

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 2772**

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**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

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ADOPTED MARCH 21, 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)**

**Co-Sponsored by:**

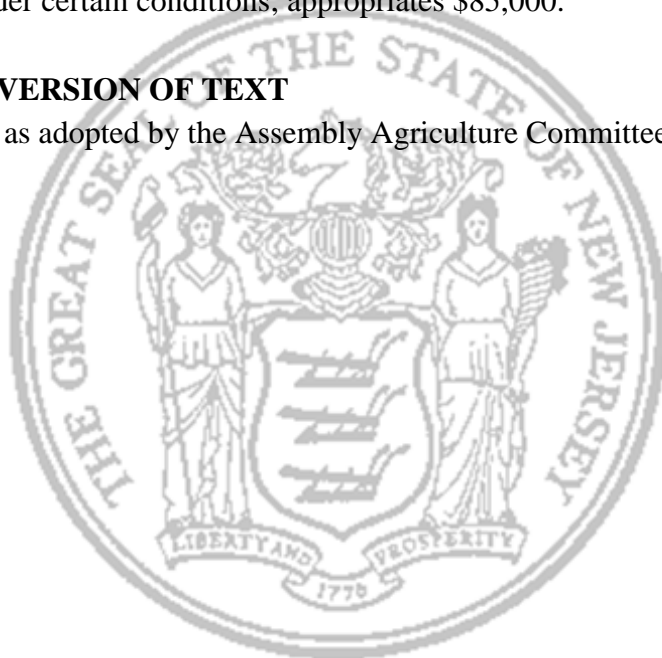
**Assemblymen Conaway, Guardian, Assemblywoman Sawyer,  
Assemblymen Space and Wirths**

**SYNOPSIS**

Authorizes special occasion events at certain commercial farms on preserved farmland, under certain conditions; appropriates \$85,000.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Assembly Agriculture Committee.



**(Sponsorship Updated As Of: 3/24/2022)**

1 AN ACT concerning special occasion events at certain preserved  
2 farmland, supplementing Title 4 of the Revised Statutes, and  
3 making an appropriation.  
4

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

8 1. The Legislature finds and declares that:

9 a. Over 2,700 farms comprising over 241,000 acres of  
10 farmland have been preserved in New Jersey since the inception of  
11 the State's farmland preservation program;

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

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

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

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

29 f. With proper oversight, special occasion events on preserved  
30 farmland can have minimal impact on land's viability for farming  
31 and provide for new business opportunities for farmers in the State  
32 without displacing agricultural or horticultural production as the  
33 first priority use of preserved farmland or disrupting neighborhoods  
34 that surround preserved farms.  
35

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

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

40 "Commercial farm" means the same as that term is defined in  
41 section 3 of P.L.1983, c.31 (C.4:1C-3), except that "commercial  
42 farm" shall not include a farm that qualifies for farmland  
43 assessment pursuant to the "Farmland Assessment Act of 1964,"  
44 P.L.1964, c.48 (C.54:4-23.1 et seq.), based entirely on a woodland  
45 management plan pursuant to section 3 of P.L.1964, c.48 (C.54:4-  
46 23.3).

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

4       "Exception area" means a portion of a commercial farm that,  
5 although identified in the deed of easement, is unencumbered by the  
6 farmland preservation deed of easement restrictions applicable to  
7 preserved farmland pursuant to rules and regulations of the  
8 committee.

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

14       “Preserved farmland” means land on which a development  
15 easement was conveyed to, or retained by, the State Agriculture  
16 Development Committee, a county agriculture development board,  
17 a county, a municipality, or a qualifying tax exempt nonprofit  
18 organization pursuant to the provisions of section 24 of P.L.1983,  
19 c.32 (C.4:1C-31), section 5 of P.L.1988, c.4 (C.4:1C-31.1), section  
20 1 of P.L.1989, c.28 (C.4:1C-38), section 1 of P.L.1999, c.180  
21 (C.4:1C-43.1), sections 37 through 40 of P.L.1999, c.152 (C.13:8C-  
22 37 through C.13:8C-40), or any other State law enacted for  
23 farmland preservation purposes.

24       “Special occasion event” means a wedding, lifetime milestone  
25 event, or other cultural or social event conducted, in whole or in  
26 part, on preserved farmland on a commercial farm. "Special  
27 occasion event" shall not include:

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

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

33       (3) a wedding held for:

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

37       (b) the landowner, operator, or an employee of the commercial  
38 farm.

39       "Winery" means a commercial farm where the owner or operator  
40 of the commercial farm has been issued and is operating in  
41 compliance with a plenary winery license or farm winery license  
42 pursuant to R.S.33:1-10.

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  
46 occasion event on preserved farmland, provided that the person  
47 complies with the requirements set forth in P.L.     , c.     (C.     )  
48 (pending before the Legislature as this bill), and the special

1 occasion event is held in compliance with the requirements of this  
2 section and the rules and regulations adopted by the committee  
3 pursuant to section 6 of P.L. , c. (C. ) (pending before the  
4 Legislature as this bill).

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

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

14 (a) is marketed as a single event;

15 (b) occurs only on consecutive days; and

16 (c) does not last for more than two days.

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

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

23 (4) (a) All applicable State and local laws, regulations,  
24 resolutions, and ordinances including, but not limited to, those  
25 concerning food safety, litter, noise, solid waste, traffic, and the  
26 protection of public health and safety shall apply to the special  
27 occasion event and all activities related thereto. To comply with  
28 local laws, regulations, resolutions, and ordinances, the  
29 municipality may designate an office or agency of the municipality  
30 to review applications for conducting special occasion events. A  
31 municipality may require an application if the special occasion  
32 event would:

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

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

40 (b) For an application submitted in accordance with  
41 subparagraph (a) of this paragraph, the municipality shall not  
42 charge an application fee of more than \$200. The application shall  
43 not require more information than an identification of locations of  
44 where tents and other temporary structures will be located for each  
45 event, where music will be played, the number of expected guests,  
46 and other information that may be of public concern and would be  
47 required of a similar event when conducted at a public park or  
48 another public venue.

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

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

12 (7) The occupied area associated with a special occasion event,  
13 excluding parking areas, shall be no more than 15 percent of the  
14 preserved farmland.

15 c. Notwithstanding the provisions of this subsection to the  
16 contrary, a municipality may adopt a municipal ordinance to  
17 increase the number of, and allowable attendance at, special  
18 occasion events. A commercial farm shall not hold more than one  
19 special occasion event with over 75 guests per calendar day. Unless  
20 the number of permitted special occasion events, or the number of  
21 permitted guests per special occasion event, or both, is increased by  
22 municipal ordinance, the frequency and attendance of special  
23 occasion events shall be limited as follows:

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

32 (2) No more than 15 of the special occasion events permitted  
33 each calendar year shall be held indoors in a permanent structure, of  
34 which only two special occasion events may have 250 guests or  
35 more in attendance at any time during the event. A municipality  
36 may further limit the number of special occasion events that may be  
37 held indoors in a permanent structure to no more than seven special  
38 occasion events, of which only one special occasion event may have  
39 250 guests or more in attendance at any time during the event.  
40 Events attended by fewer than 75 people shall not be considered  
41 special occasion events for the purposes of indoor event limitations.  
42 A winery shall not be restricted by special occasion event  
43 limitations specific to indoor events, as provided by this paragraph,  
44 but shall be restricted by paragraph (1) of this subsection.

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

1 occasion event. The limitations of this subsection on the use of a  
2 retail food establishment shall not apply to a special occasion event  
3 held by a winery or to a retail food establishment based at the  
4 commercial farm.

5 e. Nothing in P.L. , c. (C. ) (pending before the  
6 Legislature as this bill), or the rules and regulations adopted by the  
7 committee pursuant to section 6 of P.L. , c. (C. ) (pending  
8 before the Legislature as this bill), shall apply to any special  
9 occasion event that is not held, in whole or in part, on preserved  
10 farmland on a commercial farm.

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

25  
26 4. a. The board shall have the right, without advance notice, to  
27 inspect a preserved farm on which special occasion events are held,  
28 upon presentation of appropriate credentials during normal business  
29 hours or during a special occasion event, in order to determine  
30 compliance with the provisions of P.L. , c. (C. ) (pending  
31 before the Legislature as this bill).

32 b. An owner or operator of a commercial farm engaged in  
33 conducting special occasion events on preserved farmland shall not  
34 be subjected to an inspection for any particular type of event  
35 authorized pursuant to P.L. , c. (C. ) (pending before the  
36 Legislature as this bill) more than once per year unless one or more  
37 additional inspection is prompted by a complaint concerning State  
38 and local laws, regulations, resolutions, and ordinances as described  
39 in paragraph (4) of subsection b. of section 3 of P.L. ,  
40 c. (C. ) (pending before the Legislature as this bill).

41  
42 5. a. An owner or operator of a commercial farm who violates  
43 the provisions of P.L. , c. (C. ) (pending before the  
44 Legislature as this bill) shall be liable to a civil administrative  
45 penalty of up to \$500 for the first offense, up to \$2,500 for the  
46 second offense, or up to \$5,000 for a third and subsequent offense.  
47 Each day in which a violation occurs shall be considered a separate  
48 offense. A board shall have the authority to assess a civil

1 administrative penalty against a commercial farm located within the  
2 same county in accordance with this section.

3 b. In addition to the penalties established pursuant to subsection  
4 a. of this section:

5 (1) for a second offense, the board shall suspend the owner or  
6 operator of the commercial farm from holding special occasion  
7 events for a period of up to six months;

8 (2) for a third offense, the board shall suspend the owner or  
9 operator of the commercial farm from holding special occasion  
10 events for a period of six months up to one year; and

11 (3) for a fourth or subsequent offense, the board shall suspend  
12 the owner or operator of the commercial farm from holding special  
13 occasion events for a period of at least one year, or may  
14 permanently suspend the owner or operator of the commercial farm  
15 from holding special occasion events.

16 c. No civil administrative penalty pursuant to subsection a. of  
17 this section or penalty established in subsection b. of this section  
18 shall be imposed pursuant to this section until after the owner or  
19 operator of the commercial farm has been notified of the alleged  
20 violation by certified mail or personal service. The notice shall  
21 include:

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

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

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

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

30 d. The owner or operator served with notice pursuant to  
31 subsection c. of this section shall have 20 days after the receipt of  
32 the notice to request in writing a hearing before the board. After  
33 the hearing, if the board finds that a violation has occurred, the  
34 board may issue a final order assessing the amount of the civil  
35 administrative penalty set forth in the notice and imposing the  
36 suspension, if any. If no hearing is requested, then the notice shall  
37 become a final order 20 days after the date upon which the notice  
38 was served. Payment of the civil administrative penalty shall be  
39 due, and duration of the suspension, if any, shall begin, on the date  
40 when a final order is issued or the notice becomes a final order.

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

1 f. The board shall notify the committee when it suspends an  
2 owner or operator of a commercial farm from holding special  
3 occasion events pursuant to subsection b. of this section.

4 g. The enforcement responsibilities provided to the board  
5 pursuant to this section, and section 4 of P.L. , c. (C. )  
6 (pending before the Legislature as this bill), may be transferred to  
7 the committee by a majority vote of the members of the board.

8  
9 6. The committee shall adopt, pursuant to the “Administrative  
10 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and  
11 regulations to implement P.L. , c. (C. ) (pending before the  
12 Legislature as this bill), including any rules and regulations  
13 necessary to determine compliance with the requirements of section  
14 3 of P.L. , c. (C. ) (pending before the Legislature as this  
15 bill). The rules and regulations adopted pursuant to this section  
16 shall be no more restrictive than as specifically provided for in  
17 P.L. , c. (C. ) (pending before the Legislature as this bill),  
18 and shall provide forms, processes, and procedures that are the least  
19 burdensome as may be necessary to implement P.L. ,  
20 c. (C. ) (pending before the Legislature as this bill).

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

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

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

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

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

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

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



1 Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-  
2 19.1):  
3 (1) an update of the study on an annual basis; and  
4 (2) a report, once every four years beginning after submission of  
5 the initial study, summarizing the successes and drawbacks of  
6 special occasion events, and recommending any administrative and  
7 legislative changes.  
8 c. The powers and responsibilities provided to Rutgers, The  
9 State University pursuant to this section, shall be specifically  
10 provided to the New Jersey Agricultural Experiment Station, unless  
11 another division of Rutgers, The State University is designated by  
12 the university as most appropriate.  
13  
14 8. There is appropriated from the General Fund to Rutgers, The  
15 State University the sum of \$85,000 to effectuate the purposes of  
16 section 7 of this act.  
17  
18 9. With the exception of the application of this act to a winery  
19 that has participated in the pilot program established pursuant to  
20 P.L.2014, c.16 (C.4:1C-32.7 et seq.), this act shall take effect upon  
21 the earlier of: the first day of the third month next following  
22 enactment; or the adoption of a municipal ordinance pursuant to  
23 paragraph (4) of subsection b. of section 3 of this act. For a winery  
24 that has participated in the pilot program established pursuant to  
25 P.L.2014, c.16 (C.4:1C-32.7 et seq.), this act shall take effect on  
26 January 1, 2023, and the winery shall continue to use the approval  
27 process established for that pilot program until January 1, 2023.