

**ASSEMBLY, No. 2772**

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**STATE OF NEW JERSEY**

**220th LEGISLATURE**

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INTRODUCED FEBRUARY 28, 2022

**Sponsored by:**

**Assemblyman ROY FREIMAN**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Assemblyman RONALD S. DANCER**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.



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

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

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

- 6  
7 1. The Legislature finds and declares that:  
8 a. Over 2,600 farms comprising over 236,00 acres of farmland  
9 have been preserved in New Jersey since the inception of the State's  
10 farmland preservation program;  
11 b. the original intent of the farmland preservation program was to  
12 prevent suburban sprawl and the conversion of agriculturally suitable  
13 land to other purposes, and to keep agriculture as an economically  
14 attractive business in the State;  
15 c. agriculture should be viewed as simultaneously a land use and a  
16 business enterprise, and preservation of farmland is not meant to  
17 prevent farmers from marketing products or engaging in practices that  
18 enhance long-term viability of the farm;  
19 d. keeping agriculture as a sustainable industry in the State ensures  
20 residents have continued access to fresh food with low environmental  
21 impact;  
22 e. the growing interest in agritourism, i.e., activities that attract the  
23 public to working farms for enjoyment or education of visitors and  
24 generate supplementary income for the farmer, has provided farmers  
25 with supplemental revenue and enhanced opportunities to market the  
26 State's agricultural and horticultural products;  
27 f. with proper oversight, special occasion events on preserved  
28 farmland can have minimal impact on land's viability for farming and  
29 provide for new business opportunities for farmers in the State without  
30 displacing agricultural or horticultural production as the first priority  
31 use of preserved farmland or disrupting neighborhoods that surround  
32 preserved farms.

- 33  
34 2. As used in this act:  
35 "Board" means a county agriculture development board  
36 established pursuant to section 7 of P.L.1983, c.32 (C.4:1C-14).  
37 "Commercial farm" means (1) a farm management unit of no less  
38 than five acres producing agricultural or horticultural products worth  
39 \$2,500 or more annually, and satisfying the eligibility criteria for  
40 differential property taxation pursuant to the "Farmland Assessment  
41 Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), (2) a farm  
42 management unit less than five acres, producing agricultural or  
43 horticultural products worth \$50,000 or more annually and otherwise  
44 satisfying the eligibility criteria for differential property taxation  
45 pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48  
46 (C.54:4-23.1 et seq.), or (3) a farm management unit that is a  
47 beekeeping operation producing honey or other agricultural or

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

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

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

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

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

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

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

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

39 (3) a wedding held for:

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

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

43

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

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

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

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

12 (a) is marketed as a single event;

13 (b) occurs only on consecutive days; and

14 (c) does not last for more than three days.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44

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

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

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

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

19  
20 6. a. An owner or operator of a commercial farm who violates the  
21 provisions of this act shall be liable to a civil administrative penalty of  
22 up to \$250 for the first offense, up to \$500 for the second offense, or  
23 up to \$1,000 for a third and subsequent offense. Each day in which a  
24 violation occurs shall be considered a separate offense.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 b. The report shall include:

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

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

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

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



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

3  
4 9. This act shall take effect immediately.

5  
6  
7 STATEMENT

8  
9 This bill would authorize commercial farms that are located on  
10 preserved farmland, and produce agricultural or horticultural  
11 products worth \$5,000 or more annually, to hold special occasion  
12 events, subject to certain conditions.

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

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

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

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

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

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

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