

[Second 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)**

**Assemblyman ROY FREIMAN**

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

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Assemblyman RONALD S. DANCER**

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

**Co-Sponsored by:**

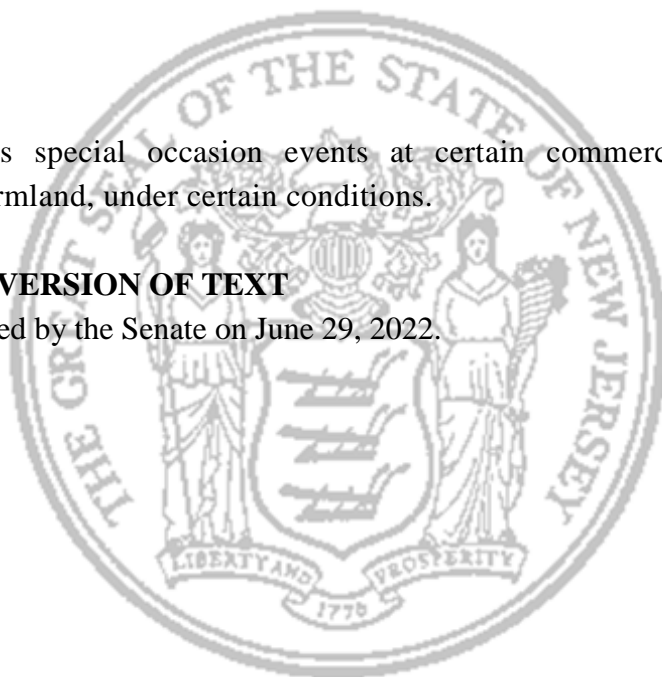
**Senator Ruiz, Assemblymen Conaway, Guardian, Assemblywoman Sawyer, Assemblymen Space, Wirths and Senator Pou**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As amended by the Senate on June 29, 2022.



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

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

44 (1) an activity which is eligible to receive right to farm benefits

**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.

<sup>2</sup>Senate floor amendments adopted June 29, 2022.

1 pursuant to the "Right to Farm Act," P.L.1983, c.31 (C.4:1C-1 et seq.);

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

4 (3) a wedding held for:

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

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

8

9 **1**<sup>1</sup>[2. a. Notwithstanding any law, or any rule or regulation  
10 adopted pursuant thereto, to the contrary, a person shall not hold a  
11 special occasion event on preserved farmland without first obtaining  
12 approval therefor from the grantee pursuant to section 3 of this act, and  
13 shall hold the special occasion event in compliance with the  
14 requirements of this section and the rules and regulations adopted by  
15 the committee pursuant to section 6 of this act.

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

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

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

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

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

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

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

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

47 (8) No public utilities including water, gas, or sewer lines shall be  
48 extended to the preserved farmland for the purpose of holding special

1 occasion events, except that electric service may be extended to  
2 preserved farmland for the purpose of holding special occasion events.

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

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

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

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

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

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

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

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

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

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

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

43

44 <sup>1</sup>3. a. No person shall hold a special occasion event on preserved  
45 farmland pursuant to this act unless the owner or operator of the  
46 commercial farm applies to the grantee for approval pursuant to this  
47 section; except that if the grantee is the owner of the preserved  
48 farmland, the application shall be made to the committee for approval.

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

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

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

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

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

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

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

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

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

40 e. Upon the effective date of this act, and prior to the adoption by  
41 the committee of rules and regulations pursuant to section 6 of this act,  
42 a grantee, or the committee, as applicable, may accept applications  
43 pursuant to this section and approve applications for special occasion  
44 events that comply with the provisions of this act. Upon the adoption  
45 of rules and regulations pursuant to section 6 of this act, approvals  
46 pursuant to this section shall also comply with the rules and  
47 regulations adopted by the committee.】<sup>1</sup>

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

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

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

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

31           b. In addition to the penalties established pursuant to subsection a.  
32 of this section:

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

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

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

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

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

3 (2) a concise statement of the facts alleged to constitute a  
4 violation;

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

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

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

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

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

30  
31 <sup>1</sup>【6. The committee shall adopt, pursuant to the "Administrative  
32 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and  
33 regulations to implement this act, including any rules and  
34 regulations necessary to determine compliance with the  
35 requirements of section 2 of this act.】<sup>1</sup>

36  
37 <sup>1</sup>【7. a. The committee shall prepare a report annually on the  
38 implementation of this act, and shall submit the report to the Governor,  
39 and to the Legislature pursuant to section 2 of  
40 P.L.1991, c.164 (C.52:14-19.1).

41 b. The report shall include:

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

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

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

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

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

5  
6 <sup>1</sup>【8. This act shall take effect immediately.】<sup>1</sup>

7  
8 <sup>1</sup>1. The Legislature finds and declares that:

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

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

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

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

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

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

34  
35 <sup>1</sup>2. As used in P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the  
36 Legislature as this bill):

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

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



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

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

9 <sup>2</sup>“Grantee” means the entity to which the development rights of a  
10 preserved farm were conveyed pursuant to the provisions of section  
11 24 of P.L.1983, c.32 (C.4:1C-31), section 5 of P.L.1988, c.4  
12 (C.4:1C-31.1), section 1 of P.L.1989, c.28 (C.4:1C-38), section 1 of  
13 P.L.1999, c.180 (C.4:1C-43.1), sections 37 through 40 of P.L.1999,  
14 c.152 (C.13:8C-37 through C.13:8C-40), or any other State law  
15 enacted for farmland preservation purposes. “Grantee” shall  
16 include all entities which lawfully succeed to the rights and  
17 responsibilities of a grantee, including, but not limited to, the  
18 grantee’s successors and assigns.

19 “Nonprofit entity” means a corporation organized pursuant to the  
20 “New Jersey Nonprofit Corporation Act,” N.J.S.15A:1-1 et seq. or a  
21 corporation organized pursuant to Title 16 of the Revised Statutes.<sup>2</sup>

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

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

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

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

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

46 (3) a wedding held for:

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

3 or

4 (b) the landowner, operator, or an employee of the commercial  
5 farm.

6 "Winery" means a commercial farm where the owner or operator  
7 of the commercial farm has been issued and is operating in  
8 compliance with a plenary winery license or farm winery license  
9 pursuant to R.S.33:1-10.<sup>1</sup>

10  
11 <sup>13.</sup> a. Notwithstanding any law, or any rule or regulation  
12 adopted pursuant thereto, to the contrary, a person may hold a  
13 special occasion event on preserved farmland, provided that the  
14 person complies with the requirements set forth in P.L. \_\_\_\_\_,  
15 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill), and the  
16 special occasion event is held in compliance with the requirements  
17 of this section and the rules and regulations adopted by the  
18 committee pursuant to section 6 of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending  
19 before the Legislature as this bill).

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

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

29 (a) is marketed as a single event;

30 (b) occurs only on consecutive days; and

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

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

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

38 (4) (a) All applicable State and local laws, regulations,  
39 resolutions, and ordinances including, but not limited to, those  
40 concerning food safety, litter, noise, solid waste, traffic, and the  
41 protection of public health and safety shall apply to the special  
42 occasion event and all activities related thereto. To comply with  
43 local laws, regulations, resolutions, and ordinances, the  
44 municipality may designate an office or agency of the municipality  
45 to review applications for conducting special occasion events. A  
46 municipality may require an application if the special occasion  
47 event would:

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

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

8       (b) For an application submitted in accordance with  
9 subparagraph (a) of this paragraph, the municipality shall not  
10 charge an application fee of more than <sup>2</sup>[\$200] \$50<sup>2</sup> . The  
11 application shall not require more information than an identification  
12 of locations of where tents and other temporary structures will be  
13 located for each event, where music will be played, the number of  
14 expected guests, and other information that may be of public  
15 concern and would be required of a similar event when conducted at  
16 a public park or another public venue.

17       (5) <sup>2</sup>(a)<sup>2</sup> No new permanent structures shall be constructed or  
18 erected on preserved farmland for the purpose of holding a special  
19 occasion event, and improvements to existing structures shall be  
20 limited to the minimum required for the protection of health and  
21 safety.

22       <sup>2</sup>(b) The installation and use of tents, canopies, umbrellas,  
23 tables, chairs, and other temporary structures on preserved farmland  
24 for the purpose of holding special occasion events shall be a  
25 permitted use provided that the tent, canopy, umbrella, table, chairs,  
26 or other temporary structure conforms to all applicable provisions  
27 of the State Uniform Construction Code and Uniform Fire Code,  
28 which have been adopted by the Commissioner of Community  
29 Affairs pursuant to P.L.1975, c.217 (C.52:27D-119, et seq.) and  
30 P.L.1983, c.383 (C.52:27D-192 et seq.), respectively. The  
31 permitted use of tents, canopies, umbrellas, tables, chairs, and other  
32 temporary structures allowed by this subparagraph shall be limited  
33 to the timeframe encompassing the first day of April through  
34 November 30 of each year.

35       (c) No public utilities, including gas or sewer lines, shall be  
36 extended to the preserved farmland for the purpose of holding  
37 special occasion events, except that electric and water service may  
38 be extended to preserved farmland for the purpose of holding  
39 special occasion events.<sup>2</sup>

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

1       (7) The occupied area associated with a special occasion event  
2 <sup>2</sup>[, excluding parking areas,]<sup>2</sup> shall be no more than <sup>2</sup>[15] the  
3 lesser of 10 acres or 10<sup>2</sup> percent of the preserved farmland.

4       c. <sup>2</sup>[Notwithstanding the provisions of this subsection to the  
5 contrary, a municipality may adopt a municipal ordinance to  
6 increase the number of, and allowable attendance at, special  
7 occasion events.] A special occasion event shall not be held on  
8 preserved farmland unless the owner or operator of the commercial  
9 farm obtains approval to hold special occasion events, in writing  
10 from the grantee, prior to holding a special occasion event. An  
11 owner or operator shall only be required to submit an application  
12 pursuant to this subsection once, and an individual application shall  
13 not be required for each special occasion event. The application  
14 shall not require more information than an identification of  
15 locations of where tents and other temporary structures will be  
16 located for each event, the number of expected events, and the  
17 number of expected guests. If the grantee does not respond to a  
18 written request to hold special occasion events within 90 days  
19 following receipt of a request, then the request shall be deemed  
20 approved. If the owner or operator of the commercial farm  
21 determines to refrain from holding any further special occasion  
22 events on the preserved farm in the future, after previously  
23 obtaining approval from the grantee pursuant to this subsection, the  
24 owner or operator shall provide written notification to the grantee of  
25 the decision to refrain from holding special occasion events.

26       d.<sup>2</sup> A commercial farm shall not hold more than one special  
27 occasion event with over <sup>2</sup>[75] 100<sup>2</sup> guests per calendar day.  
28 <sup>2</sup>[Unless the number of permitted special occasion events, or the  
29 number of permitted guests per special occasion event, or both, is  
30 increased by municipal ordinance, the frequency and attendance of  
31 special occasion events shall be limited as follows:

32       (1)<sup>2</sup> A commercial farm may hold 26 special occasion events  
33 each calendar year, of which only six special occasion events may  
34 have 250 guests or more in attendance at any time during the event.  
35 <sup>2</sup>[If all roads on the perimeter of a commercial farm have a speed  
36 limit of 25 miles per hour or less, then the municipality, by  
37 ordinance, may restrict the commercial farm to holding, no more  
38 than two special occasion events per calendar year with 1,500  
39 guests or more in attendance at any time during the event.

40       (2) No more than 15 of the special occasion events permitted  
41 each calendar year shall be held indoors in a permanent structure, of  
42 which only two special occasion events may have 250 guests or  
43 more in attendance at any time during the event. A municipality  
44 may further limit the number of special occasion events that may be  
45 held indoors in a permanent structure to no more than seven special  
46 occasion events, of which only one special occasion event may have  
47 250 guests or more in attendance at any time during the event.

1 Events attended by fewer than 75 people shall not be considered  
 2 special occasion events for the purposes of indoor event limitations.  
 3 A winery shall not be restricted by special occasion event  
 4 limitations specific to indoor events, as provided by this paragraph,  
 5 but shall be restricted by paragraph (1) of this subsection.] A special  
 6 occasion event held by or for a nonprofit entity shall not count  
 7 against the limitations on events provided by this subsection if the  
 8 event has fewer than 100 guests and the maximum reimbursement  
 9 to the owner or operator of the commercial farm does not exceed  
 10 \$1,000<sup>2</sup>.

11 <sup>2</sup>**[d.] e.**<sup>2</sup> A retail food establishment other than a temporary  
 12 retail food establishment, as those terms are defined in the State  
 13 Sanitary Code adopted pursuant to section 7 of P.L.1947, c.177  
 14 (C.26:1A-7), shall not operate on a commercial farm in support of a  
 15 special occasion event. The limitations of this subsection on the use  
 16 of a retail food establishment shall not apply to a special occasion  
 17 event held by a winery or to a retail food establishment based at the  
 18 commercial farm.

19 <sup>2</sup>**[e.] f.**<sup>2</sup> Nothing in P.L. , c. (C. ) (pending before the  
 20 Legislature as this bill), or the rules and regulations adopted by the  
 21 committee pursuant to section 6 of P.L. , c. (C. ) (pending  
 22 before the Legislature as this bill), shall apply to any special  
 23 occasion event that is not held, in whole or in part, on preserved  
 24 farmland on a commercial farm.

25 <sup>2</sup>**[f.] g.**<sup>2</sup> With the exception of the requirements of P.L. ,  
 26 c. (C. ) (pending before the Legislature as this bill) related to  
 27 the numerical limitations for special occasion events and the  
 28 application of local laws, regulations, resolutions, and ordinances to  
 29 special occasion events, along with any associated rules and  
 30 regulations adopted by the committee pursuant to section 6 of  
 31 P.L. , c. (C. ) (pending before the Legislature as this bill),  
 32 no other requirements of P.L. , c. (C. ) (pending before the  
 33 Legislature as this bill) shall apply to an exception area. For the  
 34 purposes of P.L. , c. (C. ) (pending before the Legislature as  
 35 this bill), an exception area shall be considered a part of the  
 36 preserved farmland, except that paragraph (5) of subsection b. of  
 37 this section concerning the construction or erection of permanent  
 38 structures shall not apply to an exception area.<sup>1</sup>

39  
 40 <sup>1</sup>4. a. The board shall have the right, without advance notice, to  
 41 inspect a preserved farm on which special occasion events are held,  
 42 upon presentation of appropriate credentials during normal business  
 43 hours or during a special occasion event, in order to determine  
 44 compliance with the provisions of P.L. , c. (C. ) (pending  
 45 before the Legislature as this bill).

46 b. An owner or operator of a commercial farm engaged in  
 47 conducting special occasion events on preserved farmland shall not

1 be subjected to an inspection for any particular type of event  
 2 authorized pursuant to P.L. , c. (C. ) (pending before the  
 3 Legislature as this bill) more than once per year unless one or more  
 4 additional inspection is prompted by a complaint concerning State  
 5 and local laws, regulations, resolutions, and ordinances as described  
 6 in paragraph (4) of subsection b. of section 3 of P.L. ,  
 7 c. (C. ) (pending before the Legislature as this bill).<sup>1</sup>

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

41 b. In addition to the penalties established pursuant to subsection  
 42 a. of this section <sup>2</sup>, the board shall authorize a municipality to<sup>2</sup> :

43 (1) for a second offense, <sup>2</sup>**[the board shall]**<sup>2</sup> suspend the owner  
 44 or operator of the commercial farm from holding special occasion  
 45 events for a period of up to six months;

1       (2) for a third offense, <sup>2</sup>the board shall<sup>2</sup> suspend the owner or  
 2 operator of the commercial farm from holding special occasion  
 3 events for a period of six months up to one year; and

4       (3) for a fourth or subsequent offense, <sup>2</sup>the board shall<sup>2</sup>  
 5 suspend the owner or operator of the commercial farm from holding  
 6 special occasion events for a period of at least one year, or <sup>2</sup>may<sup>2</sup>  
 7 permanently suspend the owner or operator of the commercial farm  
 8 from holding special occasion events.

9       c. <sup>2</sup>No civil administrative penalty pursuant to subsection a. of  
 10 this section or penalty established in subsection b. of this section  
 11 shall be imposed pursuant to this section until after the owner or  
 12 operator of the commercial farm has been notified of the alleged  
 13 violation by certified mail or personal service. The notice shall  
 14 include:

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

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

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

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

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

34       e. A civil administrative penalty imposed pursuant to this  
 35 section may be collected, with costs, in a summary proceeding  
 36 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,  
 37 c.274 (C.2A:58-10 et seq.). The Superior Court and the municipal  
 38 court shall have jurisdiction to enforce the provisions of the  
 39 "Penalty Enforcement Law of 1999" in connection with P.L. \_\_\_\_\_,  
 40 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill).

41       f.<sup>2</sup> The board shall notify the committee when it <sup>2</sup>suspends<sup>2</sup>  
 42 authorizes the suspension of<sup>2</sup> an owner or operator of a commercial  
 43 farm from holding special occasion events pursuant to subsection b.  
 44 of this section.

45       g.<sup>2</sup> d.<sup>2</sup> The enforcement responsibilities provided to the board  
 46 pursuant to this section, and section 4 of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_)

1 (pending before the Legislature as this bill), may be transferred to  
 2 the committee by a majority vote of the members of the board.<sup>1</sup>

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

16  
 17 <sup>17.</sup> a. <sup>2</sup>[Rutgers, The State University] The committee<sup>2</sup> shall  
 18 <sup>2</sup>[conduct an ongoing study] report<sup>2</sup> on special occasion events as  
 19 authorized by P.L. , c. (C. ) (pending before the Legislature  
 20 as this bill). <sup>2</sup>[The committee, and the] A<sup>2</sup> board <sup>2</sup>[, shall] may<sup>2</sup>  
 21 provide <sup>2</sup>[Rutgers, The State University] the committee<sup>2</sup> with data  
 22 requested in relation to the <sup>2</sup>[study] report<sup>2</sup> . The <sup>2</sup>[study] report<sup>2</sup>  
 23 shall include, but shall not be limited to, an exploration of the  
 24 following:

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

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

28 (3) the extent to which disputes are reported between:  
 29 commercial farms and neighboring properties, commercial farms  
 30 and municipalities, and commercial farms and the board or  
 31 committee;

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

34 (5) the frequency of unintended undesirable consequences of  
 35 special occasion events, such as possible instances of the removal  
 36 of land from active agricultural or horticultural production to host  
 37 events.

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



1       (1) an update of the <sup>2</sup>[study] report<sup>2</sup> on an annual basis; and  
2       (2) a <sup>2</sup>revised<sup>2</sup> report, once every four years beginning after  
3       submission of the initial <sup>2</sup>[study] report<sup>2</sup> , summarizing the  
4       successes and drawbacks of special occasion events, and  
5       recommending any administrative and legislative changes <sup>2</sup>[.

6       c. The powers and responsibilities provided to Rutgers, The  
7       State University pursuant to this section, shall be specifically  
8       provided to the New Jersey Agricultural Experiment Station, unless  
9       another division of Rutgers, The State University is designated by  
10       the university as most appropriate.]<sup>2</sup> .<sup>1</sup>

11  
12       <sup>2</sup>[<sup>18.</sup> There is appropriated from the General Fund to Rutgers,  
13       The State University the sum of \$85,000 to effectuate the purposes  
14       of section 7 of this act.<sup>1</sup>]<sup>2</sup>

15  
16       <sup>2</sup>[<sup>19.] 8.<sup>2</sup> With the exception of the application of this act to a  
17       winery <sup>2</sup>[that has participated in the pilot program established  
18       pursuant to P.L.2014, c.16 (C.4:1C-32.7 et seq.)]<sup>2</sup> , this act shall  
19       take effect upon the earlier of: the first day of the third month next  
20       following enactment; or the adoption of a municipal ordinance  
21       pursuant to paragraph (4) of subsection b. of section 3 of this act.  
22       For a winery <sup>2</sup>[that has participated in the pilot program established  
23       pursuant to P.L.2014, c.16 (C.4:1C-32.7 et seq.)]<sup>2</sup> , this act shall  
24       take effect <sup>2</sup>immediately, except that the authority of a municipality  
25       to require an application by a winery pursuant to paragraph (4) of  
26       subsection b. of section 3 of this act shall take effect<sup>2</sup> on January 1,  
27       2023 <sup>2</sup>[, and the winery shall continue to use the approval process  
28       established for that pilot program until January 1, 2023]<sup>2</sup> .<sup>1</sup></sup>