. There may also be marginal recurring revenue gains from the civil administrative penalties associated with the bill.

The bill may also result in a one-time marginal State expenditure increase, since it would require the SADC to adopt rules and regulations to implement the bill. Finally, the SADC may see a marginal annual expenditure increase as a result of the bill, since it is required to provide periodic reports to the Governor and the Legislature on the implementation of the bill. However, these tasks can likely be subsumed within existing staff duties.

Section: Environment, Agriculture, Energy, and Natural Resources

Analyst: Senior Research Analyst

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

STATEMENT TO
[First Reprint]
SENATE, No. 757

with Senate Floor Amendments
(Proposed by Senator SARLO)

ADOPTED: JUNE 29, 2022

These Senate floor amendments would:

- Lower the maximum permitted municipal application fee from \$200 to \$50;
- Provide guidance on the application of the State Uniform Construction Code, the Uniform Fire Code, and municipal zoning ordinances, to the use of tents and other temporary structures for special occasion events;
- Prohibit the extension of public utilities for holding special occasion events except for electric and water service extensions;
- Limit the permitted occupied area associated with a special occasion event to no more than the lesser of 10 acres or 10 percent of the preserved farmland;
- Require one-time grantee approval to hold special occasion events, and notice to the grantee if the owner or operator determines to refrain from holding further special occasion events;
- Remove municipal authority to increase the permitted annual number of special occasion events;
- Modify the restrictions on the frequency and size of special occasion events that may be held;
- Provide that a special occasion event held by or for a nonprofit entity would not count against certain limitations on events provided by the bill if the event has fewer than 100 guests and the maximum payment or reimbursement to the owner or operator of the commercial farm does not exceed \$1,000;
- Transfer certain enforcement authority from the county agriculture development board to the municipality, as specified;
- Require that a penalty collected be paid into the treasury of the municipality and require that a municipality enter into a penalty division agreement with the county agriculture development board related to the penalties collected;
- Transfer responsibilities to report on special occasion events from Rutgers University to the State Agriculture Development Committee, and eliminate the associated appropriation to Rutgers University;
- Adjust the title, synopsis, and effective date; and
- Make technical changes throughout the bill.

ASSEMBLY, No. 2772

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARY 28, 2022

Sponsored by:

Assemblyman ROY FREIMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Authorizes special occasion events at certain farms on preserved farmland, under certain conditions.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/14/2022)

1 AN ACT concerning special occasion events on preserved farmland
2 and supplementing Title 4 of the Revised Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. The Legislature finds and declares that:

8 a. Over 2,600 farms comprising over 236,00 acres of farmland
9 have been preserved in New Jersey since the inception of the State's
10 farmland preservation program;

11 b. the original intent of the farmland preservation program was to
12 prevent suburban sprawl and the conversion of agriculturally suitable
13 land to other purposes, and to keep agriculture as an economically
14 attractive business in the State;

15 c. agriculture should be viewed as simultaneously a land use and a
16 business enterprise, and preservation of farmland is not meant to
17 prevent farmers from marketing products or engaging in practices that
18 enhance long-term viability of the farm;

19 d. keeping agriculture as a sustainable industry in the State ensures
20 residents have continued access to fresh food with low environmental
21 impact;

22 e. the growing interest in agritourism, i.e., activities that attract the
23 public to working farms for enjoyment or education of visitors and
24 generate supplementary income for the farmer, has provided farmers
25 with supplemental revenue and enhanced opportunities to market the
26 State's agricultural and horticultural products;

27 f. with proper oversight, special occasion events on preserved
28 farmland can have minimal impact on land's viability for farming and
29 provide for new business opportunities for farmers in the State without
30 displacing agricultural or horticultural production as the first priority
31 use of preserved farmland or disrupting neighborhoods that surround
32 preserved farms.

33

34 2. As used in this act:

35 "Board" means a county agriculture development board
36 established pursuant to section 7 of P.L.1983, c.32 (C.4:1C-14).

37 "Commercial farm" means (1) a farm management unit of no less
38 than five acres producing agricultural or horticultural products worth
39 \$2,500 or more annually, and satisfying the eligibility criteria for
40 differential property taxation pursuant to the "Farmland Assessment
41 Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), (2) a farm
42 management unit less than five acres, producing agricultural or
43 horticultural products worth \$50,000 or more annually and otherwise
44 satisfying the eligibility criteria for differential property taxation
45 pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48
46 (C.54:4-23.1 et seq.), or (3) a farm management unit that is a
47 beekeeping operation producing honey or other agricultural or

1 horticultural apiary-related products, or providing crop pollination
2 services, worth \$10,000 or more annually.

3 “Committee” means the State Agriculture Development
4 Committee established pursuant to section 4 of P.L.1983, c.31
5 (C.4:1C-4).

6 “Grantee” means the entity to which the development rights of a
7 preserved farm were conveyed pursuant to the provisions of section 24
8 of P.L.1983, c.32 (C.4:1C-31), section 5 of P.L.1988, c.4 (C.4:1C-
9 31.1), section 1 of P.L.1989, c.28 (C.4:1C-38), section 1 of
10 P.L.1999, c.180 (C.4:1C-43.1), sections 37 through 40 of
11 P.L.1999, c.152 (C.13:8C-37 through C.13:8C-40), or any other State
12 law enacted for farmland preservation purposes. “Grantee” shall
13 include all entities which lawfully succeed to the rights and
14 responsibilities of a grantee, including, but not limited to, the grantee’s
15 successors and assigns.

16 “Occupied area” means any area supporting the activities and
17 infrastructure associated with a special occasion event including, but
18 not limited to: an area for parking, vendors, tables, equipment,
19 infrastructure, or sanitary facilities; an existing building; or a
20 temporary or portable structure.

21 “Preserved farmland” means land on which a development
22 easement was conveyed to, or retained by, the State Agriculture
23 Development Committee, a county agriculture development board, a
24 county, a municipality, or a qualifying tax exempt nonprofit
25 organization pursuant to the provisions of section 24 of P.L.1983, c.32
26 (C.4:1C-31), section 5 of P.L.1988, c.4 (C.4:1C-31.1), section 1 of
27 P.L.1989, c.28 (C.4:1C-38), section 1 of P.L.1999, c.180 (C.4:1C-
28 43.1), sections 37 through 40 of P.L.1999, c.152 (C.13:8C-37 through
29 C.13:8C-40), or any other State law enacted for farmland preservation
30 purposes.

31 “Special occasion event” means a wedding, lifetime milestone
32 event, or other cultural or social event conducted, in whole or in part,
33 on preserved farmland on a commercial farm. "Special occasion
34 event" shall not include:

35 (1) an activity which is eligible to receive right to farm benefits
36 pursuant to the "Right to Farm Act," P.L.1983, c.31 (C.4:1C-1 et seq.);

37 (2) a recreational use permitted pursuant to a farmland
38 preservation deed of easement; or

39 (3) a wedding held for:

40 (a) a spouse, parent, child, grandparent, grandchild, sibling, niece,
41 nephew, or cousin of the landowner of the commercial farm; or

42 (b) the operator or an employee of the commercial farm.

43

44 3. a. Notwithstanding any law, or any rule or regulation adopted
45 pursuant thereto, to the contrary, a person may hold a special occasion
46 event on preserved farmland, provided that the person complies with
47 the reporting and approval requirements set forth in section 4 of this
48 act, and the special occasion event is held in compliance with the

1 requirements of this section and the rules and regulations adopted by
2 the committee pursuant to section 7 of this act.

3 b. The owner or operator of a commercial farm located on
4 preserved farmland that produces agricultural or horticultural products
5 worth \$5,000 or more annually may hold special occasion events on
6 the farm. The special occasion event shall comply with the following
7 requirements:

8 (1) A special occasion event shall have a maximum duration of
9 three consecutive calendar days if the event is marketed as a single
10 event. An event shall be considered a single special occasion event,
11 even if the event lasts for more than one day, if the event:

- 12 (a) is marketed as a single event;
- 13 (b) occurs only on consecutive days; and
- 14 (c) does not last for more than three days.

15 (2) A special occasion event shall not interfere with the use of the
16 preserved farmland for agricultural or horticultural production. The
17 special occasion event shall have minimal effects on the occupied area,
18 and shall be designed to protect the agricultural resources of the land
19 and ensure that the land can be readily returned to productive
20 agricultural or horticultural use after the event.

21 (3) A special occasion event that involves the service of alcoholic
22 beverages shall comply with all applicable State and local laws,
23 regulations, resolutions, and ordinances.

24 (4) All applicable State and local laws, regulations, resolutions,
25 and ordinances including, but not limited to, those concerning food
26 safety, litter, noise, solid waste, traffic, and the protection of public
27 health and safety shall apply to the special occasion event and all
28 activities related thereto.

29 (5) A special occasion event shall not cause a significant and direct
30 negative impact to any surrounding properties.

31 (6) No new structures shall be constructed or erected on preserved
32 farmland for the purpose of holding a special occasion event, and
33 improvements to existing structures shall be limited to the minimum
34 required for the protection of public health and safety;

35 (7) No public utilities including water, gas, or sewer lines shall be
36 extended to the preserved farmland for the purpose of holding special
37 occasion events, except that electric service may be extended to
38 preserved farmland for the purpose of holding special occasion events.

39 (8) The occupied area associated with a special occasion event
40 shall be limited to the greater of:

- 41 (a) two and one-half acres, or
- 42 (b) five percent of the preserved farmland, up to a maximum of
43 five acres.

44 (9) Any temporary structures, including an enclosed or open
45 canopy or tent or other portable structure or facility, utilized for a
46 special occasion event shall be erected only for the minimum amount
47 of time reasonably necessary to accommodate the special occasion
48 event.

1 (10) Parking at a special occasion event shall be provided through
2 the use of existing parking areas on the farm and curtilage surrounding
3 existing buildings to the extent possible. Additional on-site areas
4 required to provide temporary parking shall comply with the standards
5 for on-farm direct marketing facilities, activities, and events adopted
6 by the committee pursuant to P.L.1983, c.31 (C.4:1C-1 et seq.).

7 c. (1) No commercial farm shall hold more than one special
8 occasion event per calendar day.

9 (2) A commercial farm that produces agricultural or horticultural
10 products worth between \$5,000 and \$100,000 annually may hold up to
11 a maximum of 30 special occasion events per calendar year, of which
12 four may have 250 guests or more in attendance at any time during the
13 event.

14 (3) A commercial farm that produces agricultural or horticultural
15 products worth \$100,000 or more annually may hold up to a maximum
16 of 52 special occasion events per calendar year, of which 12 may have
17 250 guests or more in attendance at any time during the event.

18 d. A retail food establishment other than a temporary retail food
19 establishment, as those terms are defined in the State Sanitary Code
20 adopted pursuant to section 7 of P.L.1947, c.177 (C.26:1A-7), shall not
21 operate on a commercial farm in support of a special occasion event.

22 e. Notwithstanding any law, or any rule or regulation adopted
23 pursuant thereto, to the contrary, a special occasion event during which
24 fewer than 250 people will be in attendance as guests at any time may
25 be held without a variance or site plan approval.

26 f. Nothing in this act, or the rules and regulations adopted by the
27 committee pursuant to section 7 of this act, shall apply to any special
28 occasion event held on land that is not on preserved farmland.

29
30 4. a. No person shall hold a special occasion event during which
31 250 guests or more will be in attendance at any time during the event
32 on preserved farmland pursuant to this act unless the owner or operator
33 of the commercial farm applies to the grantee for approval pursuant to
34 this section; except that if the grantee is the owner of the preserved
35 farmland, the application shall be made to the committee for approval.
36 An owner or operator shall not be required to apply to the grantee for
37 approval for a special occasion event during which fewer than 250
38 people will be in attendance as guests at any time, provided that the
39 owner or operator complies with the requirements of paragraph (1) of
40 subsection b. and subsection d. of this section.

41 A grantee whose approval is required for a special occasion event
42 during which 250 guests or more in attendance at any time during the
43 event shall develop an application process by which an owner or
44 operator of a commercial farm located on preserved farmland may
45 apply for approval. The application shall, at a minimum, allow the
46 grantee, or committee, as applicable, to determine:

47 (1) the annual value of agricultural or horticultural products
48 produced by the commercial farm;

1 (2) the number of special occasion events held on the commercial
2 farm during the calendar year;

3 (3) the maximum attendance of the special occasion event;

4 (4) the acreage of the occupied area, as delineated on a map or
5 aerial photograph, to be used for the special occasion event; and

6 (5) whether the farm is in compliance with its farmland
7 preservation deed of easement.

8 To the maximum extent possible, the application process shall
9 allow an owner or operator to submit readily available existing data or
10 documentation.

11 b. (1) Upon request of the grantee, or committee, as applicable,
12 the owner or operator of the commercial farm shall provide evidence
13 that a proposed special occasion event on preserved farmland will be
14 in compliance with State and local laws as required in paragraphs (3)
15 and (4) of subsection b. of section 3 of this act.

16 (2) The grantee, or committee, as applicable, may condition its
17 approval upon receipt of evidence from the municipality, county, or
18 applicable State agency that the event will comply with the provisions
19 of paragraphs (3) and (4) of subsection b. of section 3 of this act.

20 c. The grantee, or committee, as applicable, may approve an
21 application for a special occasion event during which 250 guests or
22 more will be in attendance at any time during the event made pursuant
23 to this section upon a finding that the special occasion events on the
24 preserved farmland that are the subject of the application are in
25 compliance with the requirements of this act and any rules and
26 regulations adopted by the committee to implement this act. The
27 grantee shall forward a copy of its approval to the committee and to
28 the board in the county in which the preserved farmland is located.

29 d. An applicant shall annually certify to the grantee, or
30 committee, as applicable, in a form and manner to be prescribed by the
31 grantee, or committee, as applicable, information about all special
32 occasion events held in the prior calendar year, including, but not
33 limited to, the date, occasion, and approximate number of attendees of
34 each event. The grantee shall forward a copy of the certification to the
35 committee.

36 e. Upon the effective date of this act, and prior to the adoption by
37 the committee of rules and regulations pursuant to section 7 of this act,
38 a grantee, or the committee, as applicable, may accept applications
39 pursuant to this section and approve applications for special occasion
40 events that comply with the provisions of this act. Upon the adoption
41 of rules and regulations pursuant to section 7 of this act, approvals
42 pursuant to this section shall also comply with the rules and
43 regulations adopted by the committee.

44

45 5. a. The committee and the grantee have the right, without
46 advance notice, to inspect a preserved farm on which special occasion
47 events are held, upon presentation of appropriate credentials during

1 normal business hours or during a special occasion event, in order to
2 determine compliance with the provisions of this act.

3 b. The committee or the grantee may, upon reasonable cause,
4 order and specify the scope of an audit of the owner or operator of a
5 commercial farm engaged in conducting special occasion events on
6 preserved farmland for the purpose of determining compliance with
7 this act. The audit shall be conducted by an independent certified
8 public accountant approved by the committee, and the reasonable costs
9 thereof shall be paid by the owner or operator of the commercial farm.
10 The committee may establish a list of independent certified public
11 accountants approved for the purposes of conducting an audit pursuant
12 to this subsection. Copies of the audit shall be submitted to the grantee,
13 the committee, and the owner or operator of the commercial farm.

14 c. An owner or operator of a commercial farm engaged in
15 conducting special occasion events on preserved farmland shall not be
16 subjected to an audit authorized pursuant to this section more than
17 once per year without good cause demonstrated by the grantee or the
18 committee.

19

20 6. a. An owner or operator of a commercial farm who violates the
21 provisions of this act shall be liable to a civil administrative penalty of
22 up to \$250 for the first offense, up to \$500 for the second offense, or
23 up to \$1,000 for a third and subsequent offense. Each day in which a
24 violation occurs shall be considered a separate offense.

25 b. In addition to the penalties established pursuant to subsection a.
26 of this section:

27 (1) for a second offense, the committee shall suspend the owner or
28 operator of the commercial farm from holding special occasion events
29 for a period of up to six months;

30 (2) for a third offense, the committee shall suspend the owner or
31 operator of the commercial farm from holding special occasion events
32 for a period of six months up to one year; and

33 (3) for a fourth or subsequent offense, the committee shall suspend
34 the owner or operator of the commercial farm from holding special
35 occasion events for a period of at least one year, or may permanently
36 suspend the owner or operator of the commercial farm from holding
37 special occasion events.

38 c. No civil administrative penalty pursuant to subsection a. of this
39 section or penalty established in subsection b. of this section shall be
40 imposed pursuant to this section until after the owner or operator of the
41 commercial farm has been notified of the alleged violation by certified
42 mail or personal service. The notice shall include:

43 (1) a reference to the section of the statute, regulation, order, or
44 condition alleged to have been violated;

45 (2) a concise statement of the facts alleged to constitute a
46 violation;

1 (3) a statement of the amount of the civil administrative penalty
2 that may be imposed and the duration of the suspension that may be
3 imposed, if any; and

4 (4) a statement of the right of the owner or operator to a hearing.

5 The owner or operator served with the notice shall have 20 days
6 after the receipt of the notice to request in writing a hearing before the
7 committee. After the hearing, if the committee finds that a violation
8 has occurred, the committee may issue a final order assessing the
9 amount of the civil administrative penalty set forth in the notice and
10 imposing the suspension, if any. If no hearing is requested, then the
11 notice shall become a final order 20 days after the date upon which the
12 notice was served. Payment of the civil administrative penalty shall be
13 due, and duration of the suspension, if any, shall begin, on the date
14 when a final order is issued or the notice becomes a final order.

15 A civil administrative penalty imposed pursuant to this section
16 may be collected, with costs, in a summary proceeding pursuant to the
17 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et
18 seq.). The Superior Court and the municipal court shall have
19 jurisdiction to enforce the provisions of the "Penalty Enforcement Law
20 of 1999" in connection with this act.

21 d. The committee shall notify, in writing, the board in the county
22 in which the preserved farmland is located and the applicable grantee
23 when it suspends an owner or operator of a commercial farm from
24 holding special occasion events pursuant to subsection b. of this
25 section.

26
27 7. The committee shall adopt, pursuant to the "Administrative
28 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
29 regulations to implement this act, including any rules and
30 regulations necessary to determine compliance with the
31 requirements of section 3 of this act.

32
33 8. a. The committee shall prepare a report annually on the
34 implementation of this act, and shall submit the report to the Governor,
35 and to the Legislature pursuant to section 2 of
36 P.L.1991, c.164 (C.52:14-19.1).

37 b. The report shall include:

38 (1) the number of preserved farms on which special events are
39 held and the number of preserved farms for which approvals to hold
40 special occasion events during which 250 guests or more will be in
41 attendance at any time during the event have been issued by grantees;

42 (2) the frequency, type, and size of special occasion events held;

43 (3) the extent to which municipalities, county agriculture
44 development boards, and qualifying tax exempt nonprofit
45 organizations that hold a development easement on preserved farmland
46 report problems associated with the holding of special occasion events;

47 (4) the number of audits that have been conducted pursuant to
48 section 5 of this act; and

1 (5) an accounting of penalties collected pursuant to section 6 of
2 this act.

3

4 9. This act shall take effect immediately.

5

6

7

STATEMENT

8

9 This bill would authorize commercial farms that are located on
10 preserved farmland, and produce agricultural or horticultural
11 products worth \$5,000 or more annually, to hold special occasion
12 events, subject to certain conditions.

13 The bill would establish various restrictions on the special
14 occasion events. For example, under section 3 of the bill, a special
15 occasion event: (1) may not interfere with the use of the preserved
16 farmland for agricultural or horticultural production; (2) may not
17 cause a significant and direct negative impact to any surrounding
18 properties; (3) must be designed to protect the agricultural resources
19 of the land and ensure that the land can be readily returned to
20 productive agricultural or horticultural use after the event; (4) may
21 not violate any applicable State and local laws, regulations,
22 resolutions, and ordinances including those concerning alcohol,
23 food safety, litter, noise, solid waste, traffic, and the protection of
24 public health and safety; and (5) may not involve the construction
25 of any new structures or water or sewer utilities on the preserved
26 farmland.

27 Under the bill, a farm that produces agricultural or horticultural
28 products worth between \$5,000 and \$100,000 annually may hold up
29 to a maximum of 15 special occasion events per calendar year, of
30 which two may have 250 guests or more in attendance. A farm that
31 produces agricultural or horticultural products worth \$100,000 or
32 more annually may hold up to a maximum of 52 special occasion
33 events per calendar year, of which 12 may have 250 guests or more
34 in attendance. An event would be considered as a single special
35 occasion event, even if the event lasts for more than one day,
36 provided the event is marketed as a single event, occurs only on
37 consecutive days; and does not last for more than three days.

38 A person holding a special occasion event during which 250
39 guests or more will be in attendance at any time during the event
40 would be required to apply to the grantee of the farm, i.e. the entity
41 to which the development rights of the farm have been transferred,
42 for approval prior to holding a special occasion event, or if the
43 grantee is the owner of the preserved farmland, the application
44 would be made to the State Agriculture Development Committee
45 (SADC) for approval. Special occasion event during which fewer
46 than 250 people will be in attendance as guests at any time would
47 not need to receive approval, provided the owner or operator of the
48 commercial farm complies with certain requirements set forth in

1 section 4 of the bill. The bill directs grantees to develop an
2 application process for special occasion events during which 250
3 guests or more in attendance at any time during the event, and the
4 bill imposes certain minimum requirements on this application. For
5 example, it requires the application to allow the grantee or the
6 SADC as applicable, to determine the value of agricultural goods
7 produced by the farm, the number of special occasion events
8 already held on the farm that year, and the area of the preserved
9 farmland to be used for the special occasion event. In addition, the
10 application process should allow an owner or operator to submit
11 readily available existing data or documentation. The bill would
12 authorize a grantee or the SADC, as applicable, upon the effective
13 date of the bill, and prior to the adoption by the SADC of rules and
14 regulations pursuant to section 6 of the bill, to accept applications
15 under the bill and approve applications for special occasion events
16 that comply with the provisions of the bill. Upon the adoption of
17 rules and regulations by the SADC under the bill, applications and
18 approvals would also be required to comply with those rules and
19 regulations.

20 The bill would also allow the SADC and the appropriate grantee
21 to inspect preserved farms on which special occasion events are
22 held, upon presentation of appropriate credentials during normal
23 business hours or during a special occasion event, in order to
24 determine compliance with the bill's provisions. In addition, the
25 bill would allow the SADC or the grantee, upon reasonable cause,
26 to order an audit of a farm to verify that it is in compliance with the
27 bill's provisions.

28 Under the bill, an owner or operator of a commercial farm who
29 violates the bill's provisions would be subject to a civil
30 administrative penalty of up to \$250 for the first offense, up to \$500
31 for the second offense, or up to \$1,000 for a third and subsequent
32 offense. In addition, an owner or operator who repeatedly violates
33 the bill's provisions would be prohibited from holding special
34 occasion events on the preserved farm for a period of time that
35 increases along with the number of violations.

36 The bill would require the SADC to submit an annual report to
37 the Governor and the Legislature that includes the number of
38 special occasion events held that year, the number of audits
39 conducted, the amount of penalties collected, and a description of
40 any problems associated with the holding of special occasion events
41 reported by municipalities, county agriculture development boards,
42 and nonprofit organizations that are grantees. Finally, the bill
43 would require the SADC to adopt rules and regulations to
44 implement the provisions of the bill.

ASSEMBLY AGRICULTURE AND FOOD SECURITY
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2772

STATE OF NEW JERSEY

DATED: MARCH 21, 2022

The Assembly Agriculture Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 2772.

This committee substitute would authorize certain commercial farms, as specified in the bill, that are located on preserved farmland, and produce agricultural or horticultural products worth \$10,000 or more annually, to hold special occasion events, subject to certain conditions.

The bill would establish various restrictions on the special occasion events. The size and frequency of special occasion events would be limited as described below, except that a municipality may increase the allowable frequency and size of indoor and outdoor special occasion events by municipal ordinance. The bill would authorize a commercial farm to hold up to 26 special occasion events each calendar year, of which only six events may have 250 guests or more in attendance at any time during the event. An event would be considered as a single special occasion event even if the event lasts for more than one day, provided the event is marketed as a single event, occurs only on consecutive days, and does not last for more than two days. If all roads on the perimeter of a commercial farm have a speed limit of 25 miles per hour or less, then the municipality may restrict the commercial farm to holding no more than two special occasion events per year with 1,500 guests or more.

The bill prohibits more than 15 of the special occasion events each calendar year from being held in a permanent structure, of which only two may have 250 guests or more in attendance at any time during the event. A municipality may further limit the number of special occasion events that may be held indoors in a permanent structure to no more than seven special occasion events, of which only one may have 250 guests or more. However, events attended by fewer than 75 people would not be considered special occasion events for the purposes of indoor event limitations. A winery would not be restricted by special occasion event limitations specific to indoor events.

Under the bill, a municipality may adopt a municipal ordinance to increase the number of, and allowable attendance at, special occasion events. However, a commercial farm would not be authorized to hold

more than one special occasion event with over 75 guests per calendar day.

The bill would also authorize a municipality to restrict a commercial farm from conducting special occasion events unless the farm receives approval from a municipal officer or agency, to be designated by ordinance of the municipal governing body. A municipality may require an application if the special occasion event would generate a parking or traffic flow situation that could unreasonably interfere with the movement of normal traffic or emergency vehicles or other organized group sharing similar common purposes or goals proceeding in or upon any street, park or other public place within the municipality, or require the expenditure of municipal resources or inspections from agencies or authorities of the municipality. The bill would limit the application fee to no more than \$200, and would provide that the application be limited to an identification of locations of where tents and other temporary structures would be located, where music will be played, the number of expected guests, and other information that may be of public concern and would be required as a condition of approval of a similar event when conducted at a public park or another public venue.

Under section 3 of the bill, a special occasion event: (1) is required to be designed to ensure that the land can be readily returned to productive agricultural or horticultural use after the event; and (2) may not violate any applicable State and local laws, regulations, resolutions, and ordinances including those concerning alcohol, food safety, litter, noise, solid waste, traffic, and the protection of public health and safety.

With the exception of the requirements in the bill related to the numerical limitations for special occasion events and the application of local laws, regulations, resolutions, and ordinances to special occasion events, along with any associated rules and regulations adopted by the committee pursuant to section 6 of the bill, no other requirements in the bill would apply to any special occasion event held on land that is part of an exception area. For the purposes of this bill, an exception area shall be considered a part of the preserved farmland, except that the provisions in subsection b. of section 3 concerning the construction or erection of permanent structures would not apply to an exception area.

The bill would also allow a county agriculture development board (CADB) to inspect preserved farms on which special occasion events are held, upon presentation of appropriate credentials during normal business hours or during a special occasion event, in order to determine compliance with the bill's provisions. The bill authorizes CADB inspections to occur once annually unless complaints necessitate additional inspections.

Under the bill, an owner or operator of a commercial farm who violates the bill's provisions would be subject to a civil administrative

penalty of up to \$500 for the first offense, up to \$2,500 for the second offense, or up to \$5,000 for a third and subsequent offense. In addition, an owner or operator who repeatedly violates the bill's provisions would be prohibited from holding special occasion events on the preserved farm for a period of time that increases along with the number of violations. Enforcement and inspection responsibilities under the bill would be provided to the CADB, unless the CADB transfers these responsibilities to the State Agriculture Development Committee (SADC) by a majority vote of the members.

The bill would require Rutgers, The State University to conduct an ongoing study on special occasion events on preserved farmland, and periodically report to the Governor and the Legislature on the results of the study.

The bill would appropriate \$85,000 from the General Fund to Rutgers, The State University, for the purposes of the study.

With the exception of the application of the bill to certain wineries, the bill would take effect upon the earlier of: the first day of the third month following enactment; or the adoption of a municipal ordinance designating an appropriate municipal agency to administer special occasion event approval. For a winery that has participated in the special occasion event pilot program, the bill would take effect on January 1, 2023, and the winery would continue to use the approval process established for the pilot program until January 1, 2023 thereby temporarily continuing approval processes used in association with the pilot program for these wineries.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2772
STATE OF NEW JERSEY
220th LEGISLATURE

DATED: MARCH 28, 2022

SUMMARY

- Synopsis:** Authorizes special occasion events at certain commercial farms on preserved farmland, under certain conditions; appropriates \$85,000.
- Type of Impact:** Annual State expenditure increase; annual local expenditure and revenue increases.
- Agencies Affected:** State Agriculture Development Committee; Rutgers, The State University of New Jersey; municipalities; county agriculture development boards.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Expenditure Increase	Indeterminate
Local Expenditure Increase	Indeterminate
Local Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) determines that this bill would result in an indeterminate annual expenditure increase by municipalities, particularly municipalities that contain many preserved farms. Municipalities are authorized by the bill, but not required, to adopt ordinances related to special occasion events and to require applications for certain special occasion events. Doing so would increase the administrative workload on the municipal government, but these tasks could likely be subsumed by current staff using existing resources.
- Municipalities that choose to require applications for special occasion events could see marginal revenue increases from the application fees. The OLS notes that the amount of these fees is limited to \$200.
- The bill would also authorize county agriculture development boards (CADBs) to inspect farms and enforce the bill's provisions. The OLS cannot predict how much of an administrative burden this would place on CADBs, because it is unclear how many preserved farms will violate the bill's provisions. The OLS notes that CADBs can delegate their enforcement

responsibilities to the State Agriculture Development Committee (SADC) by a majority vote of the board, thus shifting this expenditure increase from the county to the State.

BILL DESCRIPTION

The bill authorizes certain commercial farms that are located on preserved farmland, and produce agricultural or horticultural products worth \$10,000 or more annually, to hold special occasion events, subject to certain conditions. The bill authorizes municipalities to pass ordinances to modify the number and size of different types of allowable special occasion events.

The bill would also authorize a municipality to restrict a commercial farm from conducting special occasion events unless the farm receives approval from a municipal officer or agency, to be designated by ordinance of the municipal governing body. A municipality may require an application if the special occasion event would generate a parking or traffic flow situation, or require the expenditure of municipal resources or inspections from agencies or authorities of the municipality. The bill would limit the application fee to no more than \$200.

The bill would also allow a CADB to inspect preserved farms on which special occasion events are held in order to determine compliance with the bill's provisions. The bill authorizes CADB inspections to occur once annually unless complaints necessitate additional inspections. An owner or operator of a commercial farm who violates the bill's provisions would be subject to a civil administrative penalty of up to \$500 for the first offense, up to \$2,500 for the second offense, or up to \$5,000 for a third and subsequent offense. Enforcement and inspection responsibilities under the bill would be provided to the CADB, unless the CADB transfers these responsibilities to the SADC by a majority vote of the members.

The bill would require the SADC to adopt rules and regulations to implement the provisions of the bill and to provide certain forms, processes, and procedures as necessary to implement the bill. The bill would also require Rutgers to conduct an ongoing study of special occasion events on preserved farmland and periodically report to the Governor and the Legislature on the results of the study. The bill would appropriate \$85,000 from the General Fund to Rutgers for the purposes of the study.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that this bill would result in an indeterminate annual expenditure increase by municipalities, particularly municipalities that contain many preserved farms. Municipalities are authorized by the bill, but not required, to adopt ordinances related to special occasion events and to require applications for certain special occasion events. Doing so would increase the administrative workload on the municipal government, but these tasks could likely be subsumed by current staff using existing resources. In addition, to the extent that the special occasion events authorized by the bill would require local enforcement of municipal ordinances, there may be a marginal increase in municipal expenditures. Municipalities that choose to require applications for certain special occasion events could see marginal revenue increases from the application fees,

depending on how many farms choose to hold events for which applications are required. The OLS notes that the bill places conditions on a municipality's authority to require an application and the information that may be requested, and limits the amount of the application fee to \$200.

The bill would also authorize CADBs to inspect farms and enforce the bill's provisions. The OLS cannot predict how much additional administrative workload this would place on CADBs because it is unclear how many preserved farms will violate the bill's provisions or how many complaints may be filed that would necessitate inspections. The OLS notes that CADBs can delegate their enforcement responsibilities to the SADC by a majority vote of the board, thus shifting any expenditure increase from the county to the State. There may also be marginal recurring revenue gains from the civil administrative penalties associated with the bill, which may accrue to the county or the State, depending on whether the relevant CADB delegated its enforcement authority to the SADC.

The bill may also result in a one-time marginal State expenditure increase, since it would require the SADC to adopt rules and regulations and publish other materials to implement the bill. However, these tasks can likely be subsumed within existing staff duties. Finally, Rutgers may see a marginal annual expenditure increase as a result of the bill, since it is required to conduct an ongoing study of the special occasion events authorized by the bill and to provide periodic reports to the Legislature. The OLS notes that the bill appropriates \$85,000 to Rutgers for this purpose.

Section: Environment, Agriculture, Energy, and Natural Resources

*Analyst: Eric Hansen
Associate Research Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE BILL NO. 757
(Second Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 757 (Second Reprint) with my recommendations for reconsideration.

This bill would authorize commercial farms located on preserved farmland that produce agricultural or horticultural products worth \$10,000 or more annually to hold special occasion events ("SOEs"), subject to certain conditions. The bill was developed following the implementation of P.L.2014, c.16, which allowed wineries to conduct SOEs on preserved farmland under certain conditions as part of a 44-month pilot program. Following the pilot program's expiration on March 1, 2018, the pilot was extended for an additional two years, providing ample time to review implementation and operation of the pilot.

In accordance with the requirements of the pilot program, the State Agriculture Development Committee ("SADC") issued a Final Report evaluating the pilot in March 2020. The SADC recommended that several protections be incorporated into any legislation permanently authorizing SOEs to ensure that the increased agritourism opportunities associated with SOEs do not displace agricultural production as the first priority use of preserved farmland, or disrupt neighborhoods that surround preserved farms. Many of the recommendations contained in the report, including expanding the pilot to all preserved farms and limiting the size, scope, and frequency of SOEs, have been incorporated into this bill.

I commend the bill's sponsors for their efforts to allow farms located on preserved farmland to host SOEs. SOEs give farmers, preserved farmland owners, and communities the opportunity to introduce new streams of income to family farming operations and increase the enjoyments offered to the public by agritourism. I thus

fully support making the contours of the pilot program permanent and expanding it beyond just wineries located on preserved farmland.

However, I am concerned that the bill does not go far enough in ensuring that SOEs will not interfere with the use of preserved farmland. Under New Jersey's Farmland Preservation Program ("FPP"), landowners who want to permanently protect their land can sell "development easements," or their rights to develop and use their land for anything other than agriculture, to the SADC, counties, municipalities, or nonprofit organizations. The restriction on development remains in force for any future owners, thereby permanently protecting the land for agricultural use.

New Jersey's FPP has resulted in the permanent protection of over 2,800 farms, accounting for more than 247,000 acres, or roughly one-third of all farmland in the State, and has facilitated a larger financial investment in farmland protection than any other state farmland protection program in the country. However, while New Jersey earns the top rank for protecting its farmland, it also ranks third among states with the most threatened agricultural land, evidencing the continued need for a strong FPP.

The State must be careful to allow permitting SOEs as a way to supplement farm income while preventing the emergence of primarily nonagricultural enterprises on farms. To better achieve this balance, my recommended revisions specify that an SOE may not interfere with the use of the preserved farmland for agricultural or horticultural production. Similarly, I am recommending language authorizing an SOE only if a host farm continues to comply with the terms of the FPP development easement recorded against it. To ensure that agriculture or horticulture remains the first priority use of the farmland, I also recommend adding a restriction prohibiting a permanent structure constructed fewer than five years prior to the date of the SOE application from being used for the purpose of holding an SOE. My recommendations also enhance the SOE application process, including

requiring that any denial of an application be accompanied by an explanation of the reason for the denial and an opportunity for the applicant to submit an amended application.

Finally, my recommendations clarify that the bill's provisions do not apply to "exception areas" - portions of preserved farms that were excluded from the preservation program in order for landowners to retain flexibility for nonagricultural uses in the future. Limiting SOEs in these areas is inconsistent with the longstanding purpose of allowing exception areas and runs counter to the bill's goal of promoting agritourism Statewide.

With these revisions, I am confident that farms will have the flexibility they need to pursue these important agritourism opportunities in a manner that is consistent with the State's FPP.

Therefore, I herewith return Senate Bill No. 757 (Second Reprint) and recommend that it be amended as follows:

<u>Page 8, Section 1, Line 9:</u>	Delete "2,700" and insert "2,800"
<u>Page 8, Section 1, Line 9:</u>	Delete "241,000" and insert "247,000"
<u>Page 8, Section 1, Line 15:</u>	Delete "attractive business in" and insert "viable industry within"
<u>Page 8, Section 1, Lines 16-19:</u>	Delete in their entirety
<u>Page 8, Section 1, Line 20:</u>	Delete "d." and insert "c."
<u>Page 8, Section 1, Line 23:</u>	Delete "e." and insert "d."
<u>Page 8, Section 1, Line 28:</u>	Delete "f." and insert "e."
<u>Page 8, Section 2, Line 36:</u>	After "bill):" insert "'Applicant' means the owner, and in cases where the owner is not also the operator of the farm and the operator is the person seeking to hold the special occasion event, then the operator of the commercial farm who applies pursuant to subsection c. of section 3 of this act for approval to hold a special occasion event."
<u>Page 8, Section 2, Line 44:</u>	After "plan" insert "or a forest stewardship plan"
<u>Page 9, Section 2, Line 4:</u>	Delete "a commercial farm that," and insert "the applicant's landholdings that is excluded"

from the premises and, although identified in the deed of easement, is unencumbered by the farmland preservation deed restrictions set forth in the deed of easement."

Page 9, Section 2, Lines 5-8:

Delete in their entirety

Page 9, Section 2, Line 26:

After "structure." insert "'Owner' means the record owner of the preserved farmland.

'Permittee' means the owner, and if applicable, the operator of the commercial farm to whom permission to hold special occasion events has been issued by the grantee."

Page 10, Section 2, Line 2:

Delete "landowner" and insert "owner"

Page 10, Section 2, Line 4:

Delete "landowner" and insert "owner"

Page 10, Section 3, Line 13:

After "the" insert "grantee determines the preserved farm complies with the terms of the Farmland Preservation Program deed of easement recorded against the preserved farmland, the"

Page 10, Section 3, Line 32:

Delete "be designed to" and insert "not interfere with the use of the preserved farmland for agricultural or horticultural production. The special occasion event shall have minimal effects on the occupied area and shall be designed to protect the agricultural resources of the land and"

Page 10, Section 3, Line 44:

After "may" insert "require that an owner or operator of a commercial farm located on preserved farmland submit an application to the municipality for approval and may"

Page 10, Section 3, Line 45:

After "review" insert "municipal"

Page 10, Section 3, Line 46:

Delete "an" and insert "a municipal"

Page 11, Section 3, Line 8:

Delete "an" and insert "a municipal"

Page 11, Section 3, Line 10:

After "The" insert "municipal"

Page 11, Section 3, Line 12:

After "structures" insert ", sanitary facilities, parking, and access and egress"

Page 11, Section 3, Line 21:

After "safety." insert "(b) No permanent structure constructed

fewer than five years prior to the date of application to the grantee to hold a special occasion event pursuant to subsection c. of this section shall be used for the purpose of holding the special occasion event."

Page 11, Section 3, Line 22:

Delete "(b)" and insert "(c)"

Page 11, Section 3, Line 35:

Delete "(c)" and insert "(d)"

Page 12, Section 3, Lines 8-9:

Delete "owner and operator of the commercial farm" and insert "applicant"

Page 12, Section 3, Lines 10-11:

Delete "An owner or operator shall only" and insert "If the applicant is the operator, but not the owner, of the farm, then the operator shall submit to the grantee a notarized affidavit from the owner authorizing the application. Once approval is obtained from the grantee, a permittee shall"

Page 12, Section 3, Line 12:

After "subsection" insert "not more than"

Page 12, Section 3, Line 12:

After "once" insert "annually"

Page 12, Section 3, Line 13:

Delete "The application" and insert "(1) A grantee whose approval is required for a special occasion event to be held on preserved farmland shall develop an application process by which an owner or operator of a commercial farm located on preserved farmland may apply for approval. The application shall, at a minimum, allow the grantee to determine:

- (a) that the commercial farm located on the preserved farmland produces agricultural or horticultural products worth \$10,000 or more annually, and this may include an attestation that the commercial farm located on the preserved farmland produces agricultural or horticultural products worth \$10,000 or more annually;
- (b) the number of special occasion events to be held on the commercial farm during the calendar year;
- (c) the maximum attendance of the special occasion events;
- (d) the acreage of the occupied area, as delineated on a

map or aerial photograph, to be used for the special occasion event; and

- (e) whether the farm is in compliance with its farmland preservation deed of easement.

(2) The grantee shall approve an application made pursuant to this section upon a finding that the special occasion events on the preserved farmland that are the subject of the application comply with the requirements of this act and any rules and regulations adopted by the committee to implement this act. The Grantee shall forward a copy of its approval to the committee and to the board in the county in which the preserved farmland is located.

- (a) If the grantee is a qualifying tax exempt nonprofit organization as defined pursuant to P.L.1999, c.152 (C.13:8C-3), the grantee may approve, approve with conditions, or deny the application submitted pursuant to this section."

Page 12, Section 3, Lines 14-16:

Delete in their entirety

Page 12, Section 3, Line 17:

Delete "number of expected guests." and insert "(b)"

Page 12, Section 3, Line 20:

Delete "If the owner or operator of the commercial farm" and insert "(c) If the grantee denies an application made pursuant to this section, the grantee shall provide a reason for the denial and an opportunity for the applicant to reapply with an amended application.

(3) An applicant shall annually certify to the grantee in a form and manner to be prescribed by the grantee, information about the special occasion events held in the prior calendar year that were approved pursuant to this section, including, but not limited to, the date, occasion, and approximate number of attendees of each event. The grantee shall forward a copy of the certification to the committee."

Page 12, Section 3, Lines 21-25:

Delete in their entirety

Page 13, Section 3, Line 8:

After "the" insert "permittee does not charge for, and

receives no fees or compensation for hosting the event, other than for reimbursement of out-of-pocket expenses. The"

- Page 13, Section 3, Line 9: Delete "owner or operator of the commercial farm does" and insert "permittee shall"
- Page 13, Section 3, Lines 16-17: Delete "a special occasion event held by a winery or to"
- Page 13, Section 3, Line 24: After "farm" and insert ", including, but not limited to, exception areas"
- Page 13, Section 3, Lines 25-38: Delete in their entirety
- Page 13, Section 4, Line 40: Delete "board" and insert "grantee and the committee"
- Page 13, Section 4, Line 46: Delete "An owner or operator of a commercial farm" and insert "A permittee"
- Page 14, Section 4, Line 3: Delete "unless one or more" and insert "without good cause demonstrated by the grantee or committee."
- Page 14, Section 4, Lines 4-7: Delete in their entirety
- Page 14, Section 5, Line 9: Delete "If a grantee, a board, or the committee determines that an" and insert "A permittee who violates the provisions of this act shall be liable to a civil administrative penalty of up to \$1,000 for the first offense, up to \$2,500 for the second offense, or up to \$5,000 for a third and subsequent offense. Each day in which a violation occurs shall be considered a separate offense."
- Page 14, Section 5, Lines 10-40: Delete in their entirety
- Page 14, Section 5, Line 42: Delete ", the board shall authorize a municipality to"
- Page 14, Section 5, Line 43: After "offense," insert "the committee shall"
- Page 14, Section 5, Lines 43-44: Delete "owner or operator of the commercial farm" and insert "permittee"
- Page 15, Section 5, Line 1: After "offense," insert "the committee shall"
- Page 15, Section 5, Lines 1-2: Delete "owner or operator of the commercial farm" and insert "permittee"
- Page 15, Section 5, Line 4: After "offense," insert "the committee shall"

Page 15, Section 5, Line 5:

Delete "owner or operator of the commercial farm" and insert "permittee"

Page 15, Section 5, Line 9:

After "c." insert "No civil administrative penalty pursuant to subsection a. of this section or penalty established in subsection b. of this section shall be imposed pursuant to this section until after the permittee has been notified of the alleged violation by certified mail or personal service. The notice shall include:

(1) a reference to the section of the statute, regulation, order, or condition alleged to have been violated;

(2) a concise statement of the facts alleged to constitute a violation;

(3) a statement of the amount of the civil administrative penalty that may be imposed and the duration of the suspension that may be imposed, if any; and

(4) a statement of the right of the permittee to a hearing.

d. The permittee served with notice pursuant to subsection c. of this section shall have 20 days after the receipt of the notice to request in writing a hearing before the committee. The committee may retain the matter for a hearing before the committee or transmit the matter to the Office of Administrative Law in accordance with the provisions of the 'Administrative Procedure Act', P.L.1968, c.410 (C.52:14B-1 et seq.).

(1) If the hearing is conducted by the committee, the hearing shall be conducted in accordance with relevant provisions of the "Administrative Procedure Act", P.L. 1968, c. 410 (C.52:14B-1 et seq.) and regulations adopted pursuant thereto, and shall provide opportunity for testimony from the municipality in which the preserved farmland is located. After the hearing, if the committee finds that a violation has occurred, the committee may issue a final order assessing the amount of the civil administrative penalty set forth in the notice and imposing the suspension, if any.

(2) If no hearing is requested, then the notice shall become a final order 20 days after the date upon which the notice was served. Payment of the civil administrative penalty shall be due, and duration of the suspension, if any, shall begin, on the date when a final order is issued or the notice becomes a final order.

Page 15, Section 5, Lines 41-46:

Delete in their entirety and insert "e. The committee shall notify, in writing, the grantee and the board in the county in which the preserved farmland is location when it suspends a permittee from holding special occasion events pursuant to subsection b. of this section."

Page 16, Section 5, Lines 1-2:

Delete in their entirety

Page 16, Section 6, Line 4:

After "6." insert "Notwithstanding the provisions of the 'Administrative Procedure Act,' P.L.1968, c.410 (C.52:14B-1 et seq.), to the contrary, the committee may adopt, immediately upon filing with the Office of Administrative Law, such regulations as the committee deems necessary to implement the applicable provisions of this act, which shall be effective for a period not to exceed 12 months."

Page 16, Section 6, Line 4:

After "shall" insert "thereafter"

Page 16, Section 6, Line 11:

Delete "be no more restrictive than as specifically provided for in"

Page 16, Section 6, Line 12:

Delete in its entirety

Page 16, Section 6, Line 13:

Delete "and shall"

Page 16, Section 6, Line 14:

Delete "may be" and insert "feasible and which are"

Page 16, Section 6, Line 15:

After "bill)." insert "A grantee may accept applications pursuant to this act and approve applications for special occasion events that comply with the provisions of this act prior to the adoption of the rules required under this section. Upon adoption of rules and regulations pursuant to this section, all approvals pursuant to this act shall comply with the rules and regulations adopted by the committee."

Page 16, Section 7, Line 20: Delete "A board may" and insert "All grantees shall"

Page 16, Section 7, Line 30: Delete "board" and insert "grantee"

Page 17, Section 8, Line 16: Delete "With the exception of the application of this act to a" and insert "This act shall take effect immediately, except the authority of a municipality to require an application by a winery pursuant to paragraph (4) of subsection b. of section 3 of this act shall take effect on January 1, 2023."

Page 17, Section 8, Lines 17-27: Delete in their entirety

[seal]

Respectfully,

/s/ Philip D. Murphy

Governor

Attest:

/s/ Kate McDonnell

Senior Deputy Chief Counsel to the Governor

Governor Murphy Signs Legislation Allowing Special Occasion Events on Preserved Farmland

02/3/2023

TRENTON – Governor Phil Murphy today signed legislation (S757) authorizing commercial farms that are located on preserved farmland to hold special occasions under certain conditions. The Legislature concurred with the Governor's conditional veto of an earlier version of the legislation. The Governor recommended changes to allow for agricultural or horticultural production on preserved farmland.

"As the Garden State, agriculture is quintessential to New Jersey's identity and agritourism is the next frontier to maintaining this heritage," said Governor Murphy. "This legislation creates new revenue streams for those who work tirelessly to maintain the preserved farmland that is core to our state's cultural fabric. I am especially proud to sign this bill in honor of Assemblyman Ron Dancer, whose legacy of advocacy for our state's agricultural and tourism industries is found writ-large in this new law."

Special occasion events allow preserved farmland owners the opportunity to introduce new streams of income to family farming operations and increase the public by agritourism.

"This bill permits operators of preserved farms to host special occasion events that the public can enjoy with their family and friends on agricultural lands," said **Douglas H. Fisher, who is also the chair of the State Agriculture Development Committee**. "I appreciate Governor Murphy signing this bill today which is a win for their bottom line which in turn helps to secure agriculture's continued success in the Garden State."

Under the bill, a preserved farm that produces agricultural or horticultural products worth more than \$10,000 annually may hold up to a maximum of 26 special occasion events per calendar year, of which 6 may have 250 guests or more in attendance.

Primary sponsors of the legislation include Senators Paul Sarlo and Steven Oroho, and Assemblymembers Roy Freiman and Raj Mukherji. The late Assemblyman Dancer served as a primary sponsor of the bill.

"New Jersey's farms are one of the state's most productive and attractive assets," said **Senator Paul Sarlo, Chairman, Senate Budget Committee**. "In a state where we grow so many vegetables, our farms offer a beautiful venue to host weddings and other events that help farmers supplement their income and preserve their farmland. This legislation is affordable for farmers and provide economic benefits to their communities."

"This law gives farmers in New Jersey the opportunity to supplement their income by hosting special events on their land. Agritourism is a growing industry and we want to participate, we make it possible for them to expand their businesses, grow the economy and showcase that which makes New Jersey's agricultural community. This provides access to farms and farmland, allowing all to enjoy the beauty of nature, and gives insight into the challenges and rewards farmers encounter in growing what we consume," said **Assemblymen Roy Freiman and Raj Mukherji**. "By finding a balance between protecting preserved farmland and giving farmers in the Garden State the opportunity to host special events, we can introduce new streams of income to the farming industry without compromising agricultural production."

"I am proud this legislation will be signed into law. Our heritage as the 'Garden State' goes back hundreds of years, and our farming tradition is still thriving in our communities throughout the state," said **Senate Minority Leader Steven Oroho**. "In addition to growing fruits, vegetables, and grains, our farms can also host special ceremonies and many other special events. This bill, now law, will provide an economic benefit to farmers, preserve important farmland, and showcase New Jersey's agricultural legacy."

"Special occasion events for farms have become a critical part of the farmers' plan to keep farming as well as great destinations for the residents of the state. New Jersey's acclaimed agricultural industry and an ally to all farmers, I know my late friend Assemblyman Dancer would have celebrated today, and then would have introduced the next bill to help farmers. We shared much of the same vision for New Jersey's future and I have been honored to help ensure his public service continues to have an impact," said **Assemblyman Alex Sauickie, who currently serves the 12th legislative district, succeeding the late Assemblyman Dancer**. "His legacy of service to the Garden State's farming communities."

Under the bill, a special occasion event is required to not interfere with the use of the preserved farmland for agricultural or horticultural production, have no net increase in occupied area, and must be designed to protect the agricultural resources of the land to ensure that the land can be readily returned to productive agricultural use after the event. All applicable State and local laws and ordinances including those concerning food safety, litter, noise, solid waste, traffic, and the protection of property are to the special occasion event.

"This legislation will allow preserved farm owners an additional economic opportunity to help sustain their farm viability into the future," said **Allen Carter, Farm Bureau Director**. "The Farm Bureau appreciates the Governor, his Administration and the Legislature's work to help set reasonable rules for hosting events on preserved farmland."

"Our industry keeps the 'Garden' in the Garden State," said **Devon Perry, the Executive Director of the Garden State Wine Growers Association**. "As the industry grows, we celebrate ongoing support of agritourism across the board."