[Third Reprint]

SENATE, No. 757



STATE OF NEW JERSEY

220th LEGISLATURE



PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

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District 36 (Bergen and Passaic)

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

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District 12 (Burlington, Middlesex, Monmouth and Ocean)

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

SYNOPSIS

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

CURRENT VERSION OF TEXT

As amended on September 29, 2022 by the Senate pursuant to the Governor's recommendations.



An Act concerning special occasion events on preserved farmland **1[**and**]** **2[**,**1]** and**2** supplementing Title 4 of the Revised Statutes **2[1**, and making an appropriation**1]2**.

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

**1[**1. As used in this act:

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

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

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

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

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

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

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

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

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

(3) a wedding held for:

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

(b) the operator or an employee of the commercial farm.**]1**

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

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

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

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

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

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

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

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

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

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

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

(a) two and one-half acres, or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**1[**6. The committee shall adopt, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to implement this act, including any rules and regulations necessary to determine compliance with the requirements of section 2 of this act.**]1**

**1[**7. a. The committee shall prepare a report annually on the implementation of this act, and shall submit the report to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1).

b. The report shall include:

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

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

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

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

(5) an accounting of penalties collected pursuant to section 5 of this act.**]1**

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

**1**1. The Legislature finds and declares that:

a. Over **3[**2,700**]** 2,800**3** farms comprising over **3[**241,000**]** 247,000**3** acres of farmland have been preserved in New Jersey since the inception of the State’s farmland preservation program;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) a wedding held for:

(a) a spouse, parent, child, grandparent, grandchild, sibling, niece, nephew, or cousin of the **3[**landowner**]** owner**3** of the commercial farm; or

(b) the **3[**landowner**]** owner**3** , operator, or an employee of the commercial farm.

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

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

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

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

(a) is marketed as a single event;

(b) occurs only on consecutive days; and

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

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

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

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

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

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

(b) For**3[**an**]** a municipal**3** application submitted in accordance with subparagraph (a) of this paragraph, the municipality shall not charge an application fee of more than **2[**$200**]** $50**2** . The **3**municipal**3** application shall not require more information than an identification of locations of where tents and other temporary structures **3**, sanitary facilities, parking, and access and egress**3** will be located for each event, where music will be played, the number of expected guests, and other information that may be of public concern and would be required of a similar event when conducted at a public park or another public venue.

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

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

**3[2**(b)**]** (c)**3** The installation and use of tents, canopies, umbrellas, tables, chairs, and other temporary structures on preserved farmland for the purpose of holding special occasion events shall be a permitted use provided that the tent, canopy, umbrella, table, chairs, or other temporary structure conforms to all applicable provisions of the State Uniform Construction Code and Uniform Fire Code, which have been adopted by the Commissioner of Community Affairs pursuant to P.L.1975, c.217 (C.52:27D-119, et seq.) and P.L.1983, c.383 (C.52:27D-192 et seq.), respectively. The permitted use of tents, canopies, umbrellas, tables, chairs, and other temporary structures allowed by this subparagraph shall be limited to the timeframe encompassing the first day of April through November 30 of each year.

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

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

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

c. **2[**Notwithstanding the provisions of this subsection to the contrary, a municipality may adopt a municipal ordinance to increase the number of, and allowable attendance at, special occasion events.**]** A special occasion event shall not be held on preserved farmland unless the **3[**owner or operator of the commercial farm**]** applicant**3** obtains approval to hold special occasion events, in writing from the grantee, prior to holding a special occasion event. **3[**An owner or operator shall only**]** If the applicant is the operator, but not the owner, of the farm, then the operator shall submit to the grantee a notarized affidavit from the owner authorizing the application. Once approval is obtained from the grantee, a permittee shall**3** be required to submit an application pursuant to this subsection **3**not more than**3** once **3**annually**3** , and an individual application shall not be required for each special occasion event. **3[**The application**]**

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) No more than 15 of the special occasion events permitted each calendar year shall be held indoors in a permanent structure, of which only two special occasion events may have 250 guests or more in attendance at any time during the event. A municipality may further limit the number of special occasion events that may be held indoors in a permanent structure to no more than seven special occasion events, of which only one special occasion event may have 250 guests or more in attendance at any time during the event. Events attended by fewer than 75 people shall not be considered special occasion events for the purposes of indoor event limitations. A winery shall not be restricted by special occasion event limitations specific to indoor events, as provided by this paragraph, but shall be restricted by paragraph (1) of this subsection**]** A special occasion event held by or for a nonprofit entity shall not count against the limitations on events provided by this subsection if the event has fewer than 100 guests and the **3**permittee does not charge for, and receives no fees or compensation for hosting the event, other than for reimbursement of out-of-pocket expenses. The**3** maximum reimbursement to the **3[**owner or operator of the commercial farm does**]** permittee shall**3** not exceed $1,000**2**.

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

**2[**e.**]** f.**2** Nothing in P.L. , c. (C. ) (pending before the Legislature as this bill), or the rules and regulations adopted by the committee pursuant to section 6 of P.L. , c. (C. ) (pending before the Legislature as this bill), shall apply to any special occasion event that is not held, in whole or in part, on preserved farmland on a commercial farm **3**, including, but not limited to, exception areas**3**.

**3[2[**f.**]** g.**2** With the exception of the requirements of P.L. , c.    (C.        ) (pending before the Legislature as this bill) related to the numerical limitations for special occasion events and the application of local laws, regulations, resolutions, and ordinances to special occasion events, along with any associated rules and regulations adopted by the committee pursuant to section 6 of P.L.    , c. (C. ) (pending before the Legislature as this bill), no other requirements of P.L. , c. (C. ) (pending before the Legislature as this bill) shall apply to an exception area. For the purposes of P.L. , c. (C. ) (pending before the Legislature as this bill), an exception area shall be considered a part of the preserved farmland, except that paragraph (5) of subsection b. of this section concerning the construction or erection of permanent structures shall not apply to an exception area.**1]3**

**1**4. a. The **3[**board**]** grantee and the committee**3** shall have the right, without advance notice, to inspect a preserved farm on which special occasion events are held, upon presentation of appropriate credentials during normal business hours or during a special occasion event, in order to determine compliance with the provisions of P.L. , c. (C. ) (pending before the Legislature as this bill).

b. **3[**An owner or operator of a commercial farm**]** A permittee**3** engaged in conducting special occasion events on preserved farmland shall not be subjected to an inspection for any particular type of event authorized pursuant to P.L. , c. (C. ) (pending before the Legislature as this bill) more than once per year **3[**unless one or more**]** without good cause demonstrated by the grantee or committee.**3** **3[**additional inspection is prompted by a complaint concerning State and local laws, regulations, resolutions, and ordinances as described in paragraph (4) of subsection b. of section 3 of P.L. , c.    (C.        ) (pending before the Legislature as this bill).**1]3**

**1**5. a. **3[2**If a grantee, a board, or the committee determines that an**]** A permittee who violates the provisions of this act shall be liable to a civil administrative penalty of up to $1,000 for the first offense, up to $2,500 for the second offense, or up to $5,000 for a third and subsequent offense. Each day in which a violation occurs shall be considered a separate offense.**3** **3[**owner or operator of a commercial farm or winery has violated the provisions of P.L. , c.    (C. ) (pending before the Legislature as this bill), the grantee, board, or committee, as applicable, shall request the municipality in which the preserved farmland is located to issue a summons, in the same form and manner as other summons are issued in the municipality, for a violation of P.L. , c.    (C. ) (pending before the Legislature as this bill) to the owner or operator.**2** An owner or operator of a commercial farm who violates the provisions of P.L. , c. (C. ) (pending before the Legislature as this bill) shall be liable to a civil administrative penalty of up to $500 for the first offense, up to $2,500 for the second offense, or up to $5,000 for a third and subsequent offense. Each day in which a violation occurs shall be considered a separate offense. **2[**A board shall have the authority**]** If the board determines that an owner or operator of a commercial farm has violated the provisions of P.L. , c. (C. ) (pending before the Legislature as this bill), the board shall authorize the municipality in which the commercial farm is located**2** to assess a civil administrative penalty against **2[**a**]** the**2** commercial farm **2[**located within the same county**]2** in accordance with this section. **2**A summons pursuant to this subsection shall include the amount of the penalty to be assessed, and the duration of the suspension, if any, pursuant to subsection b. of this section, and be issued and enforced in the same manner as other municipal summons are issued and enforced. A penalty collected under the provisions of this section shall be paid into the treasury of the municipality in which the preserved farmland is located for the general uses of the municipality, provided that the municipality shall enter into a penalty division agreement with the board related to the penalties collected and shall transfer funds to the board as required by the penalty division agreement.**2]3**

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

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

(2) for a third offense, **3**the committee shall**3** **2[**the board shall**]2** suspend the **3[**owner or operator of the commercial farm**]** permittee**3** from holding special occasion events for a period of six months up to one year; and

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

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

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

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

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

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

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

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

(2) If no hearing is requested, then the notice shall become a final order 20 days after the date upon which the notice was served. Payment of the civil administrative penalty shall be due, and duration of the suspension, if any, shall begin, on the date when a final order is issued or the notice becomes a final order.**3 2[**No civil administrative penalty pursuant to subsection a. of this section or penalty established in subsection b. of this section shall be imposed pursuant to this section until after the owner or operator of the commercial farm has been notified of the alleged violation by certified mail or personal service. The notice shall include:

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

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

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

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

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

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

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

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

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

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

**1**6. **3**Notwithstanding the provisions of the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), to the contrary, the committee may adopt, immediately upon filing with the Office of Administrative Law, such regulations as the committee deems necessary to implement the applicable provisions of this act, which shall be effective for a period not to exceed 12 months.**3** The committee shall **3**thereafter**3** adopt, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to implement P.L. , c. (C. ) (pending before the Legislature as this bill), including any rules and regulations necessary to determine compliance with the requirements of section 3 of P.L. , c. (C. ) (pending before the Legislature as this bill). The rules and regulations adopted pursuant to this section shall **3[**be no more restrictive than as specifically provided for in P.L.    , c. (C. ) (pending before the Legislature as this bill), and shall**]3** provide forms, processes, and procedures that are the least burdensome as **3[**may be**]** feasible and which are**3** necessary to implement P.L. , c.    (C.        ) (pending before the Legislature as this bill).**1** **3**A grantee may accept applications pursuant to this act and approve applications for special occasion events that comply with the provisions of this act prior to the adoption of the rules required under this section. Upon adoption of rules and regulations pursuant to this section, all approvals pursuant to this act shall comply with the rules and regulations adopted by the committee.**3**

**1**7. a. **2[**Rutgers, The State University**]** The committee**2** shall **2[**conduct an ongoing study**]** report**2** on special occasion events as authorized by P.L. , c. (C.        ) (pending before the Legislature as this bill). **2[**The committee, and the**]** **3[**A**2** board **2[**, shall**]** may**2]** All grantees shall**3** provide **2[**Rutgers, The State University**]** the committee**2** with data requested in relation to the **2[**study**]** report**2** . The **2[**study**]** report**2** shall include, but shall not be limited to, an exploration of the following:

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

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

(3) the extent to which disputes are reported between: commercial farms and neighboring properties, commercial farms and municipalities, and commercial farms and the **3[**board**]** grantee**3** or committee;

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

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

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

(1) an update of the **2[**study**]** report**2** on an annual basis; and

(2) a **2**revised**2** report, once every four years beginning after submission of the initial **2[**study**]** report**2** , summarizing the successes and drawbacks of special occasion events, and recommending any administrative and legislative changes **2[**.

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

**2[1**8. There is appropriated from the General Fund to Rutgers, The State University the sum of $85,000 to effectuate the purposes of section 7 of this act.**1]2**

**2[1**9.**]** 8.**2** **3[**With the exception of the application of this act to a**]** This act shall take effect immediately, except the authority of a municipality to require an application by a winery pursuant to paragraph (4) of subsection b. of section 3 of this act shall take effect on January 1, 2023.**3** **3[**winery **2[**that has participated in the pilot program established pursuant to P.L.2014, c.16 (C.4:1C-32.7 et seq.)**]2** , this act shall take effect upon the earlier of: the first day of the third month next following enactment; or the adoption of a municipal ordinance pursuant to paragraph (4) of subsection b. of section 3 of this act. For a winery **2[**that has participated in the pilot program established pursuant to P.L.2014, c.16 (C.4:1C-32.7 et seq.)**]2** , this act shall take effect **2**immediately, except that the authority of a municipality to require an application by a winery pursuant to paragraph (4) of subsection b. of section 3 of this act shall take effect**2** on January 1, 2023 **2[**, and the winery shall continue to use the approval process established for that pilot program until January 1, 2023**]2** .**1]3**