

[First Reprint]

**SENATE, No. 757**

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

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PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

**Sponsored by:**

**Senator PAUL A. SARLO**

**District 36 (Bergen and Passaic)**

**Senator STEVEN V. OROHO**

**District 24 (Morris, Sussex and Warren)**

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**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:**

**Senator Ruiz, Assemblymen Conaway, Guardian, Assemblywoman Sawyer, Assemblymen Space, Wirths and Senator Pou**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As reported by the Assembly Agriculture and Food Security Committee on March 21, 2022, with amendments.

**(Sponsorship Updated As Of: 6/29/2022)**

1 AN ACT concerning special occasion events on preserved farmland  
2 <sup>1</sup>**[and]** <sup>1</sup> supplementing Title 4 of the Revised Statutes <sup>1</sup>, and  
3 making an appropriation<sup>1</sup>.  
4

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

8 <sup>1</sup>**[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  
38 C.13:8C-40), or any other State law enacted for farmland preservation  
39 purposes.

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

**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:

<sup>1</sup>Assembly AAN committee amendments adopted March 21, 2022.

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

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

5 (3) a wedding held for:

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

8 (b) the operator or an employee of the commercial farm.】<sup>1</sup>

9

10 <sup>1</sup>【2. a. Notwithstanding any law, or any rule or regulation  
11 adopted pursuant thereto, to the contrary, a person shall not hold a  
12 special occasion event on preserved farmland without first obtaining  
13 approval therefor from the grantee pursuant to section 3 of this act, and  
14 shall hold the special occasion event in compliance with the  
15 requirements of this section and the rules and regulations adopted by  
16 the committee pursuant to section 6 of this act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 c. (1) A special occasion event shall be conducted on a Friday,  
22 Saturday, Sunday, or federal or State holiday, except that a special  
23 occasion event may be conducted on another day with the approval of  
24 the committee. The committee may delegate this authority to a  
25 grantee.

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

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

33 (4) A commercial farm that produces agricultural or horticultural  
34 products worth \$100,000 or more annually may hold up to a maximum  
35 of 26 special occasion events per calendar year, of which six may have  
36 250 guests or more in attendance at any time during the event.

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

41 e. Notwithstanding any law, or any rule or regulation adopted  
42 pursuant thereto, to the contrary, a special occasion event during which  
43 fewer than 250 people will be in attendance as guests at any time may  
44 be held without a variance or site plan approval.<sup>1</sup>

45  
46 <sup>1</sup>[3. a. No person shall hold a special occasion event on preserved  
47 farmland pursuant to this act unless the owner or operator of the  
48 commercial farm applies to the grantee for approval pursuant to this

1 section; except that if the grantee is the owner of the preserved  
2 farmland, the application shall be made to the committee for approval.  
3 A grantee whose approval is required for a special occasion event to be  
4 held on preserved farmland shall develop an application process by  
5 which an owner or operator of a commercial farm located on preserved  
6 farmland may apply for approval. The application shall, at a  
7 minimum, allow the grantee, or committee, as applicable, to  
8 determine:

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

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

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

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

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

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

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

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

42 e. Upon the effective date of this act, and prior to the adoption by  
43 the committee of rules and regulations pursuant to section 6 of this act,  
44 a grantee, or the committee, as applicable, may accept applications  
45 pursuant to this section and approve applications for special occasion  
46 events that comply with the provisions of this act. Upon the adoption  
47 of rules and regulations pursuant to section 6 of this act, approvals

1 pursuant to this section shall also comply with the rules and  
2 regulations adopted by the committee.】<sup>1</sup>

3

4 <sup>1</sup>【4. a. The committee and the grantee have the right, without  
5 advance notice, to inspect a preserved farm that has received approval  
6 from the grantee to hold one or more special occasion events, upon  
7 presentation of appropriate credentials during normal business hours or  
8 during a special occasion event, in order to determine compliance with  
9 the provisions of this act.

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

22 c. An owner or operator of a commercial farm engaged in  
23 conducting special occasion events on preserved farmland shall not be  
24 subjected to an audit authorized pursuant to this section more than  
25 once per year without good cause demonstrated by the grantee or the  
26 committee.】<sup>1</sup>

27

28 <sup>1</sup>【5. a. An owner or operator of a commercial farm who  
29 violates the provisions of this act shall be liable to a civil  
30 administrative penalty of up to \$2,500 for the first offense, up to  
31 \$10,000 for the second offense, or up to \$25,000 for a third and  
32 subsequent offense. Each day in which a violation occurs shall be  
33 considered a separate offense.

34 b. In addition to the penalties established pursuant to subsection a.  
35 of this section:

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

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

42 (3) for a fourth or subsequent offense, the committee shall suspend  
43 the owner or operator of the commercial farm from holding special  
44 occasion events for a period of at least one year, or may permanently  
45 suspend the owner or operator of the commercial farm from holding  
46 special occasion events.

47 c. No civil administrative penalty pursuant to subsection a. of this  
48 section or penalty established in subsection b. of this section shall be

1 imposed pursuant to this section until after the owner or operator of the  
2 commercial farm has been notified of the alleged violation by certified  
3 mail or personal service. The notice shall include:

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

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

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

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

12 The owner or operator served with the notice shall have 20 days  
13 after the receipt of the notice to request in writing a hearing before the  
14 committee. After the hearing, if the committee finds that a violation  
15 has occurred, the committee may issue a final order assessing the  
16 amount of the civil administrative penalty set forth in the notice and  
17 imposing the suspension, if any. If no hearing is requested, then the  
18 notice shall become a final order 20 days after the date upon which the  
19 notice 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 A civil administrative penalty imposed pursuant to this section  
23 may be collected, with costs, in a summary proceeding pursuant to the  
24 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et  
25 seq.). The Superior Court and the municipal court shall have  
26 jurisdiction to enforce the provisions of the "Penalty Enforcement Law  
27 of 1999" in connection with this act.

28 d. The committee shall notify, in writing, the board in the county  
29 in which the preserved farmland is located and the applicable grantee  
30 when it suspends an owner or operator of a commercial farm from  
31 holding special occasion events pursuant to subsection b. of this  
32 section.】<sup>1</sup>

33

34 <sup>1</sup>【6. The committee shall adopt, pursuant to the "Administrative  
35 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and  
36 regulations to implement this act, including any rules and  
37 regulations necessary to determine compliance with the  
38 requirements of section 2 of this act.】<sup>1</sup>

39

40 <sup>1</sup>【7. a. The committee shall prepare a report annually on the  
41 implementation of this act, and shall submit the report to the Governor,  
42 and to the Legislature pursuant to section 2 of  
43 P.L.1991, c.164 (C.52:14-19.1).

44 b. The report shall include:

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

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

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

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

7 (5) an accounting of penalties collected pursuant to section 5 of  
8 this act.】<sup>1</sup>

9  
10 <sup>1</sup>【8. This act shall take effect immediately.】<sup>1</sup>

11  
12 <sup>1</sup>1. The Legislature finds and declares that:

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

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

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

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

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

32 f. With proper oversight, special occasion events on preserved  
33 farmland can have minimal impact on land's viability for farming  
34 and provide for new business opportunities for farmers in the State  
35 without displacing agricultural or horticultural production as the  
36 first priority use of preserved farmland or disrupting neighborhoods  
37 that surround preserved farms.<sup>1</sup>

38  
39 <sup>1</sup>2. As used in P.L. , c. (C. ) (pending before the  
40 Legislature as this bill):

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

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



1 management plan pursuant to section 3 of P.L.1964, c.48 (C.54:4-  
2 23.3).

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

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

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

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

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

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

35 (3) a wedding held for:

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

38 or

39 (b) the landowner, operator, or an employee of the commercial  
40 farm.

41 “Winery” means a commercial farm where the owner or operator  
42 of the commercial farm has been issued and is operating in  
43 compliance with a plenary winery license or farm winery license  
44 pursuant to R.S.33:1-10.<sup>1</sup>

45

46 <sup>1</sup>3. a. Notwithstanding any law, or any rule or regulation  
47 adopted pursuant thereto, to the contrary, a person may hold a  
48 special occasion event on preserved farmland, provided that the

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

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

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

16 (a) is marketed as a single event;

17 (b) occurs only on consecutive days; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47 d. A retail food establishment other than a temporary retail food  
48 establishment, as those terms are defined in the State Sanitary Code

1 adopted pursuant to section 7 of P.L.1947, c.177 (C.26:1A-7), shall  
2 not operate on a commercial farm in support of a special occasion  
3 event. The limitations of this subsection on the use of a retail food  
4 establishment shall not apply to a special occasion event held by a  
5 winery or to a retail food establishment based at the commercial  
6 farm.

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

13 f. With the exception of the requirements of P.L. , c.  
14 (C. ) (pending before the Legislature as this bill) related to the  
15 numerical limitations for special occasion events and the  
16 application of local laws, regulations, resolutions, and ordinances to  
17 special occasion events, along with any associated rules and  
18 regulations adopted by the committee pursuant to section 6 of  
19 P.L. , c. (C. ) (pending before the Legislature as this bill),  
20 no other requirements of P.L. , c. (C. ) (pending before the  
21 Legislature as this bill) shall apply to an exception area. For the  
22 purposes of P.L. , c. (C. ) (pending before the Legislature as  
23 this bill), an exception area shall be considered a part of the  
24 preserved farmland, except that paragraph (5) of subsection b. of  
25 this section concerning the construction or erection of permanent  
26 structures shall not apply to an exception area.<sup>1</sup>

27  
28 <sup>14.</sup> a. The board shall have the right, without advance notice, to  
29 inspect a preserved farm on which special occasion events are held,  
30 upon presentation of appropriate credentials during normal business  
31 hours or during a special occasion event, in order to determine  
32 compliance with the provisions of P.L. , c. (C. ) (pending  
33 before the Legislature as this bill).

34 b. An owner or operator of a commercial farm engaged in  
35 conducting special occasion events on preserved farmland shall not  
36 be subjected to an inspection for any particular type of event  
37 authorized pursuant to P.L. , c. (C. ) (pending before the  
38 Legislature as this bill) more than once per year unless one or more  
39 additional inspection is prompted by a complaint concerning State  
40 and local laws, regulations, resolutions, and ordinances as described  
41 in paragraph (4) of subsection b. of section 3 of P.L. , c.  
42 (C. ) (pending before the Legislature as this bill).<sup>1</sup>

43  
44 <sup>15.</sup> a. An owner or operator of a commercial farm who violates  
45 the provisions of P.L. , c. (C. ) (pending before the  
46 Legislature as this bill) shall be liable to a civil administrative  
47 penalty of up to \$500 for the first offense, up to \$2,500 for the  
48 second offense, or up to \$5,000 for a third and subsequent offense.

1 Each day in which a violation occurs shall be considered a separate  
2 offense. A board shall have the authority to assess a civil  
3 administrative penalty against a commercial farm located within the  
4 same county in accordance with this section.

5 b. In addition to the penalties established pursuant to subsection  
6 a. of this section:

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

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

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

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

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

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

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

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

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

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

1 "Penalty Enforcement Law of 1999" in connection with P.L. , c.  
2 (C. ) (pending before the Legislature as this bill).

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

6 g. The enforcement responsibilities provided to the board  
7 pursuant to this section, and section 4 of P.L. , c. (C. )  
8 (pending before the Legislature as this bill), may be transferred to  
9 the committee by a majority vote of the members of the board.<sup>1</sup>

10

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

23

24 <sup>17.</sup> a. Rutgers, The State University shall conduct an ongoing  
25 study on special occasion events as authorized by P.L. , c.  
26 (C. ) (pending before the Legislature as this bill). The  
27 committee, and the board, shall provide Rutgers, The State  
28 University with data requested in relation to the study. The study  
29 shall include, but shall not be limited to, an exploration of the  
30 following:

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

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

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

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

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

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

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

5 (1) an update of the study on an annual basis; and

6 (2) a report, once every four years beginning after submission of  
7 the initial study, summarizing the successes and drawbacks of  
8 special occasion events, and recommending any administrative and  
9 legislative changes.

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

15

16 <sup>1</sup>8. There is appropriated from the General Fund to Rutgers, The  
17 State University the sum of \$85,000 to effectuate the purposes of  
18 section 7 of this act.<sup>1</sup>

19

20 <sup>1</sup>9. With the exception of the application of this act to a winery  
21 that has participated in the pilot program established pursuant to  
22 P.L.2014, c.16 (C.4:1C-32.7 et seq.), this act shall take effect upon  
23 the earlier of: the first day of the third month next following  
24 enactment; or the adoption of a municipal ordinance pursuant to  
25 paragraph (4) of subsection b. of section 3 of this act. For a winery  
26 that has participated in the pilot program established pursuant to  
27 P.L.2014, c.16 (C.4:1C-32.7 et seq.), this act shall take effect on  
28 January 1, 2023, and the winery shall continue to use the approval  
29 process established for that pilot program until January 1, 2023.<sup>1</sup>