

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

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

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

8 ¹[1. As used in this act:

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

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

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

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

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

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

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAN committee amendments adopted March 21, 2022.

²Senate floor amendments adopted June 29, 2022.

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

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

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

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

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

11 (3) a wedding held for:

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

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

15

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40

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

46

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

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

3 b. The report shall include:

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

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

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

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

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

15

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

17

18 ¹1. The Legislature finds and declares that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (3) a wedding held for:

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

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

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

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

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

1 events on the farm. The special occasion event shall comply with
2 the following requirements:

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

7 (a) is marketed as a single event;

8 (b) occurs only on consecutive days; and

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

10 (2) A special occasion event shall ³[be designed to] not interfere
11 with the use of the preserved farmland for agricultural or horticultural
12 production. The special occasion event shall have minimal effects on
13 the occupied area and shall be designed to protect the agricultural
14 resources of the land and ³ ensure that the land can be readily
15 returned to productive agricultural or horticultural use after the
16 event.

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

20 (4) (a) All applicable State and local laws, regulations,
21 resolutions, and ordinances including, but not limited to, those
22 concerning food safety, litter, noise, solid waste, traffic, and the
23 protection of public health and safety shall apply to the special
24 occasion event and all activities related thereto. To comply with
25 local laws, regulations, resolutions, and ordinances, the
26 municipality may ³require that an owner or operator of a
27 commercial farm located on preserved farmland submit an
28 application to the municipality for approval and may ³ designate an
29 office or agency of the municipality to review ³municipal³
30 applications for conducting special occasion events. A municipality
31 may require ³[an] a municipal³ application if the special occasion
32 event would:

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

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

40 (b) For ³[an] a municipal³ application submitted in accordance
41 with subparagraph (a) of this paragraph, the municipality shall not
42 charge an application fee of more than ²[\$200] \$50² . The
43 ³municipal³ application shall not require more information than an
44 identification of locations of where tents and other temporary
45 structures ³, sanitary facilities, parking, and access and egress³ will
46 be located for each event, where music will be played, the number
47 of expected guests, and other information that may be of public

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

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

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

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

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

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

37 (7) The occupied area associated with a special occasion event
38 ²[, excluding parking areas,]² shall be no more than ²¹⁵ the
39 lesser of 10 acres or 10² percent of the preserved farmland.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ²[d.] e.² A retail food establishment other than a temporary
 2 retail food establishment, as those terms are defined in the State
 3 Sanitary Code adopted pursuant to section 7 of P.L.1947, c.177
 4 (C.26:1A-7), shall not operate on a commercial farm in support of a
 5 special occasion event. The limitations of this subsection on the use
 6 of a retail food establishment shall not apply to³[a special occasion
 7 event held by a winery or to]³ a retail food establishment based at
 8 the commercial farm.

9 ²[e.] f.² Nothing in P.L. , c. (C.) (pending before the
 10 Legislature as this bill), or the rules and regulations adopted by the
 11 committee pursuant to section 6 of P.L. , c. (C.) (pending
 12 before the Legislature as this bill), shall apply to any special
 13 occasion event that is not held, in whole or in part, on preserved
 14 farmland on a commercial farm³, including, but not limited to,
 15 exception areas³.

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

30
 31 ¹4. a. The³[board] grantee and the committee³ shall have the
 32 right, without advance notice, to inspect a preserved farm on which
 33 special occasion events are held, upon presentation of appropriate
 34 credentials during normal business hours or during a special
 35 occasion event, in order to determine compliance with the
 36 provisions of P.L. , c. (C.) (pending before the Legislature
 37 as this bill).

38 b. ³[An owner or operator of a commercial farm] A permittee³
 39 engaged in conducting special occasion events on preserved
 40 farmland shall not be subjected to an inspection for any particular
 41 type of event authorized pursuant to P.L. , c. (C.) (pending
 42 before the Legislature as this bill) more than once per year³[unless
 43 one or more] without good cause demonstrated by the grantee or
 44 committee.³ ³[additional inspection is prompted by a complaint
 45 concerning State and local laws, regulations, resolutions, and
 46 ordinances as described in paragraph (4) of subsection b. of section

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

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

41 b. In addition to the penalties established pursuant to subsection
 42 a. of this section ³[², the board shall authorize a municipality to²]³:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16
 17 ²[¹⁸. There is appropriated from the General Fund to Rutgers,
 18 The State University the sum of \$85,000 to effectuate the purposes
 19 of section 7 of this act.¹]²

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

38

39

40

41

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