

4:1C-32.17
LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2025 **CHAPTER:** 83

NJSA: 4:1C-32.17 Authorizes certain types of permanent structures, recently constructed or erected on preserved farmland, to be used, in certain cases, for purposes of holding special occasion events thereon.

BILL NO: S3418 (Substituted for A4556 (1R))

SPONSOR(S) Beach, James and others

DATE INTRODUCED: 6/10/2024

COMMITTEE: **ASSEMBLY:** --

SENATE: Economic Growth

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: ASSEMBLY: 6/30/2025

SENATE: 6/30/2025

DATE OF APPROVAL: 7/1/2025

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (S3418 Sca w/GR (2R) enacted)

ADVANCE LAW Yes

PAMPHLET LAW Yes

S3418

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

REPRINT(S):	Yes	SEG 12/12/24 1R Conditional Veto 2R
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TECHNICAL REVIEW OF BILL: No

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes Economic Growth

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, ***may possibly*** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

A4556 (1R)

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

REPRINT(S): Yes ACE 12/16/24 1R

TECHNICAL REVIEW OF BILL:

No

COMMITTEE STATEMENT: ASSEMBLY:Yes Commerce, Economic Development &
Agriculture
Tourism**SENATE:**

No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, ***may possibly*** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:

No

LEGISLATIVE FISCAL ESTIMATE:

No

VETO MESSAGE:

Yes

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

LEGISLATOR STATEMENT:

Yes

FOLLOWING WERE PRINTED:

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P.L. 2025, CHAPTER 83, *approved July 1, 2025*
Senate, No. 3418 (*Second Reprint*)

1 **AN ACT** concerning the use of certain recently constructed
2 permanent structures for special occasion events held on
3 preserved farmland, and amending P.L.2023, c.9.

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

7
8 1. Section 3 of P.L.2023, c.9 (C.4:1C-32.17) is amended to read
9 as follows:

10 3. a. Notwithstanding any law, or any rule or regulation adopted
11 pursuant thereto, to the contrary, a person may hold a special occasion
12 event on preserved farmland, provided that the grantee determines the
13 preserved farm complies with the terms of the Farmland Preservation
14 Program deed of easement recorded against the preserved farmland,
15 the person complies with the requirements set forth in P.L.2023, c.9
16 (C.4:1C-32.15 et seq.), and the special occasion event is held in
17 compliance with the requirements of this section and the rules and
18 regulations adopted by the committee pursuant to section 6 of
19 P.L.2023, c.9 (C.4:1C-32.20).

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

25 (1) A special occasion event shall have a maximum duration of
26 two consecutive calendar days if the event is marketed as a single
27 event. An event shall be considered a single special occasion event,
28 even if the event lasts for more than one day, if the event:

- 29 (a) is marketed as a single event;
30 (b) occurs only on consecutive days; and
31 (c) does not last for more than two days.

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

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

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:

¹Senate SEG committee amendments adopted December 12, 2024.

²Senate amendments adopted in accordance with Governor's
recommendations June 2, 2025.

1 (4) (a) All applicable State and local laws, regulations, resolutions,
2 and ordinances including, but not limited to, those concerning food
3 safety, litter, noise, solid waste, traffic, and the protection of public
4 health and safety shall apply to the special occasion event and all
5 activities related thereto. To comply with local laws, regulations,
6 resolutions, and ordinances, the municipality may require that an
7 owner or operator of a commercial farm located on preserved farmland
8 submit an application to the municipality for approval and may
9 designate an office or agency of the municipality to review municipal
10 applications for conducting special occasion events. A municipality
11 may require a municipal application if the special occasion event
12 would:

13 (i) generate a parking or traffic flow situation that could
14 unreasonably interfere with the movement of normal traffic or
15 emergency vehicles or other organized group sharing similar common
16 purposes or goals proceeding in or upon any street, park, or other
17 public place within the municipality; or

18 (ii) require the expenditure of municipal resources or inspections
19 from agencies or authorities of the municipality.

20 (b) For a municipal application submitted in accordance with
21 subparagraph (a) of this paragraph, the municipality shall not charge
22 an application fee of more than \$50. The municipal application shall
23 not require more information than an identification of locations of
24 where tents and other temporary structures, sanitary facilities, parking,
25 and access and egress will be located for each event, where music will
26 be played, the number of expected guests, and other information that
27 may be of public concern and would be required of a similar event
28 when conducted at a public park or another public venue.

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

34 (b) **[No]** A permanent structure that has been constructed fewer
35 than five years prior to the date **[of]** on which an application **[to the**
36 **grantee]** to hold a special occasion event is submitted to the grantee,
37 pursuant to subsection c. of this section, shall not be used for the
38 purpose of holding **[the]** any special occasion event identified in the
39 application, unless ¹: (i) such permanent structure ²was constructed,
40 and ²is used ²[by a winery,] ²in accordance with ²[the “Right to Farm
41 Act,”] section 6 of ²P.L.1983, c.31 ²[(C.4:1C-1 et seq.).] (C.4:1C-9)
42 by a winery ²for the primary purpose of facilitating the ²[testing]
43 tasting ², sale, consumption, ²production, packaging, ²or marketing of
44 wine, wine-related products, or farm-related products ², as determined
45 by the grantee ²; or (ii) ¹the total amount of revenue to be earned from
46 all ¹[such] ¹special occasion events identified in the application, and

1 approved to be held on the farm during the calendar year, will not
2 exceed 10 percent of the total revenues accruing to the farm in that
3 calendar year.

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

17 (d) No public utilities, including gas or sewer lines, shall be
18 extended to the preserved farmland for the purpose of holding special
19 occasion events, except that electric and water service may be
20 extended to preserved farmland for the purpose of holding special
21 occasion events.

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

29 (7) The occupied area associated with a special occasion event
30 shall be no more than the lesser of 10 acres or 10 percent of the
31 preserved farmland.

32 c. A special occasion event shall not be held on preserved
33 farmland unless the applicant obtains approval to hold special occasion
34 events, in writing from the grantee, prior to holding a special occasion
35 event. If the applicant is the operator, but not the owner, of the farm,
36 then the operator shall submit to the grantee a notarized affidavit from
37 the owner authorizing the application. Once approval is obtained from
38 the grantee, a permittee shall be required to submit an application
39 pursuant to this subsection not more than once annually, and an
40 individual application shall not be required for each special occasion
41 event.

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

1 (a) that the commercial farm located on the preserved farmland
2 produces agricultural or horticultural products worth \$10,000 or more
3 annually, and this may include an attestation that the commercial farm
4 located on the preserved farmland produces agricultural or
5 horticultural products worth \$10,000 or more annually;

6 (b) the number of special occasion events to be held on the
7 commercial farm during the calendar year, and the estimated dollar
8 amount and percentage share of total annual farm revenues expected to
9 be earned, during that calendar year, through the holding of such
10 special occasion events;

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

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

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

16 (2) The grantee shall approve **【an】**, in writing, any application
17 **【made】** submitted pursuant to this section **【upon a finding】**, if it finds
18 that the special occasion events 【on the preserved farmland that are the
19 subject of】 identified in the application will comply with the
20 requirements of 【this act】 P.L.2023, c.9 (C.4:1C-32.15 et seq.) and
21 any rules and regulations adopted by the committee 【to implement this
22 act】 pursuant thereto. ²Notwithstanding any law, regulation, or prior
23 practice to the contrary that permitted multi-year approvals for special
24 occasion events, special occasion events occurring in structures
25 pursuant to subparagraph (b) of paragraph (5) of subsection b. of this
26 section shall be reviewed, and approved or denied, annually by the
27 grantee.² A written approval issued pursuant to this paragraph shall
28 additionally indicate whether the applicant has satisfied the ¹primary
29 purpose and use requirements established pursuant to sub-
30 subparagraph (i) of subparagraph (b) of paragraph (5) of subsection b.
31 of this section, or the ¹revenue requirements established pursuant to
32 ¹sub-subparagraph (ii) of¹ subparagraph (b) of paragraph (5) of
33 subsection b. of this section, ¹as applicable,¹ as evidenced in the
34 application by submission of an associated certification and supporting
35 documentation, and is, therefore, authorized and approved to use
36 permanent structures, constructed fewer than five years prior to the
37 date of application, for the purposes of holding the approved special
38 occasion events identified therein. ²Special occasion events occurring
39 pursuant to sub-subparagraph (i) of subparagraph (b) of paragraph (5)
40 of subsection b. of this section may not be approved prior to completed
41 construction of the structure in which the special occasion event is to
42 occur and final approval by the applicable construction office.² The
43 grantee shall forward a copy of its written approval to the committee
44 and to the board in the county 【in which】 where the preserved
45 farmland is located.

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

5 (b) If the grantee does not respond to a written request to hold
6 special occasion events within 90 days following receipt of a request,
7 then the request shall be deemed approved.

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

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

17 d. A commercial farm shall not hold more than one special
18 occasion event with over 100 guests per calendar day. A commercial
19 farm may hold 26 special occasion events each calendar year, of which
20 only six special occasion events may have 250 guests or more in
21 attendance at any time during the event. A special occasion event held
22 by or for a nonprofit entity shall not count against the limitations on
23 events provided by this subsection if the event has fewer than 100
24 guests and the permittee does not charge for, and receives no fees or
25 compensation for hosting the event, other than for reimbursement of
26 out-of-pocket expenses. The maximum reimbursement to the
27 permittee shall not exceed \$1,000.

28 e. A retail food establishment other than a temporary retail food
29 establishment, as those terms are defined in the State Sanitary Code
30 adopted pursuant to section 7 of P.L.1947, c.177 (C.26:1A-7), shall not
31 operate on a commercial farm in support of a special occasion event.
32 The limitations of this subsection on the use of a retail food
33 establishment shall not apply to a retail food establishment based at the
34 commercial farm.

35 f. Nothing in P.L.2023, c.9 (C.4:1C-32.15 et seq.), or the rules
36 and regulations adopted by the committee pursuant to section 6 of
37 P.L.2023, c.9 (C.4:1C-32.20), shall apply to any special occasion event
38 that is not held, in whole or in part, on preserved farmland on a
39 commercial farm, including, but not limited to, exception areas.

40 ²g. (1) A county agriculture development board or the State
41 Agriculture Development Committee may order, and specify the scope
42 of, an audit of the owner or operator of any farm engaged in
43 conducting special occasion events on preserved farmland, for the
44 purpose of determining compliance with sub-subparagraph (ii) of
45 subparagraph (b) of paragraph (5) of subsection b. of this section. The
46 audit shall be conducted by an independent certified public accountant
47 approved by the board or the committee, and the reasonable costs

1 thereof shall be paid by the owner or operator of the farm. A county
2 agriculture development board, or the committee, may establish a list
3 of independent certified public accountants approved for the purposes
4 of conducting an audit pursuant to this paragraph. Copies of the audit
5 shall be submitted to the board and the committee. In conjunction
6 with an audit ordered pursuant to this paragraph, a board or the
7 committee may request, and the farm shall then submit, additional
8 documentation as may be necessary for the board or the committee to
9 verify compliance with sub-subparagraph (ii) of subparagraph (b) of
10 paragraph (5) of subsection b. of this section. An owner or operator of
11 a farm engaged in conducting special occasion events on preserved
12 farmland shall not be subject to an audit authorized pursuant to this
13 paragraph more than once per year without good cause demonstrated
14 by the applicable board or the committee.

15 (2) An owner or operator of a farm engaged in conducting special
16 occasion events on preserved farmland pursuant to sub-subparagraph
17 (ii) of subparagraph (b) of paragraph (5) of subsection b. of this
18 section shall annually certify to the county agriculture development
19 board that the special occasion events together account for no more
20 than 10 percent of the annual gross income of the farm during the prior
21 calendar year. The board shall forward the certification of annual
22 gross income to the committee.

23 h. In addition to any other penalties provided by law:

24 (1) A person who commits a second or subsequent violation of
25 sub-subparagraph (i) of subparagraph (b) of paragraph (5) of
26 subsection b. of this section shall be liable for double the maximum
27 civil administrative penalty that may be assessed for any second or
28 subsequent violation under subsection a. of section 5 of P.L.2023, c.9
29 (C.4:1C-32.19).

30 (2) A person who commits a violation of sub-subparagraph (ii) of
31 subparagraph (b) of paragraph (5) of subsection b. of this section shall
32 be liable for forfeiture of revenues earned from special events that
33 exceed 10 percent of the farm's total annual revenues, which penalty
34 shall be collected and enforced pursuant to section 5 of P.L.2023, c.9
35 (C.4:1C-32.19).²

36 (cf: P.L.2023, c.9, s.3)

37
38 2. This act shall take effect immediately.
39
40
41
42

43 _____
44 Authorizes certain types of permanent structures, recently
45 constructed or erected on preserved farmland, to be used, in certain
cases, for purposes of holding special occasion events thereon.

CHAPTER 83

AN ACT concerning the use of certain recently constructed permanent structures for special occasion events held on preserved farmland, and amending P.L.2023, c.9.

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

1. Section 3 of P.L.2023, c.9 (C.4:1C-32.17) is amended to read as follows:

C.4:1C-32.17 Special occasion event, preserved farmland, compliance, Farmland Preservation Program.

3. a. Notwithstanding any law, or any rule or regulation adopted pursuant thereto, to the contrary, a person may hold a special occasion event on preserved farmland, provided that the grantee determines the preserved farm complies with the terms of the Farmland Preservation Program deed of easement recorded against the preserved farmland, the person complies with the requirements set forth in P.L.2023, c.9 (C.4:1C-32.15 et seq.), and the special occasion event is held in compliance with the requirements of this section and the rules and regulations adopted by the committee pursuant to section 6 of P.L.2023, c.9 (C.4:1C-32.20).

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

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

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

(2) A special occasion event shall 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 ensure that the land can be readily returned to productive agricultural or horticultural use after the event.

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

(4) (a) All applicable State and local laws, regulations, resolutions, and ordinances including, but not limited to, those concerning food safety, litter, noise, solid waste, traffic, and the protection of public health and safety shall apply to the special occasion event and all activities related thereto. To comply with local laws, regulations, resolutions, and ordinances, the municipality may require that an owner or operator of a commercial farm located on preserved farmland submit an application to the municipality for approval and may designate an office or agency of the municipality to review municipal applications for conducting special occasion events. A municipality may require a municipal application if the special occasion event would:

(i) 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

(ii) require the expenditure of municipal resources or inspections from agencies or authorities of the municipality.

(b) For a municipal application submitted in accordance with subparagraph (a) of this paragraph, the municipality shall not charge an application fee of more than \$50. The municipal application shall not require more information than an identification of locations of where tents and other temporary structures, sanitary facilities, parking, and access and egress will be located for each event, where music will be played, the number of expected guests, and other information that may be of public concern and would be required of a similar event when conducted at a public park or another public venue.

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

(b) A permanent structure that has been constructed fewer than five years prior to the date on which an application to hold a special occasion event is submitted to the grantee, pursuant to subsection c. of this section, shall not be used for the purpose of holding any special occasion event identified in the application, unless: (i) such permanent structure was constructed and is used in accordance with section 6 of P.L.1983, c.31 (C.4:1C-9) by a winery for the primary purpose of facilitating the tasting, sale, consumption, production, packaging, or marketing of wine, wine-related products, or farm-related products, as determined by the grantee; or (ii) the total amount of revenue to be earned from all special occasion events identified in the application, and approved to be held on the farm during the calendar year, will not exceed 10 percent of the total revenues accruing to the farm in that calendar year.

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

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

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

(7) The occupied area associated with a special occasion event shall be no more than the lesser of 10 acres or 10 percent of the preserved farmland.

c. A special occasion event shall not be held on preserved farmland unless the applicant obtains approval to hold special occasion events, in writing from the grantee, prior to holding a special occasion event. 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 be required to

submit an application pursuant to this subsection not more than once annually, and an individual application shall not be required for each special occasion event.

(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, and the estimated dollar amount and percentage share of total annual farm revenues expected to be earned, during that calendar year, through the holding of such special occasion events;

(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, in writing, any application submitted pursuant to this section if it finds that the special occasion events identified in the application will comply with the requirements of P.L.2023, c.9 (C.4:1C-32.15 et seq.) and any rules and regulations adopted by the committee pursuant thereto. Notwithstanding any law, regulation, or prior practice to the contrary that permitted multi-year approvals for special occasion events, special occasion events occurring in structures pursuant to subparagraph (b) of paragraph (5) of subsection b. of this section shall be reviewed, and approved or denied, annually by the grantee. A written approval issued pursuant to this paragraph shall additionally indicate whether the applicant has satisfied the primary purpose and use requirements established pursuant to sub-subparagraph (i) of subparagraph (b) of paragraph (5) of subsection b. of this section or the revenue requirements established pursuant to sub-subparagraph (ii) of subparagraph (b) of paragraph (5) of subsection b. of this section, as applicable, as evidenced in the application by submission of an associated certification and supporting documentation, and is, therefore, authorized and approved to use permanent structures, constructed fewer than five years prior to the date of application, for the purposes of holding the approved special occasion events identified therein. Special occasion events occurring pursuant to sub-subparagraph (i) of subparagraph (b) of paragraph (5) of subsection b. of this section may not be approved prior to completed construction of the structure in which the special occasion event is to occur and final approval by the applicable construction office. The grantee shall forward a copy of its written approval to the committee and to the board in the county where 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.

(b) If the grantee does not respond to a written request to hold special occasion events within 90 days following receipt of a request, then the request shall be deemed approved.

(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.

d. A commercial farm shall not hold more than one special occasion event with over 100 guests per calendar day. A commercial farm may hold 26 special occasion events each calendar year, of which only six special occasion events may have 250 guests or more in attendance at any time during the event. A special occasion event held by or for a nonprofit entity shall not count against the limitations on events provided by this subsection if the event has fewer than 100 guests and the 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 maximum reimbursement to the permittee shall not exceed \$1,000.

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

f. Nothing in P.L.2023, c.9 (C.4:1C-32.15 et seq.), or the rules and regulations adopted by the committee pursuant to section 6 of P.L.2023, c.9 (C.4:1C-32.20), shall apply to any special occasion event that is not held, in whole or in part, on preserved farmland on a commercial farm, including, but not limited to, exception areas.

g. (1) A county agriculture development board or the State Agriculture Development Committee may order, and specify the scope of, an audit of the owner or operator of any farm engaged in conducting special occasion events on preserved farmland, for the purpose of determining compliance with sub-subparagraph (ii) of subparagraph (b) of paragraph (5) of subsection b. of this section. The audit shall be conducted by an independent certified public accountant approved by the board or the committee, and the reasonable costs thereof shall be paid by the owner or operator of the farm. A county agriculture development board, or the committee, may establish a list of independent certified public accountants approved for the purposes of conducting an audit pursuant to this paragraph. Copies of the audit shall be submitted to the board and the committee. In conjunction with an audit ordered pursuant to this paragraph, a board or the committee may request, and the farm shall then submit, additional documentation as may be necessary for the board or the committee to verify compliance with sub-subparagraph (ii) of subparagraph (b) of paragraph (5) of subsection b. of this section. An owner or operator of a farm engaged in conducting special occasion events on preserved farmland shall not be subject to an audit authorized pursuant to this paragraph more than once per year without good cause demonstrated by the applicable board or the committee.

(2) An owner or operator of a farm engaged in conducting special occasion events on preserved farmland pursuant to sub-subparagraph (ii) of subparagraph (b) of paragraph (5) of subsection b. of this section shall annually certify to the county agriculture development board that the special occasion events together account for no more than 10 percent of the annual gross income of the farm during the prior calendar year. The board shall forward the certification of annual gross income to the committee.

h. In addition to any other penalties provided by law:

(1) A person who commits a second or subsequent violation of sub-subparagraph (i) of subparagraph (b) of paragraph (5) of subsection b. of this section shall be liable for double the

maximum civil administrative penalty that may be assessed for any second or subsequent violation under subsection a. of section 5 of P.L.2023, c.9 (C.4:1C-32.19).

(2) A person who commits a violation of sub-subparagraph (ii) of subparagraph (b) of paragraph (5) of subsection b. of this section shall be liable for forfeiture of revenues earned from special events that exceed 10 percent of the farm's total annual revenues, which penalty shall be collected and enforced pursuant to section 5 of P.L.2023, c.9 (C.4:1C-32.19).

2. This act shall take effect immediately.

Approved July 1, 2025.

SENATE, No. 3418

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JUNE 10, 2024

Sponsored by:

Senator JAMES BEACH

District 6 (Burlington and Camden)

Senator JOSEPH PENNACCHIO

District 26 (Morris and Passaic)

SYNOPSIS

Authorizes certain types of permanent structures, recently constructed or erected on preserved farmland, to be used, in certain cases, for purposes of holding special occasion events thereon.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/12/2024)

1 AN ACT concerning the use of certain recently constructed
2 permanent structures for special occasion events held on
3 preserved farmland, and amending P.L.2023, c.9.

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

7
8 1. Section 3 of P.L.2023, c.9 (C.4:1C-32.17) is amended to
9 read as follows:

10 3. a. Notwithstanding any law, or any rule or regulation
11 adopted pursuant thereto, to the contrary, a person may hold a
12 special occasion event on preserved farmland, provided that the
13 grantee determines the preserved farm complies with the terms of
14 the Farmland Preservation Program deed of easement recorded
15 against the preserved farmland, the person complies with the
16 requirements set forth in P.L.2023, c.9 (C.4:1C-32.15 et seq.), and
17 the special occasion event is held in compliance with the
18 requirements of this section and the rules and regulations adopted
19 by the committee pursuant to section 6 of P.L.2023, c.9 (C.4:1C-
20 32.20).

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

26 (1) A special occasion event shall have a maximum duration of
27 two consecutive calendar days if the event is marketed as a single
28 event. An event shall be considered a single special occasion event,
29 even if the event lasts for more than one day, if the event:

- 30 (a) is marketed as a single event;
31 (b) occurs only on consecutive days; and
32 (c) does not last for more than two days.

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

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

43 (4) (a) All applicable State and local laws, regulations,
44 resolutions, and ordinances including, but not limited to, those
45 concerning food safety, litter, noise, solid waste, traffic, and the
46 protection of public health and safety shall apply to the special

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.

1 occasion event and all activities related thereto. To comply with
2 local laws, regulations, resolutions, and ordinances, the
3 municipality may require that an owner or operator of a commercial
4 farm located on preserved farmland submit an application to the
5 municipality for approval and may designate an office or agency of
6 the municipality to review municipal applications for conducting
7 special occasion events. A municipality may require a municipal
8 application if the special occasion event would:

9 (i) generate a parking or traffic flow situation that could
10 unreasonably interfere with the movement of normal traffic or
11 emergency vehicles or other organized group sharing similar
12 common purposes or goals proceeding in or upon any street, park,
13 or other public place within the municipality; or

14 (ii) require the expenditure of municipal resources or inspections
15 from agencies or authorities of the municipality.

16 (b) For a municipal application submitted in accordance with
17 subparagraph (a) of this paragraph, the municipality shall not
18 charge an application fee of more than \$50. The municipal
19 application shall not require more information than an identification
20 of locations of where tents and other temporary structures, sanitary
21 facilities, parking, and access and egress will be located for each
22 event, where music will be played, the number of expected guests,
23 and other information that may be of public concern and would be
24 required of a similar event when conducted at a public park or
25 another public venue.

26 (5) (a) No new permanent structures shall be constructed or
27 erected on preserved farmland for the purpose of holding a special
28 occasion event, and improvements to existing structures shall be
29 limited to the minimum required for the protection of health and
30 safety.

31 (b) **【No】** A permanent structure that has been constructed fewer
32 than five years prior to the date 【of】 on which an application 【to
33 the grantee】 to hold a special occasion event is submitted to the
34 grantee, pursuant to subsection c. of this section, shall not be used
35 for the purpose of holding 【the】 any special occasion event
36 identified in the application, unless the total amount of revenue to
37 be earned from all such special occasion events identified in the
38 application, and approved to be held on the farm during the
39 calendar year, will not exceed 10 percent of the total revenues
40 accruing to the farm in that calendar year.

41 (c) The installation and use of tents, canopies, umbrellas, tables,
42 chairs, and other temporary structures on preserved farmland for the
43 purpose of holding special occasion events shall be a permitted use
44 provided that the tent, canopy, umbrella, table, chairs, or other
45 temporary structure conforms to all applicable provisions of the
46 State Uniform Construction Code and Uniform Fire Code, which

1 have been adopted by the Commissioner of Community Affairs
2 pursuant to P.L.1975, c.217 (C.52:27D-119~~],~~ et seq.) and
3 P.L.1983, c.383 (C.52:27D-192 et seq.), respectively. The
4 permitted use of tents, canopies, umbrellas, tables, chairs, and other
5 temporary structures allowed by this subparagraph shall be limited
6 to the timeframe encompassing the first day of April through
7 November 30 of each year.

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

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

20 (7) The occupied area associated with a special occasion event
21 shall be no more than the lesser of 10 acres or 10 percent of the
22 preserved farmland.

23 c. A special occasion event shall not be held on preserved
24 farmland unless the applicant obtains approval to hold special
25 occasion events, in writing from the grantee, prior to holding a
26 special occasion event. If the applicant is the operator, but not the
27 owner, of the farm, then the operator shall submit to the grantee a
28 notarized affidavit from the owner authorizing the application.
29 Once approval is obtained from the grantee, a permittee shall be
30 required to submit an application pursuant to this subsection not
31 more than once annually, and an individual application shall not be
32 required for each special occasion event.

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

38 (a) that the commercial farm located on the preserved farmland
39 produces agricultural or horticultural products worth \$10,000 or
40 more annually, and this may include an attestation that the
41 commercial farm located on the preserved farmland produces
42 agricultural or horticultural products worth \$10,000 or more
43 annually;

44 (b) the number of special occasion events to be held on the
45 commercial farm during the calendar year, and the estimated dollar
46 amount and percentage share of total annual farm revenues

1 expected to be earned, during that calendar year, through the
2 holding of such special occasion events;

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

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

8 (2) The grantee shall approve **【an】**, in writing, any application
9 **【made】** submitted pursuant to this section **【upon a finding】**, if it
10 finds that the special occasion events **【on the preserved farmland**
11 **that are the subject of】** identified in the application will comply
12 with the requirements of **【this act】** P.L.2023, c.9 (C.4:1C-32.15 et
13 seq.) and any rules and regulations adopted by the committee **【to**
14 **implement this act】** pursuant thereto. A written approval issued
15 pursuant to this paragraph shall additionally indicate whether the
16 applicant has satisfied the revenue requirements established
17 pursuant to subparagraph (b) of paragraph (5) of subsection b. of
18 this section, as evidenced in the application by submission of an
19 associated certification and supporting documentation, and is,
20 therefore, authorized and approved to use permanent structures,
21 constructed fewer than five years prior to the date of application,
22 for the purposes of holding the approved special occasion events
23 identified therein. The grantee shall forward a copy of its written
24 approval to the committee and to the board in the county **【in which】**
25 where the preserved farmland is located.

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

30 (b) If the grantee does not respond to a written request to hold
31 special occasion events within 90 days following receipt of a
32 request, then the request shall be deemed approved.

33 (c) If the grantee denies an application made pursuant to this
34 section, the grantee shall provide a reason for the denial and an
35 opportunity for the applicant to reapply with an amended
36 application.

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

44 d. A commercial farm shall not hold more than one special
45 occasion event with over 100 guests per calendar day. A
46 commercial farm may hold 26 special occasion events each calendar

1 year, of which only six special occasion events may have 250 guests
2 or more in attendance at any time during the event. A special
3 occasion event held by or for a nonprofit entity shall not count
4 against the limitations on events provided by this subsection if the
5 event has fewer than 100 guests and the permittee does not charge
6 for, and receives no fees or compensation for hosting the event,
7 other than for reimbursement of out-of-pocket expenses. The
8 maximum reimbursement to the permittee shall not exceed \$1,000.

9 e. A retail food establishment other than a temporary retail
10 food establishment, as those terms are defined in the State Sanitary
11 Code adopted pursuant to section 7 of P.L.1947, c.177 (C.26:1A-7),
12 shall not operate on a commercial farm in support of a special
13 occasion event. The limitations of this subsection on the use of a
14 retail food establishment shall not apply to a retail food
15 establishment based at the commercial farm.

16 f. Nothing in P.L.2023, c.9 (C.4:1C-32.15 et seq.), or the rules
17 and regulations adopted by the committee pursuant to section 6 of
18 P.L.2023, c.9 (C.4:1C-32.20), shall apply to any special occasion
19 event that is not held, in whole or in part, on preserved farmland on
20 a commercial farm, including, but not limited to, exception areas.
21 (cf: P.L.2023, c.9, s.3)

22
23 2. This act shall take effect immediately.
24
25

26 STATEMENT

27
28 This bill would amend the law at P.L.2023, c.9 (C.4:1C-32.15 et
29 seq.), which authorizes the holding of certain limited special
30 occasion events on preserved farms, in order to clarify the
31 circumstances under which certain recently constructed or erected
32 permanent structures may be used for such special occasion events.

33 While existing law authorizes special occasion events to be held
34 on a preserved farm, provided that the farm owner or operator first
35 (and annually) applies to, and receives approval therefor from, the
36 State, local, or nonprofit entity to which the farm's development
37 rights have been conveyed (the grantee), the existing law also
38 prohibits a farm owner or operator from using any permanent
39 structures on the farm, for the holding of grantee-approved special
40 occasion events, if those structures have been recently constructed
41 within the five-year period preceding the date on which the special
42 occasion events application is submitted. This bill would establish
43 a limited exception to this general prohibition by authorizing a
44 preserved farm owner or operator to use these types of recently
45 constructed permanent structures, for special occasion events that
46 are approved to be held on the preserved farm, as long as the total

1 revenues to be received from all special occasion events held on the
2 farm, during the calendar year, will not exceed 10 percent of the
3 total revenues accruing to the farm in that calendar year. The farm
4 owner or operator would be required, in the application to the
5 grantee submitted pursuant to the law, to certify and provide
6 supporting documentation to establish that the revenue to be earned
7 meets the standards established by the bill.

8 The bill would further require a grantee, when approving a
9 special occasion events application, to confirm, in its written notice
10 of approval, whether the applicant has provided satisfactory
11 evidence of compliance with the bill's revenue limits, in this regard,
12 and is being authorized and approved by the grantee, on this basis,
13 to use such recently constructed permanent structures for the
14 purposes of holding the special occasion events identified in the
15 application.

[First Reprint]

SENATE, No. 3418

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JUNE 10, 2024

Sponsored by:

Senator JAMES BEACH

District 6 (Burlington and Camden)

Senator JOSEPH PENNACCHIO

District 26 (Morris and Passaic)

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblywoman ANDREA KATZ

District 8 (Atlantic and Burlington)

Co-Sponsored by:

Senator Turner, Assemblymen Clifton, Freiman, Assemblywomen Drulis, Speight, Assemblyman Bailey, Assemblywomen Kane and Reynolds-Jackson

SYNOPSIS

Authorizes certain types of permanent structures, recently constructed or erected on preserved farmland, to be used, in certain cases, for purposes of holding special occasion events thereon.

CURRENT VERSION OF TEXT

As reported by the Senate Economic Growth Committee on December 12, 2024, with amendments.

(Sponsorship Updated As Of: 2/27/2025)

1 AN ACT concerning the use of certain recently constructed
2 permanent structures for special occasion events held on
3 preserved farmland, and amending P.L.2023, c.9.

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

7
8 1. Section 3 of P.L.2023, c.9 (C.4:1C-32.17) is amended to read
9 as follows:

10 3. a. Notwithstanding any law, or any rule or regulation adopted
11 pursuant thereto, to the contrary, a person may hold a special occasion
12 event on preserved farmland, provided that the grantee determines the
13 preserved farm complies with the terms of the Farmland Preservation
14 Program deed of easement recorded against the preserved farmland,
15 the person complies with the requirements set forth in P.L.2023, c.9
16 (C.4:1C-32.15 et seq.), and the special occasion event is held in
17 compliance with the requirements of this section and the rules and
18 regulations adopted by the committee pursuant to section 6 of
19 P.L.2023, c.9 (C.4:1C-32.20).

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

25 (1) A special occasion event shall have a maximum duration of
26 two consecutive calendar days if the event is marketed as a single
27 event. An event shall be considered a single special occasion event,
28 even if the event lasts for more than one day, if the event:

- 29 (a) is marketed as a single event;
30 (b) occurs only on consecutive days; and
31 (c) does not last for more than two days.

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

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

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

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:

¹Senate SEG committee amendments adopted December 12, 2024.

1 resolutions, and ordinances, the municipality may require that an
2 owner or operator of a commercial farm located on preserved farmland
3 submit an application to the municipality for approval and may
4 designate an office or agency of the municipality to review municipal
5 applications for conducting special occasion events. A municipality
6 may require a municipal application if the special occasion event
7 would:

8 (i) generate a parking or traffic flow situation that could
9 unreasonably interfere with the movement of normal traffic or
10 emergency vehicles or other organized group sharing similar common
11 purposes or goals proceeding in or upon any street, park, or other
12 public place within the municipality; or

13 (ii) require the expenditure of municipal resources or inspections
14 from agencies or authorities of the municipality.

15 (b) For a municipal application submitted in accordance with
16 subparagraph (a) of this paragraph, the municipality shall not charge
17 an application fee of more than \$50. The municipal application shall
18 not require more information than an identification of locations of
19 where tents and other temporary structures, sanitary facilities, parking,
20 and access and egress will be located for each event, where music will
21 be played, the number of expected guests, and other information that
22 may be of public concern and would be required of a similar event
23 when conducted at a public park or another public venue.

24 (5) (a) No new permanent structures shall be constructed or
25 erected on preserved farmland for the purpose of holding a special
26 occasion event, and improvements to existing structures shall be
27 limited to the minimum required for the protection of health and
28 safety.

29 (b) **[No]** A permanent structure that has been constructed fewer
30 than five years prior to the date **[of]** on which an application **[to the**
31 **grantee]** to hold a special occasion event is submitted to the grantee,
32 pursuant to subsection c. of this section, shall not be used for the
33 purpose of holding **[the]** any special occasion event identified in the
34 application, unless ¹: (i) such permanent structure is used by a winery,
35 in accordance with the “Right to Farm Act,” P.L.1983, c.31 (C.4:1C-1
36 et seq.), for the primary purpose of facilitating the testing, sale,
37 consumption, or marketing of wine, wine-related products, or farm-
38 related products; or (ii) ¹ the total amount of revenue to be earned from
39 all ¹ **[such]** ¹ special occasion events identified in the application, and
40 approved to be held on the farm during the calendar year, will not
41 exceed 10 percent of the total revenues accruing to the farm in that
42 calendar year.

43 (c) The installation and use of tents, canopies, umbrellas, tables,
44 chairs, and other temporary structures on preserved farmland for the
45 purpose of holding special occasion events shall be a permitted use
46 provided that the tent, canopy, umbrella, table, chairs, or other

1 temporary structure conforms to all applicable provisions of the State
2 Uniform Construction Code and Uniform Fire Code, which have been
3 adopted by the Commissioner of Community Affairs pursuant to
4 P.L.1975, c.217 (C.52:27D-119~~],~~ et seq.) and P.L.1983, c.383
5 (C.52:27D-192 et seq.), respectively. The permitted use of tents,
6 canopies, umbrellas, tables, chairs, and other temporary structures
7 allowed by this subparagraph shall be limited to the timeframe
8 encompassing the first day of April through November 30 of each
9 year.

10 (d) No public utilities, including gas or sewer lines, shall be
11 extended to the preserved farmland for the purpose of holding special
12 occasion events, except that electric and water service may be
13 extended to preserved farmland for the purpose of holding special
14 occasion events.

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

22 (7) The occupied area associated with a special occasion event
23 shall be no more than the lesser of 10 acres or 10 percent of the
24 preserved farmland.

25 c. A special occasion event shall not be held on preserved
26 farmland unless the applicant obtains approval to hold special occasion
27 events, in writing from the grantee, prior to holding a special occasion
28 event. If the applicant is the operator, but not the owner, of the farm,
29 then the operator shall submit to the grantee a notarized affidavit from
30 the owner authorizing the application. Once approval is obtained from
31 the grantee, a permittee shall be required to submit an application
32 pursuant to this subsection not more than once annually, and an
33 individual application shall not be required for each special occasion
34 event.

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

40 (a) that the commercial farm located on the preserved farmland
41 produces agricultural or horticultural products worth \$10,000 or more
42 annually, and this may include an attestation that the commercial farm
43 located on the preserved farmland produces agricultural or
44 horticultural products worth \$10,000 or more annually;

45 (b) the number of special occasion events to be held on the
46 commercial farm during the calendar year, and the estimated dollar

1 amount and percentage share of total annual farm revenues expected to
2 be earned, during that calendar year, through the holding of such
3 special occasion events;

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

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

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

9 (2) The grantee shall approve **【an】**, in writing, any application
10 **【made】** submitted pursuant to this section **【upon a finding】**, if it finds
11 that the special occasion events **【on the preserved farmland that are the**
12 **subject of】** identified in the application will comply with the
13 requirements of **【this act】** P.L.2023, c.9 (C.4:1C-32.15 et seq.) and
14 any rules and regulations adopted by the committee **【to implement this**
15 **act】** pursuant thereto. A written approval issued pursuant to this
16 paragraph shall additionally indicate whether the applicant has
17 satisfied the ¹primary purpose and use requirements established
18 pursuant to sub-subparagraph (i) of subparagraph (b) of paragraph (5)
19 of subsection b. of this section, or the¹revenue requirements
20 established pursuant to ¹sub-subparagraph (ii) of¹subparagraph (b) of
21 paragraph (5) of subsection b. of this section, 'as applicable,' as
22 evidenced in the application by submission of an associated
23 certification and supporting documentation, and is, therefore,
24 authorized and approved to use permanent structures, constructed
25 fewer than five years prior to the date of application, for the purposes
26 of holding the approved special occasion events identified therein.
27 The grantee shall forward a copy of its written approval to the
28 committee and to the board in the county **【in which】** where the
29 preserved farmland is located.

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

34 (b) If the grantee does not respond to a written request to hold
35 special occasion events within 90 days following receipt of a request,
36 then the request shall be deemed approved.

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

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

1 d. A commercial farm shall not hold more than one special
2 occasion event with over 100 guests per calendar day. A commercial
3 farm may hold 26 special occasion events each calendar year, of which
4 only six special occasion events may have 250 guests or more in
5 attendance at any time during the event. A special occasion event held
6 by or for a nonprofit entity shall not count against the limitations on
7 events provided by this subsection if the event has fewer than 100
8 guests and the permittee does not charge for, and receives no fees or
9 compensation for hosting the event, other than for reimbursement of
10 out-of-pocket expenses. The maximum reimbursement to the
11 permittee shall not exceed \$1,000.

12 e. A retail food establishment other than a temporary retail food
13 establishment, as those terms are defined in the State Sanitary Code
14 adopted pursuant to section 7 of P.L.1947, c.177 (C.26:1A-7), shall not
15 operate on a commercial farm in support of a special occasion event.
16 The limitations of this subsection on the use of a retail food
17 establishment shall not apply to a retail food establishment based at the
18 commercial farm.

19 f. Nothing in P.L.2023, c.9 (C.4:1C-32.15 et seq.), or the rules
20 and regulations adopted by the committee pursuant to section 6 of
21 P.L.2023, c.9 (C.4:1C-32.20), shall apply to any special occasion event
22 that is not held, in whole or in part, on preserved farmland on a
23 commercial farm, including, but not limited to, exception areas.
24 (cf: P.L.2023, c.9, s.3)

25

26 2. This act shall take effect immediately.

[Second Reprint]

SENATE, No. 3418

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JUNE 10, 2024

Sponsored by:

Senator JAMES BEACH

District 6 (Burlington and Camden)

Senator JOSEPH PENNACCHIO

District 26 (Morris and Passaic)

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblywoman ANDREA KATZ

District 8 (Atlantic and Burlington)

Co-Sponsored by:

Senator Turner, Assemblymen Clifton, Freiman, Assemblywomen Drulis, Speight, Assemblyman Bailey, Assemblywomen Kane and Reynolds-Jackson

SYNOPSIS

Authorizes certain types of permanent structures, recently constructed or erected on preserved farmland, to be used, in certain cases, for purposes of holding special occasion events thereon.

CURRENT VERSION OF TEXT

As amended on June 2, 2025 by the Senate pursuant to the Governor's recommendations.

(Sponsorship Updated As Of: 2/27/2025)

1 AN ACT concerning the use of certain recently constructed
2 permanent structures for special occasion events held on
3 preserved farmland, and amending P.L.2023, c.9.

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

7
8 1. Section 3 of P.L.2023, c.9 (C.4:1C-32.17) is amended to read
9 as follows:

10 3. a. Notwithstanding any law, or any rule or regulation adopted
11 pursuant thereto, to the contrary, a person may hold a special occasion
12 event on preserved farmland, provided that the grantee determines the
13 preserved farm complies with the terms of the Farmland Preservation
14 Program deed of easement recorded against the preserved farmland,
15 the person complies with the requirements set forth in P.L.2023, c.9
16 (C.4:1C-32.15 et seq.), and the special occasion event is held in
17 compliance with the requirements of this section and the rules and
18 regulations adopted by the committee pursuant to section 6 of
19 P.L.2023, c.9 (C.4:1C-32.20).

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

25 (1) A special occasion event shall have a maximum duration of
26 two consecutive calendar days if the event is marketed as a single
27 event. An event shall be considered a single special occasion event,
28 even if the event lasts for more than one day, if the event:

- 29 (a) is marketed as a single event;
- 30 (b) occurs only on consecutive days; and
- 31 (c) does not last for more than two days.

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

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

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

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:

¹Senate SEG committee amendments adopted December 12, 2024.

²Senate amendments adopted in accordance with Governor's
recommendations June 2, 2025.

activities related thereto. To comply with local laws, regulations, resolutions, and ordinances, the municipality may require that an owner or operator of a commercial farm located on preserved farmland submit an application to the municipality for approval and may designate an office or agency of the municipality to review municipal applications for conducting special occasion events. A municipality may require a municipal application if the special occasion event would:

(i) 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

(ii) require the expenditure of municipal resources or inspections from agencies or authorities of the municipality.

(b) For a municipal application submitted in accordance with subparagraph (a) of this paragraph, the municipality shall not charge an application fee of more than \$50. The municipal application shall not require more information than an identification of locations of where tents and other temporary structures, sanitary facilities, parking, and access and egress will be located for each event, where music will be played, the number of expected guests, and other information that may be of public concern and would be required of a similar event when conducted at a public park or another public venue.

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

(b) ~~【No】~~ A permanent structure that has been constructed fewer than five years prior to the date ~~【of】~~ on which an application ~~【to the grantee】~~ to hold a special occasion event is submitted to the grantee, pursuant to subsection c. of this section, shall not be used for the purpose of holding ~~【the】~~ any special occasion event identified in the application, unless ¹: (i) such permanent structure ²was constructed, and ²is used ²【by a winery,】 ²in accordance with ²【the “Right to Farm Act,”】 section 6 of ²P.L.1983, c.31 ²【(C.4:1C-1 et seq.).】 (C.4:1C-9) by a winery ²for the primary purpose of facilitating the ²【testing】 ²tasting ², sale, consumption, production, packaging, ²or marketing of wine, wine-related products, or farm-related products ², as determined by the grantee ²; or (ii) ¹the total amount of revenue to be earned from all ¹【such】 ¹special occasion events identified in the application, and approved to be held on the farm during the calendar year, will not exceed 10 percent of the total revenues accruing to the farm in that calendar year.

1 (c) The installation and use of tents, canopies, umbrellas, tables,
2 chairs, and other temporary structures on preserved farmland for the
3 purpose of holding special occasion events shall be a permitted use
4 provided that the tent, canopy, umbrella, table, chairs, or other
5 temporary structure conforms to all applicable provisions of the State
6 Uniform Construction Code and Uniform Fire Code, which have been
7 adopted by the Commissioner of Community Affairs pursuant to
8 P.L.1975, c.217 (C.52:27D-119~~],~~ et seq.) and P.L.1983, c.383
9 (C.52:27D-192 et seq.), respectively. The permitted use of tents,
10 canopies, umbrellas, tables, chairs, and other temporary structures
11 allowed by this subparagraph shall be limited to the timeframe
12 encompassing the first day of April through November 30 of each
13 year.

14 (d) No public utilities, including gas or sewer lines, shall be
15 extended to the preserved farmland for the purpose of holding special
16 occasion events, except that electric and water service may be
17 extended to preserved farmland for the purpose of holding special
18 occasion events.

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

26 (7) The occupied area associated with a special occasion event
27 shall be no more than the lesser of 10 acres or 10 percent of the
28 preserved farmland.

29 c. A special occasion event shall not be held on preserved
30 farmland unless the applicant obtains approval to hold special occasion
31 events, in writing from the grantee, prior to holding a special occasion
32 event. If the applicant is the operator, but not the owner, of the farm,
33 then the operator shall submit to the grantee a notarized affidavit from
34 the owner authorizing the application. Once approval is obtained from
35 the grantee, a permittee shall be required to submit an application
36 pursuant to this subsection not more than once annually, and an
37 individual application shall not be required for each special occasion
38 event.

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

44 (a) that the commercial farm located on the preserved farmland
45 produces agricultural or horticultural products worth \$10,000 or more
46 annually, and this may include an attestation that the commercial farm

1 located on the preserved farmland produces agricultural or
2 horticultural products worth \$10,000 or more annually;

3 (b) the number of special occasion events to be held on the
4 commercial farm during the calendar year, and the estimated dollar
5 amount and percentage share of total annual farm revenues expected to
6 be earned, during that calendar year, through the holding of such
7 special occasion events;

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

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

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

13 (2) The grantee shall approve **【an】**, in writing, any application
14 **【made】** submitted pursuant to this section 【upon a finding】, if it finds
15 that the special occasion events **【on the preserved farmland that are the**
16 **subject of】** identified in the application will comply with the
17 requirements of 【this act】 P.L.2023, c.9 (C.4:1C-32.15 et seq.) and
18 any rules and regulations adopted by the committee 【to implement this
19 act】 pursuant thereto. ²Notwithstanding any law, regulation, or prior
20 practice to the contrary that permitted multi-year approvals for special
21 occasion events, special occasion events occurring in structures
22 pursuant to subparagraph (b) of paragraph (5) of subsection b. of this
23 section shall be reviewed, and approved or denied, annually by the
24 grantee.² A written approval issued pursuant to this paragraph shall
25 additionally indicate whether the applicant has satisfied the ¹primary
26 purpose and use requirements established pursuant to sub-
27 subparagraph (i) of subparagraph (b) of paragraph (5) of subsection b.
28 of this section, or the ¹revenue requirements established pursuant to
29 ¹sub-subparagraph (ii) of ¹ subparagraph (b) of paragraph (5) of
30 subsection b. of this section, ¹as applicable,¹ as evidenced in the
31 application by submission of an associated certification and supporting
32 documentation, and is, therefore, authorized and approved to use
33 permanent structures, constructed fewer than five years prior to the
34 date of application, for the purposes of holding the approved special
35 occasion events identified therein. ²Special occasion events occurring
36 pursuant to sub-subparagraph (i) of subparagraph (b) of paragraph (5)
37 of subsection b. of this section may not be approved prior to completed
38 construction of the structure in which the special occasion event is to
39 occur and final approval by the applicable construction office.² The
40 grantee shall forward a copy of its written approval to the committee
41 and to the board in the county 【in which】 where the preserved
42 farmland is located.

43 (a) If the grantee is a qualifying tax exempt nonprofit organization
44 as defined pursuant to P.L.1999, c.152 (C.13:8C-3), the grantee may

1 approve, approve with conditions, or deny the application submitted
2 pursuant to this section.

3 (b) If the grantee does not respond to a written request to hold
4 special occasion events within 90 days following receipt of a request,
5 then the request shall be deemed approved.

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

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

15 d. A commercial farm shall not hold more than one special
16 occasion event with over 100 guests per calendar day. A commercial
17 farm may hold 26 special occasion events each calendar year, of which
18 only six special occasion events may have 250 guests or more in
19 attendance at any time during the event. A special occasion event held
20 by or for a nonprofit entity shall not count against the limitations on
21 events provided by this subsection if the event has fewer than 100
22 guests and the permittee does not charge for, and receives no fees or
23 compensation for hosting the event, other than for reimbursement of
24 out-of-pocket expenses. The maximum reimbursement to the
25 permittee shall not exceed \$1,000.

26 e. A retail food establishment other than a temporary retail food
27 establishment, as those terms are defined in the State Sanitary Code
28 adopted pursuant to section 7 of P.L.1947, c.177 (C.26:1A-7), shall not
29 operate on a commercial farm in support of a special occasion event.
30 The limitations of this subsection on the use of a retail food
31 establishment shall not apply to a retail food establishment based at the
32 commercial farm.

33 f. Nothing in P.L.2023, c.9 (C.4:1C-32.15 et seq.), or the rules
34 and regulations adopted by the committee pursuant to section 6 of
35 P.L.2023, c.9 (C.4:1C-32.20), shall apply to any special occasion event
36 that is not held, in whole or in part, on preserved farmland on a
37 commercial farm, including, but not limited to, exception areas.

38 ²g. (1) A county agriculture development board or the State
39 Agriculture Development Committee may order, and specify the scope
40 of, an audit of the owner or operator of any farm engaged in
41 conducting special occasion events on preserved farmland, for the
42 purpose of determining compliance with sub-subparagraph (ii) of
43 subparagraph (b) of paragraph (5) of subsection b. of this section. The
44 audit shall be conducted by an independent certified public accountant
45 approved by the board or the committee, and the reasonable costs
46 thereof shall be paid by the owner or operator of the farm. A county

1 agriculture development board, or the committee, may establish a list
2 of independent certified public accountants approved for the purposes
3 of conducting an audit pursuant to this paragraph. Copies of the audit
4 shall be submitted to the board and the committee. In conjunction
5 with an audit ordered pursuant to this paragraph, a board or the
6 committee may request, and the farm shall then submit, additional
7 documentation as may be necessary for the board or the committee to
8 verify compliance with sub-subparagraph (ii) of subparagraph (b) of
9 paragraph (5) of subsection b. of this section. An owner or operator of
10 a farm engaged in conducting special occasion events on preserved
11 farmland shall not be subject to an audit authorized pursuant to this
12 paragraph more than once per year without good cause demonstrated
13 by the applicable board or the committee.

14 (2) An owner or operator of a farm engaged in conducting special
15 occasion events on preserved farmland pursuant to sub-subparagraph
16 (ii) of subparagraph (b) of paragraph (5) of subsection b. of this
17 section shall annually certify to the county agriculture development
18 board that the special occasion events together account for no more
19 than 10 percent of the annual gross income of the farm during the prior
20 calendar year. The board shall forward the certification of annual
21 gross income to the committee.

22 h. In addition to any other penalties provided by law:

23 (1) A person who commits a second or subsequent violation of
24 sub-subparagraph (i) of subparagraph (b) of paragraph (5) of
25 subsection b. of this section shall be liable for double the maximum
26 civil administrative penalty that may be assessed for any second or
27 subsequent violation under subsection a. of section 5 of P.L.2023, c.9
28 (C.4:1C-32.19).

29 (2) A person who commits a violation of sub-subparagraph (ii) of
30 subparagraph (b) of paragraph (5) of subsection b. of this section shall
31 be liable for forfeiture of revenues earned from special events that
32 exceed 10 percent of the farm's total annual revenues, which penalty
33 shall be collected and enforced pursuant to section 5 of P.L.2023, c.9
34 (C.4:1C-32.19).²

35 (cf: P.L.2023, c.9, s.3)

36

37 2. This act shall take effect immediately.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

SENATE, No. 3418

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 12, 2024

The Senate Economic Growth Committee reports favorably, and with committee amendments, Senate Bill No. 3418.

As amended by the committee, this bill amends the law at P.L.2023, c.9 (C.4:1C-32.15 et seq.), which authorizes the holding of certain limited special occasion events on preserved farms, in order to clarify the circumstances under which certain recently constructed or erected permanent structures may be used for such special occasion events.

While existing law authorizes special occasion events to be held on a preserved farm, provided that the farm owner or operator first (and annually) applies to, and receives approval therefor from, the State, local, or nonprofit entity to which the farm's development rights have been conveyed (the grantee), the existing law also prohibits a farm owner or operator from using any permanent structures on the farm, for the holding of grantee-approved special occasion events, if those structures have been recently constructed within the five-year period preceding the date on which the special occasion events application is submitted. This bill establishes a limited exception to this general prohibition by authorizing a preserved farm owner or operator to use these types of recently constructed permanent structures, for special occasion events that are approved to be held on the preserved farm, as long as either: (1) such permanent structure is used by a winery, as defined by the existing special occasion events law, in accordance with the State's Right to Farm Act, for the primary purpose of facilitating the testing, sale, consumption, or marketing of wine, wine-related products, or farm-related products; or (2) the total revenues to be received from all special occasion events held on the farm, during the calendar year, will not exceed 10 percent of the total revenues accruing to the farm in that calendar year. A farm owner or operator who wishes to use such recently constructed permanent structures for special occasion event purposes are required, in the special occasion events application which is submitted to the grantee pursuant to existing law, to certify and provide supporting documentation demonstrating satisfaction of either of the bill's purpose and use or revenue requirements, as necessary to justify the applicant's use of the

permanent structure for special occasion event purposes, and the grantee is required to confirm, in its written notice approving of such application, whether the applicant has provided satisfactory evidence of compliance with the bill's primary purpose and use requirements or revenue requirements, in this regard, and is being authorized and approved by the grantee, on such basis, to use recently constructed permanent structures for the purposes of holding the special occasion events identified in the application.

COMMITTEE AMENDMENTS:

The committee amended the bill to enable the use of recently constructed permanent structures, for the purpose of holding special occasion events on a preserved farm, as identified in an application submitted under existing law, in any case where satisfactory evidence is presented to show either: (1) that such structure is used, by a winery, for the primary purpose of facilitating the testing, sale, consumption, or marketing of wine, wine-related products, or farm-related products; or (2) that the total revenues to be received from all special occasion events held on the farm, during the calendar year, will not exceed 10 percent of the total revenues accruing to the farm in that calendar year. As introduced, the bill would have authorized recently constructed permanent structures to be used, for special occasion event purposes, only in cases where the bill's revenue limits were satisfied.

ASSEMBLY, No. 4556

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JUNE 13, 2024

Sponsored by:
Assemblywoman PAMELA R. LAMPITT
District 6 (Burlington and Camden)

SYNOPSIS

Authorizes certain types of permanent structures, recently constructed or erected on preserved farmland, to be used, in certain cases, for purposes of holding special occasion events thereon.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the use of certain recently constructed
2 permanent structures for special occasion events held on
3 preserved farmland, and amending P.L.2023, c.9.

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

7
8 1. Section 3 of P.L.2023, c.9 (C.4:1C-32.17) is amended to
9 read as follows:

10 3. a. Notwithstanding any law, or any rule or regulation
11 adopted pursuant thereto, to the contrary, a person may hold a
12 special occasion event on preserved farmland, provided that the
13 grantee determines the preserved farm complies with the terms of
14 the Farmland Preservation Program deed of easement recorded
15 against the preserved farmland, the person complies with the
16 requirements set forth in P.L.2023, c.9 (C.4:1C-32.15 et seq.), and
17 the special occasion event is held in compliance with the
18 requirements of this section and the rules and regulations adopted
19 by the committee pursuant to section 6 of P.L.2023, c.9 (C.4:1C-
20 32.20).

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

26 (1) A special occasion event shall have a maximum duration of
27 two consecutive calendar days if the event is marketed as a single
28 event. An event shall be considered a single special occasion event,
29 even if the event lasts for more than one day, if the event:

- 30 (a) is marketed as a single event;
31 (b) occurs only on consecutive days; and
32 (c) does not last for more than two days.

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

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

43 (4) (a) All applicable State and local laws, regulations,
44 resolutions, and ordinances including, but not limited to, those
45 concerning food safety, litter, noise, solid waste, traffic, and the
46 protection of public health and safety shall apply to the special
47 occasion event and all activities related thereto. To comply with

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.

1 local laws, regulations, resolutions, and ordinances, the
2 municipality may require that an owner or operator of a commercial
3 farm located on preserved farmland submit an application to the
4 municipality for approval and may designate an office or agency of
5 the municipality to review municipal applications for conducting
6 special occasion events. A municipality may require a municipal
7 application if the special occasion event would:

8 (i) generate a parking or traffic flow situation that could
9 unreasonably interfere with the movement of normal traffic or
10 emergency vehicles or other organized group sharing similar
11 common purposes or goals proceeding in or upon any street, park,
12 or other public place within the municipality; or

13 (ii) require the expenditure of municipal resources or inspections
14 from agencies or authorities of the municipality.

15 (b) For a municipal application submitted in accordance with
16 subparagraph (a) of this paragraph, the municipality shall not
17 charge an application fee of more than \$50. The municipal
18 application shall not require more information than an identification
19 of locations of where tents and other temporary structures, sanitary
20 facilities, parking, and access and egress will be located for each
21 event, where music will be played, the number of expected guests,
22 and other information that may be of public concern and would be
23 required of a similar event when conducted at a public park or
24 another public venue.

25 (5) (a) No new permanent structures shall be constructed or
26 erected on preserved farmland for the purpose of holding a special
27 occasion event, and improvements to existing structures shall be
28 limited to the minimum required for the protection of health and
29 safety.

30 (b) **【No】** A permanent structure that has been constructed fewer
31 than five years prior to the date **【of】** on which an application **【to**
32 **the grantee】** to hold a special occasion event is submitted to the
33 grantee, pursuant to subsection c. of this section, shall not be used
34 for the purpose of holding **【the】** any special occasion event
35 identified in the application, unless the total amount of revenue to
36 be earned from all such special occasion events identified in the
37 application, and approved to be held on the farm during the
38 calendar year, will not exceed 10 percent of the total revenues
39 accruing to the farm in that calendar year.

40 (c) The installation and use of tents, canopies, umbrellas, tables,
41 chairs, and other temporary structures on preserved farmland for the
42 purpose of holding special occasion events shall be a permitted use
43 provided that the tent, canopy, umbrella, table, chairs, or other
44 temporary structure conforms to all applicable provisions of the
45 State Uniform Construction Code and Uniform Fire Code, which
46 have been adopted by the Commissioner of Community Affairs
47 pursuant to P.L.1975, c.217 (C.52:27D-119**【,】** et seq.) and
48 P.L.1983, c.383 (C.52:27D-192 et seq.), respectively. The

1 permitted use of tents, canopies, umbrellas, tables, chairs, and other
2 temporary structures allowed by this subparagraph shall be limited
3 to the timeframe encompassing the first day of April through
4 November 30 of each year.

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

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

17 (7) The occupied area associated with a special occasion event
18 shall be no more than the lesser of 10 acres or 10 percent of the
19 preserved farmland.

20 c. A special occasion event shall not be held on preserved
21 farmland unless the applicant obtains approval to hold special
22 occasion events, in writing from the grantee, prior to holding a
23 special occasion event. If the applicant is the operator, but not the
24 owner, of the farm, then the operator shall submit to the grantee a
25 notarized affidavit from the owner authorizing the application.
26 Once approval is obtained from the grantee, a permittee shall be
27 required to submit an application pursuant to this subsection not
28 more than once annually, and an individual application shall not be
29 required for each special occasion event.

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

35 (a) that the commercial farm located on the preserved farmland
36 produces agricultural or horticultural products worth \$10,000 or
37 more annually, and this may include an attestation that the
38 commercial farm located on the preserved farmland produces
39 agricultural or horticultural products worth \$10,000 or more
40 annually;

41 (b) the number of special occasion events to be held on the
42 commercial farm during the calendar year, and the estimated dollar
43 amount and percentage share of total annual farm revenues
44 expected to be earned, during that calendar year, through the
45 holding of such special occasion events;

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

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

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

3 (2) The grantee shall approve **【an】**, in writing, any application
4 **【made】** submitted pursuant to this section **【upon a finding】**, if it
5 finds that the special occasion events **【on the preserved farmland**
6 **that are the subject of】** identified in the application will comply
7 with the requirements of **【this act】** P.L.2023, c.9 (C.4:1C-32.15 et
8 seq.) and any rules and regulations adopted by the committee **【to**
9 **implement this act】** pursuant thereto. A written approval issued
10 pursuant to this paragraph shall additionally indicate whether the
11 applicant has satisfied the revenue requirements established
12 pursuant to subparagraph (b) of paragraph (5) of subsection b. of
13 this section, as evidenced in the application by submission of an
14 associated certification and supporting documentation, and is,
15 therefore, authorized and approved to use permanent structures,
16 constructed fewer than five years prior to the date of application,
17 for the purposes of holding the approved special occasion events
18 identified therein. The grantee shall forward a copy of its written
19 approval to the committee and to the board in the county **【in which】**
20 where the preserved farmland is located.

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

25 (b) If the grantee does not respond to a written request to hold
26 special occasion events within 90 days following receipt of a
27 request, then the request shall be deemed approved.

28 (c) If the grantee denies an application made pursuant to this
29 section, the grantee shall provide a reason for the denial and an
30 opportunity for the applicant to reapply with an amended
31 application.

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

39 d. A commercial farm shall not hold more than one special
40 occasion event with over 100 guests per calendar day. A
41 commercial farm may hold 26 special occasion events each calendar
42 year, of which only six special occasion events may have 250 guests
43 or more in attendance at any time during the event. A special
44 occasion event held by or for a nonprofit entity shall not count
45 against the limitations on events provided by this subsection if the
46 event has fewer than 100 guests and the permittee does not charge
47 for, and receives no fees or compensation for hosting the event,

1 other than for reimbursement of out-of-pocket expenses. The
2 maximum reimbursement to the permittee shall not exceed \$1,000.

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

10 f. Nothing in P.L.2023, c.9 (C.4:1C-32.15 et seq.), or the rules
11 and regulations adopted by the committee pursuant to section 6 of
12 P.L.2023, c.9 (C.4:1C-32.20), shall apply to any special occasion
13 event that is not held, in whole or in part, on preserved farmland on
14 a commercial farm, including, but not limited to, exception areas.
15 (cf: P.L.2023, c.9, s.3)

16
17 2. This act shall take effect immediately.

20 STATEMENT

21
22 This bill would amend the law at P.L.2023, c.9 (C.4:1C-32.15 et
23 seq.), which authorizes the holding of certain limited special
24 occasion events on preserved farms, in order to clarify the
25 circumstances under which certain recently constructed or erected
26 permanent structures may be used for such special occasion events.

27 While existing law authorizes special occasion events to be held
28 on a preserved farm, provided that the farm owner or operator first
29 (and annually) applies to, and receives approval therefor from, the
30 State, local, or nonprofit entity to which the farm's development
31 rights have been conveyed (the grantee), the existing law also
32 prohibits a farm owner or operator from using any permanent
33 structures on the farm, for the holding of grantee-approved special
34 occasion events, if those structures have been recently constructed
35 within the five-year period preceding the date on which the special
36 occasion events application is submitted. This bill would establish
37 a limited exception to this general prohibition by authorizing a
38 preserved farm owner or operator to use these types of recently
39 constructed permanent structures, for special occasion events that
40 are approved to be held on the preserved farm, as long as the total
41 revenues to be received from all special occasion events held on the
42 farm, during the calendar year, will not exceed 10 percent of the
43 total revenues accruing to the farm in that calendar year. The farm
44 owner or operator would be required, in the application to the
45 grantee submitted pursuant to the law, to certify and provide
46 supporting documentation to establish that the revenue to be earned
47 meets the standards established by the bill.

48 The bill would further require a grantee, when approving a
49 special occasion events application, to confirm, in its written notice

1 of approval, whether the applicant has provided satisfactory
2 evidence of compliance with the bill's revenue limits, in this regard,
3 and is being authorized and approved by the grantee, on this basis,
4 to use such recently constructed permanent structures for the
5 purposes of holding the special occasion events identified in the
6 application.

[First Reprint]

ASSEMBLY, No. 4556

STATE OF NEW JERSEY
221st LEGISLATURE

INTRODUCED JUNE 13, 2024

Sponsored by:

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblywoman ANDREA KATZ

District 8 (Atlantic and Burlington)

Co-Sponsored by:

Assemblymen Clifton, Freiman, Assemblywomen Drulis, Speight,

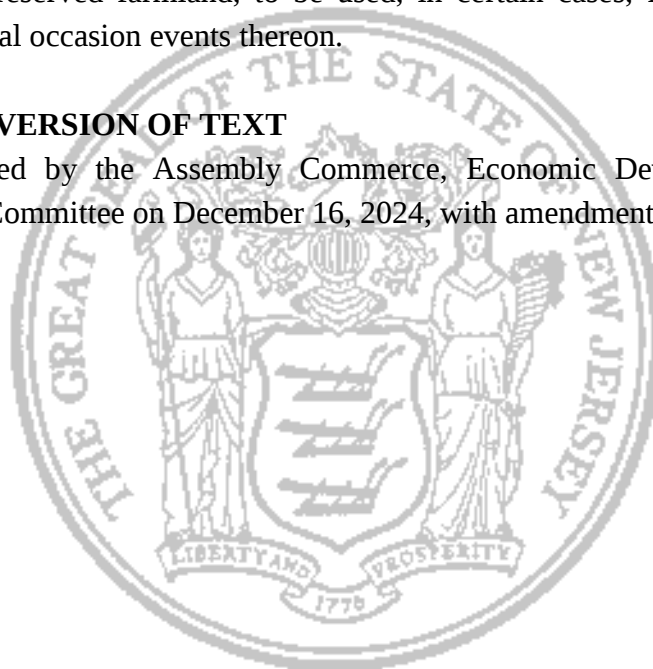
Assemblyman Bailey, Assemblywomen Kane and Reynolds-Jackson

SYNOPSIS

Authorizes certain types of permanent structures, recently constructed or erected on preserved farmland, to be used, in certain cases, for purposes of holding special occasion events thereon.

CURRENT VERSION OF TEXT

As reported by the Assembly Commerce, Economic Development and Agriculture Committee on December 16, 2024, with amendments.



(Sponsorship Updated As Of: 2/27/2025)

1 AN ACT concerning the use of certain recently constructed
2 permanent structures for special occasion events held on
3 preserved farmland, and amending P.L.2023, c.9.

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

7
8 1. Section 3 of P.L.2023, c.9 (C.4:1C-32.17) is amended to
9 read as follows:

10 3. a. Notwithstanding any law, or any rule or regulation
11 adopted pursuant thereto, to the contrary, a person may hold a
12 special occasion event on preserved farmland, provided that the
13 grantee determines the preserved farm complies with the terms of
14 the Farmland Preservation Program deed of easement recorded
15 against the preserved farmland, the person complies with the
16 requirements set forth in P.L.2023, c.9 (C.4:1C-32.15 et seq.), and
17 the special occasion event is held in compliance with the
18 requirements of this section and the rules and regulations adopted
19 by the committee pursuant to section 6 of P.L.2023, c.9 (C.4:1C-
20 32.20).

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

26 (1) A special occasion event shall have a maximum duration of
27 two consecutive calendar days if the event is marketed as a single
28 event. An event shall be considered a single special occasion event,
29 even if the event lasts for more than one day, if the event:

- 30 (a) is marketed as a single event;
31 (b) occurs only on consecutive days; and
32 (c) does not last for more than two days.

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

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

43 (4) (a) All applicable State and local laws, regulations,
44 resolutions, and ordinances including, but not limited to, those
45 concerning food safety, litter, noise, solid waste, traffic, and the

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 ACE committee amendments adopted December 16, 2024.

1 protection of public health and safety shall apply to the special
2 occasion event and all activities related thereto. To comply with
3 local laws, regulations, resolutions, and ordinances, the
4 municipality may require that an owner or operator of a commercial
5 farm located on preserved farmland submit an application to the
6 municipality for approval and may designate an office or agency of
7 the municipality to review municipal applications for conducting
8 special occasion events. A municipality may require a municipal
9 application if the special occasion event would:

10 (i) generate a parking or traffic flow situation that could
11 unreasonably interfere with the movement of normal traffic or
12 emergency vehicles or other organized group sharing similar
13 common purposes or goals proceeding in or upon any street, park,
14 or other public place within the municipality; or

15 (ii) require the expenditure of municipal resources or inspections
16 from agencies or authorities of the municipality.

17 (b) For a municipal application submitted in accordance with
18 subparagraph (a) of this paragraph, the municipality shall not
19 charge an application fee of more than \$50. The municipal
20 application shall not require more information than an identification
21 of locations of where tents and other temporary structures, sanitary
22 facilities, parking, and access and egress will be located for each
23 event, where music will be played, the number of expected guests,
24 and other information that may be of public concern and would be
25 required of a similar event when conducted at a public park or
26 another public venue.

27 (5) (a) No new permanent structures shall be constructed or
28 erected on preserved farmland for the purpose of holding a special
29 occasion event, and improvements to existing structures shall be
30 limited to the minimum required for the protection of health and
31 safety.

32 (b) **【No】** A permanent structure that has been constructed fewer
33 than five years prior to the date **【of】** on which an application **【to**
34 **the grantee】** to hold a special occasion event is submitted to the
35 grantee, pursuant to subsection c. of this section, shall not be used
36 for the purpose of holding **【the】** any special occasion event
37 identified in the application, unless¹: (i) such permanent structure
38 is used by a winery, in accordance with the “Right to Farm Act,”
39 P.L.1983, c.31 (C.4:1C-1 et seq.), for the primary purpose of
40 facilitating the testing, sale, consumption, or marketing of wine,
41 wine-related products, or farm-related products; or (ii)¹ the total
42 amount of revenue to be earned from all¹ **【such】**¹ special occasion
43 events identified in the application, and approved to be held on the
44 farm during the calendar year, will not exceed 10 percent of the
45 total revenues accruing to the farm in that calendar year.

46 (c) The installation and use of tents, canopies, umbrellas, tables,
47 chairs, and other temporary structures on preserved farmland for the
48 purpose of holding special occasion events shall be a permitted use

1 provided that the tent, canopy, umbrella, table, chairs, or other
2 temporary structure conforms to all applicable provisions of the
3 State Uniform Construction Code and Uniform Fire Code, which
4 have been adopted by the Commissioner of Community Affairs
5 pursuant to P.L.1975, c.217 (C.52:27D-119~~],~~ et seq.) and
6 P.L.1983, c.383 (C.52:27D-192 et seq.), respectively. The
7 permitted use of tents, canopies, umbrellas, tables, chairs, and other
8 temporary structures allowed by this subparagraph shall be limited
9 to the timeframe encompassing the first day of April through
10 November 30 of each year.

11 (d) No public utilities, including gas or sewer lines, shall be
12 extended to the preserved farmland for the purpose of holding
13 special occasion events, except that electric and water service may
14 be extended to preserved farmland for the purpose of holding
15 special occasion events.

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

23 (7) The occupied area associated with a special occasion event
24 shall be no more than the lesser of 10 acres or 10 percent of the
25 preserved farmland.

26 c. A special occasion event shall not be held on preserved
27 farmland unless the applicant obtains approval to hold special
28 occasion events, in writing from the grantee, prior to holding a
29 special occasion event. If the applicant is the operator, but not the
30 owner, of the farm, then the operator shall submit to the grantee a
31 notarized affidavit from the owner authorizing the application.
32 Once approval is obtained from the grantee, a permittee shall be
33 required to submit an application pursuant to this subsection not
34 more than once annually, and an individual application shall not be
35 required for each special occasion event.

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

41 (a) that the commercial farm located on the preserved farmland
42 produces agricultural or horticultural products worth \$10,000 or
43 more annually, and this may include an attestation that the
44 commercial farm located on the preserved farmland produces
45 agricultural or horticultural products worth \$10,000 or more
46 annually;

47 (b) the number of special occasion events to be held on the
48 commercial farm during the calendar year, and the estimated dollar
49 amount and percentage share of total annual farm revenues

1 expected to be earned, during that calendar year, through the
2 holding of such special occasion events;

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

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

8 (2) The grantee shall approve **【an】**, in writing, any application
9 **【made】** submitted pursuant to this section **【upon a finding】**, if it
10 finds that the special occasion events **【on the preserved farmland**
11 **that are the subject of】** identified in the application will comply
12 with the requirements of **【this act】** P.L.2023, c.9 (C.4:1C-32.15 et
13 seq.) and any rules and regulations adopted by the committee **【to**
14 **implement this act】** pursuant thereto. A written approval issued
15 pursuant to this paragraph shall additionally indicate whether the
16 applicant has satisfied the ¹primary purpose and use requirements
17 established pursuant to sub-subparagraph (i) of subparagraph (b) of
18 paragraph (5) of subsection b. of this section, or the¹ revenue
19 requirements established pursuant to ¹sub-subparagraph (ii) of¹
20 subparagraph (b) of paragraph (5) of subsection b. of this section,
21 ¹as applicable, ¹as evidenced in the application by submission of an
22 associated certification and supporting documentation, and is,
23 therefore, authorized and approved to use permanent structures,
24 constructed fewer than five years prior to the date of application,
25 for the purposes of holding the approved special occasion events
26 identified therein. The grantee shall forward a copy of its written
27 approval to the committee and to the board in the county **【in which】**
28 where the preserved farmland is located.

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

33 (b) If the grantee does not respond to a written request to hold
34 special occasion events within 90 days following receipt of a
35 request, then the request shall be deemed approved.

36 (c) If the grantee denies an application made pursuant to this
37 section, the grantee shall provide a reason for the denial and an
38 opportunity for the applicant to reapply with an amended
39 application.

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

47 d. A commercial farm shall not hold more than one special
48 occasion event with over 100 guests per calendar day. A

1 commercial farm may hold 26 special occasion events each calendar
2 year, of which only six special occasion events may have 250 guests
3 or more in attendance at any time during the event. A special
4 occasion event held by or for a nonprofit entity shall not count
5 against the limitations on events provided by this subsection if the
6 event has fewer than 100 guests and the permittee does not charge
7 for, and receives no fees or compensation for hosting the event,
8 other than for reimbursement of out-of-pocket expenses. The
9 maximum reimbursement to the permittee shall not exceed \$1,000.

10 e. A retail food establishment other than a temporary retail
11 food establishment, as those terms are defined in the State Sanitary
12 Code adopted pursuant to section 7 of P.L.1947, c.177 (C.26:1A-7),
13 shall not operate on a commercial farm in support of a special
14 occasion event. The limitations of this subsection on the use of a
15 retail food establishment shall not apply to a retail food
16 establishment based at the commercial farm.

17 f. Nothing in P.L.2023, c.9 (C.4:1C-32.15 et seq.), or the rules
18 and regulations adopted by the committee pursuant to section 6 of
19 P.L.2023, c.9 (C.4:1C-32.20), shall apply to any special occasion
20 event that is not held, in whole or in part, on preserved farmland on
21 a commercial farm, including, but not limited to, exception areas.
22 (cf: P.L.2023, c.9, s.3)

23

24 2. This act shall take effect immediately.

ASSEMBLY COMMERCE, ECONOMIC DEVELOPMENT AND AGRICULTURE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4556

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 16, 2024

The Assembly Commerce, Economic Development and Agriculture Committee reports favorably, and with committee amendments, Assembly Bill No. 4556.

As amended by the committee, this bill would amend the law at P.L.2023, c.9 (C.4:1C-32.15 et seq.), which authorizes the holding of certain limited special occasion events on preserved farms, in order to clarify the circumstances under which certain recently constructed or erected permanent structures may be used for such special occasion events.

While existing law authorizes special occasion events to be held on a preserved farm, provided that the farm owner or operator first (and annually) applies to, and receives approval therefor from, the State, local, or nonprofit entity to which the farm's development rights have been conveyed (the grantee), the existing law also prohibits a farm owner or operator from using any permanent structures on the farm, for the holding of grantee-approved special occasion events, if those structures have been recently constructed within the five-year period preceding the date on which the special occasion events application is submitted. This bill would establish a limited exception to this general prohibition by authorizing a preserved farm owner or operator to use these types of recently constructed permanent structures, for special occasion events that are approved to be held on the preserved farm, as long as either: 1) such permanent structure is used by a winery, as defined by the existing special occasion events law, in accordance with the State's Right to Farm Act, for the primary purpose of facilitating the testing, sale, consumption, or marketing of wine, wine-related products, or farm-related products; or 2) the total revenues to be received from all special occasion events held on the farm, during the calendar year, will not exceed 10 percent of the total revenues accruing to the farm in that calendar year. A farm owner or operator who wishes to use such recently constructed permanent structures for special occasion event purposes, would be required, in the special occasion events application which is submitted to the grantee pursuant to existing law, to certify and provide supporting documentation

demonstrating satisfaction of either of the bill's purpose and use or revenue requirements, as necessary to justify the applicant's use of the permanent structure for special occasion event purposes, and the grantee would be required to confirm, in its written notice approving of such application, whether the applicant has provided satisfactory evidence of compliance with the bill's primary purpose and use requirements or revenue requirements, in this regard, and is being authorized and approved by the grantee, on such basis, to use recently constructed permanent structures for the purposes of holding the special occasion events identified in the application.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) permit farm owners to use recently constructed permanent structures for special occasion events that are approved to be held on the preserved farm, as long as either: a) such permanent structure is used by a winery for the primary purpose of facilitating the testing, sale, consumption, or marketing of wine, wine-related products, or farm-related products; or b) the total revenues to be received from all special occasion events held on the farm, during the calendar year, will not exceed 10 percent of the total revenues accruing to the farm in that calendar year;

(2) require farm owners to certify and provide supporting documentation in the special occasion events application demonstrating satisfaction of either of the bill's purpose and use or revenue requirements; and

(3) require the special occasion events application grantee to confirm whether the applicant has provided satisfactory evidence of compliance with the bill's primary purpose and use requirements or revenue requirements.

ASSEMBLY TOURISM, GAMING AND THE ARTS
COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 4556

STATE OF NEW JERSEY

DATED: FEBRUARY 13, 2025

The Assembly Tourism, Gaming and the Arts Committee reports favorably Assembly Bill No. 4556 (1R).

This bill would amend the law at P.L.2023, c.9 (C.4:1C-32.15 et seq.), which authorizes the holding of certain limited special occasion events on preserved farms, in order to clarify the circumstances under which certain recently constructed or erected permanent structures may be used for such special occasion events.

While existing law authorizes special occasion events to be held on a preserved farm, provided that the farm owner or operator first (and annually) applies to, and receives approval therefor from, the State, local, or nonprofit entity to which the farm's development rights have been conveyed (the grantee), the existing law also prohibits a farm owner or operator from using any permanent structures on the farm, for the holding of grantee-approved special occasion events, if those structures have been recently constructed within the five-year period preceding the date on which the special occasion events application is submitted.

This bill would establish a limited exception to this general prohibition by authorizing a preserved farm owner or operator to use these types of recently constructed permanent structures, for special occasion events that are approved to be held on the preserved farm, as long as either: 1) such permanent structure is used by a winery, as defined by the existing special occasion events law, in accordance with the State's Right to Farm Act, for the primary purpose of facilitating the testing, sale, consumption, or marketing of wine, wine-related products, or farm-related products; or 2) the total revenues to be received from all special occasion events held on the farm, during the calendar year, will not exceed 10 percent of the total revenues accruing to the farm in that calendar year.

A farm owner or operator who wishes to use such recently constructed permanent structures for special occasion event purposes, would be required, in the special occasion events application which is submitted to the grantee pursuant to existing law, to certify and provide supporting documentation demonstrating satisfaction of either of the bill's purpose and use or revenue requirements, as necessary to

justify the applicant's use of the permanent structure for special occasion event purposes, and the grantee would be required to confirm, in its written notice approving of such application, whether the applicant has provided satisfactory evidence of compliance with the bill's primary purpose and use requirements or revenue requirements, in this regard, and is being authorized and approved by the grantee, on such basis, to use recently constructed permanent structures for the purposes of holding the special occasion events identified in the application.

SENATE BILL NO. 3418
(First Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 3418 (First Reprint) with my recommendations for reconsideration.

This bill creates two exceptions to the existing law that prohibits recently built permanent structures on preserved farmland from being used to host special occasion events ("SOEs"). The first exception allows wineries to host SOEs in new buildings if the structure is used primarily to facilitate the testing, sale, consumption, or marketing of wine and wine-related products. The second exception allows any farm to host an SOE in a new building if that farm earns no more than 10 percent of its total annual revenue from hosting SOEs. Wineries and farms wishing to host SOEs on preserved farmland must meet the application requirements in the existing law, as amended by this bill.

I deeply cherish our State's wineries and farms. In addition to providing the best local wines, fruits, and vegetables, they attract people from nearby states who want to experience the seasonal joys of apple picking, hayrides, corn mazes, and wine tastings in New Jersey. Thanks to our local producers, we can proudly claim the sobriquet "Garden State" and are continually enriched by a more diverse, sustainable, and reliable food system.

These farms and wineries can also serve as a picturesque setting for SOEs, such as weddings, fundraisers, musical performances, and cultural events. I recognize that SOEs allow our wineries and farms to earn supplemental income and develop a larger market for their products beyond ordinary sales. They also bring more visitors to New Jersey through agritourism, which boosts our economy.

At the same time, it is vitally important to uphold the purpose of our farmland preservation laws. Indeed, without the strong protections for farmland preservation that we have long supported

here in New Jersey, there would be much less land dedicated to agriculture. Under our statutory framework, farmland is permanently preserved through development easements, which the State Agricultural Development Committee ("SADC"), counties, municipalities, or nonprofit organizations purchase using constitutionally dedicated taxpayer dollars. Through these programs, the residents of New Jersey are supporting the overall goal of ensuring land remains protected for farming, rather than being developed for other purposes.

For this reason, in 2022, I conditionally vetoed Senate Bill No. 757 (Third Reprint) ("S757"), which extended the SOE pilot program, prior to signing it into law. My revisions to S757 incorporated several measures to ensure that preserved farmland continues to be used primarily for agriculture or horticulture. Among those measures was 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." Governor's Conditional Veto Statement to S757 (September 22, 2022). This provision was intended to protect against the construction of new buildings for the purpose of hosting SOEs, consistent with the objectives of our farmland preservation laws and regulations. While I appreciate the Legislature's desire to ease this and other restrictions on hosting SOEs at wineries and certain farms, I feel compelled to add safeguards – recommended by the SADC and the New Jersey Department of Agriculture – to the exceptions proposed in this bill so that taxpayer-funded preserved farmland continues to be used primarily for agriculture or horticulture.

First, with respect to wineries, I am recommending enhanced requirements to verify that a recently constructed building being used to host SOEs was – as the bill contemplates – constructed for, and continues to have the primary purpose of, the production, packaging, processing, or marketing of the winery's products. This includes requiring that applicants seek approval for SOEs each year, and that construction of a new structure be approved and completed

before SOEs may be approved to take place there. Other recommended revisions to the winery exception aim to strengthen the procedure governing a winery's application to use a recently built structure to host SOEs.

I am also recommending several revisions to the exception that permits SOEs on preserved farmland if the revenue from SOEs does not exceed 10 percent of a farm's total annual revenue. These changes are intended to provide accountability measures necessary to uphold compliance with and the objectives of our farmland preservation laws, including annual certifications, appropriate penalties for violation, and audits necessary to verify compliance with the 10 percent revenue threshold.

Finally, I am recommending two technical changes to bring the bill in closer alignment with legislative intent.

Therefore, I herewith return Senate Bill No. 3418 (First Reprint) and recommend that it be amended as follows:

<u>Page 3, Section 1, Line 34:</u>	After "structure" insert "was constructed, and"
<u>Page 3, Section 1, Line 34:</u>	Delete "by a winery,"
<u>Page 3, Section 1, Line 35:</u>	Delete "the 'Right to Farm Act,'" and insert "section 6 of"
<u>Page 3, Section 1, Lines 35-36:</u>	Delete "(C.4:1C-1 et seq.)," and insert "(C.4:1C-9), by a winery"
<u>Page 3, Section 1, Line 36:</u>	Delete "testing" and insert "tasting"
<u>Page 3, Section 1, Line 37:</u>	After "consumption," insert "production, packaging,"
<u>Page 3, Section 1, Line 38:</u>	After "products" insert ", as determined by the grantee"
<u>Page 5, Section 1, Line 15:</u>	After "thereto." insert "Notwithstanding any law, regulation, or prior practice to the contrary that permitted multi-year approvals for special occasion events, special occasion events occurring in structures pursuant to subparagraph (b) of paragraph (5) of subsection b. of this section shall be reviewed, and approved or denied, annually by the grantee."
<u>Page 5, Section 1, Line 26:</u>	After "therein." insert "Special occasion events occurring"

pursuant to sub-subparagraph (i) of subparagraph (b) of paragraph (5) of subsection b. of this section may not be approved prior to completed construction of the structure in which the special occasion event is to occur and final approval by the applicable construction office."

Page 6, Section 1, Line 23:

After "areas." insert "g. (1) A county agriculture development board or the State Agriculture Development Committee may order, and specify the scope of, an audit of the owner or operator of any farm engaged in conducting special occasion events on preserved farmland, for the purpose of determining compliance with sub-subparagraph (ii) of subparagraph (b) of paragraph (5) of subsection b. of this section. The audit shall be conducted by an independent certified public accountant approved by the board or the committee, and the reasonable costs thereof shall be paid by the owner or operator of the farm. A county agriculture development board, or the committee, may establish a list of independent certified public accountants approved for the purposes of conducting an audit pursuant to this paragraph. Copies of the audit shall be submitted to the board and the committee. In conjunction with an audit ordered pursuant to this paragraph, a board or the committee may request, and the farm shall then submit, additional documentation as may be necessary for the board or the committee to verify compliance with sub-subparagraph (ii) of subparagraph (b) of paragraph (5) of subsection b. of this section. An owner or operator of a farm engaged in conducting special occasion events on preserved farmland shall not be subject to an audit authorized pursuant to this paragraph more than once per year without good cause demonstrated by the applicable board or the committee.

(2) An owner or operator of a farm engaged in conducting special occasion events on preserved farmland pursuant to sub-subparagraph (ii) of subparagraph (b) of paragraph (5) of subsection b. of this section shall annually certify

to the county agriculture development board that the special occasion events together account for no more than 10 percent of the annual gross income of the farm during the prior calendar year. The board shall forward the certification of annual gross income to the committee.

h. In addition to any other penalties provided by law:

(1) A person who commits a second or subsequent violation of sub-subparagraph (i) of subparagraph (b) of paragraph (5) of subsection b. of this section shall be liable for double the maximum civil administrative penalty that may be assessed for any second or subsequent violation under subsection a. of section 5 of P.L.2023, c.9 (C.4:1C-32.19).

(2) A person who commits a violation of sub-subparagraph (ii) of subparagraph (b) of paragraph (5) of subsection b. of this section shall be liable for forfeiture of revenues earned from special events that exceed 10 percent of the farm's total annual revenues, which penalty shall be collected and enforced pursuant to section 5 of P.L.2023, c.9 (C.4:1C-32.19)."

Respectfully,

/s/ Philip D. Murphy

Governor

[seal]

Attest:

/s/ Kate E. McDonnell

Chief Counsel to the Governor

Governor Murphy Takes Action on Legislation

Posted on - 05/12/2025

TRENTON – Governor Murphy conditionally vetoed the following bills on Saturday, May 10, 2025:

S-1067/A-1673 (Greenstein, Ruiz/Lampitt, Murphy, Simmons) – CONDITIONAL - “Right to Mental Health for Individuals who are Deaf or Hard of Hearing Act”; establishes certain requirements concerning provision of mental health services to individuals who are deaf or hard of hearing

[Copy of Statement](#)

S-1320/A-4390 (Pou/Stanley, Speight, Atkins) – CONDITIONAL - Requires certain information be included in certain contracts with licensed public adjusters

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S-3418/A-4556 (Beach, Pennacchio/Lampitt, Greenwald, Katz) – CONDITIONAL - Authorizes certain types of permanent structures, recently constructed or erected on preserved farmland, to be used, in certain cases, for purposes of holding special occasion events thereon

[Copy of Statement](#)

Governor Murphy Takes Action on Legislation

Posted on - 07/1/2025

TRENTON – Today, Governor Murphy signed the following bills into law:

S-3418wGR/A-4556 (Beach, Pennacchio/Lampitt, Greenwald, Katz) - Authorizes certain types of permanent structures, recently constructed or erected on preserved farmland, to be used, in certain cases, for purposes of holding special occasion events thereon

S-1320wGR/A-4390 (Burzichelli, Pou/Stanley, Speight, Atkins) - Requires certain information be included in certain contracts with licensed public adjusters

ACS for A-3361wGR/SS for S-2953 (Hutchison, Moen, McCann Stamato/Moriarty, Cryan) - Establishes limit on rent increase for certain dwelling sites for modular or industrialized buildings or manufactured homes

A-4937/S-3486 (Atkins, Speight, Peterpaul/Gopal, Turner) - Concerns satellite cannabis dispensaries, Cannabis Regulatory Commission membership, and post-employment restrictions on State employees

A-5199/S-4105 (Donlon, Ramirez, Drulis/Gopal, Mukherji) - Requires resident and fellow physicians employed by Rutgers, The State University of New Jersey, who are eligible for coverage in SHBP, to be eligible to enroll and receive health insurance on first day of employment

Posted on: July 2, 2025

Pennacchio Bill to Allow Preserved Farms to Host Special Occasions Signed into Law

Bipartisan legislation sponsored by Senator Joe Pennacchio (R-26) and Senator James Beach (D-06) to give preserved farms more flexibility in hosting special occasion events, while still prioritizing agricultural use of the land, was signed into law by Governor Murphy.



Under the proposed legislation, farms would be permitted to use recently constructed permanent structures for special events as long as the total event revenues in a calendar year does not exceed 10% of the farm’s total revenue.

“Farmers should have the opportunity to generate additional income from their property, especially when it’s done in a way that does not jeopardize the primary use of the land for agriculture,” said Sen. Pennacchio. “With the Governor’s signature, this law will strike the right balance between supporting our farmers and protecting the integrity of preserved farmland.”

You can read the full bill, S-3418, [here](#).