

[Third Reprint]

SENATE, No. 757

STATE OF NEW JERSEY
220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

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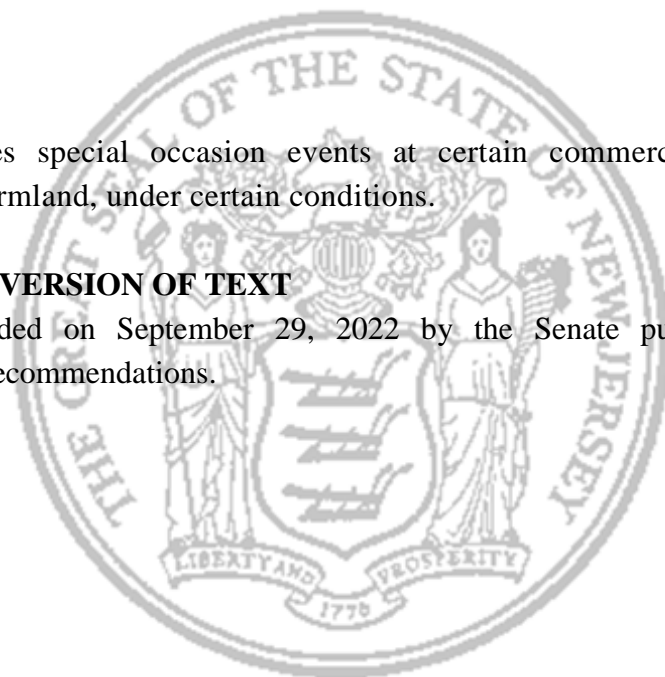
Senator Ruiz, Assemblymen Conaway, Guardian, Assemblywoman Sawyer, Assemblymen Space, Wirths, Senators Pou and Durr

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.



(Sponsorship Updated As Of: 10/17/2022)

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

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

8 ¹**[**1. As used in this act:

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

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

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

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

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

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

¹Assembly AAN committee amendments adopted March 21, 2022.

²Senate floor amendments adopted June 29, 2022.

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

1 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

8

9 ¹【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.¹

43

44 ¹3. 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.】¹

1 ¹4. 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.]¹
24

25 ¹5. 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.】¹

30
31 ¹【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.】¹

36
37 ¹【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.¹

5
6 ¹[8. This act shall take effect immediately.]¹

7
8 ¹1. The Legislature finds and declares that:

9 a. Over ³[2,700] 2,800³ farms comprising over ³[241,000]
10 247,000³ acres of farmland have been preserved in New Jersey
11 since the inception of the State's farmland preservation program;

12 b. The original intent of the farmland preservation program was
13 to prevent suburban sprawl and the conversion of agriculturally
14 suitable land to other purposes, and to keep agriculture as an
15 economically ³[attractive business in] viable industry within³ the
16 State;

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

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

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

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

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

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

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

1 “Commercial farm” means the same as that term is defined in
2 section 3 of P.L.1983, c.31 (C.4:1C-3), except that “commercial
3 farm” shall not include a farm that qualifies for farmland
4 assessment pursuant to the "Farmland Assessment Act of 1964,"
5 P.L.1964, c.48 (C.54:4-23.1 et seq.), based entirely on a woodland
6 management plan³ or a forest stewardship plan³ pursuant to section
7 3 of P.L.1964, c.48 (C.54:4-23.3).

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

11 "Exception area" means a portion of³ [a commercial farm that,]
12 the applicant’s landholdings that is excluded from the premises and,
13 although identified in the deed of easement, is unencumbered by the
14 farmland preservation deed restrictions set forth in the deed of
15 easement.³ ³[although identified in the deed of easement, is
16 unencumbered by the farmland preservation deed of easement
17 restrictions applicable to preserved farmland pursuant to rules and
18 regulations of the committee.]³

19 ²“Grantee” means the entity to which the development rights of a
20 preserved farm were conveyed pursuant to the provisions of section
21 24 of P.L.1983, c.32 (C.4:1C-31), section 5 of P.L.1988, c.4
22 (C.4:1C-31.1), section 1 of P.L.1989, c.28 (C.4:1C-38), section 1 of
23 P.L.1999, c.180 (C.4:1C-43.1), sections 37 through 40 of P.L.1999,
24 c.152 (C.13:8C-37 through C.13:8C-40), or any other State law
25 enacted for farmland preservation purposes. “Grantee” shall
26 include all entities which lawfully succeed to the rights and
27 responsibilities of a grantee, including, but not limited to, the
28 grantee’s successors and assigns.

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

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

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

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

41 “Preserved farmland” means land on which a development
42 easement was conveyed to, or retained by, the State Agriculture
43 Development Committee, a county agriculture development board,
44 a county, a municipality, or a qualifying tax exempt nonprofit
45 organization pursuant to the provisions of section 24 of P.L.1983,
46 c.32 (C.4:1C-31), section 5 of P.L.1988, c.4 (C.4:1C-31.1), section
47 1 of P.L.1989, c.28 (C.4:1C-38), section 1 of P.L.1999, c.180

1 (C.4:1C-43.1), sections 37 through 40 of P.L.1999, c.152 (C.13:8C-
 2 37 through C.13:8C-40), or any other State law enacted for
 3 farmland preservation purposes.

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

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

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

13 (3) a wedding held for:

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

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

19 "Winery" means a commercial farm where the owner or operator
 20 of the commercial farm has been issued and is operating in
 21 compliance with a plenary winery license or farm winery license
 22 pursuant to R.S.33:1-10.¹

23
 24 ¹3. a. Notwithstanding any law, or any rule or regulation
 25 adopted pursuant thereto, to the contrary, a person may hold a
 26 special occasion event on preserved farmland, provided that the
 27 ³grantee determines the preserved farm complies with the terms of
 28 the Farmland Preservation Program deed of easement recorded
 29 against the preserved farmland, the³ person complies with the
 30 requirements set forth in P.L. , c. (C.) (pending before the
 31 Legislature as this bill), and the special occasion event is held in
 32 compliance with the requirements of this section and the rules and
 33 regulations adopted by the committee pursuant to section 6 of
 34 P.L. , c. (C.) (pending before the Legislature as this bill).

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

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

44 (a) is marketed as a single event;

45 (b) occurs only on consecutive days; and

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

1 (2) A special occasion event shall ³[be designed to] not interfere
2 with the use of the preserved farmland for agricultural or horticultural
3 production. The special occasion event shall have minimal effects on
4 the occupied area and shall be designed to protect the agricultural
5 resources of the land and³ ensure that the land can be readily
6 returned to productive agricultural or horticultural use after the
7 event.

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

11 (4) (a) All applicable State and local laws, regulations,
12 resolutions, and ordinances including, but not limited to, those
13 concerning food safety, litter, noise, solid waste, traffic, and the
14 protection of public health and safety shall apply to the special
15 occasion event and all activities related thereto. To comply with
16 local laws, regulations, resolutions, and ordinances, the
17 municipality may ³require that an owner or operator of a
18 commercial farm located on preserved farmland submit an
19 application to the municipality for approval and may³ designate an
20 office or agency of the municipality to review ³municipal³
21 applications for conducting special occasion events. A municipality
22 may require ³[an] a municipal³ application if the special occasion
23 event would:

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

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

31 (b) For ³[an] a municipal³ application submitted in accordance
32 with subparagraph (a) of this paragraph, the municipality shall not
33 charge an application fee of more than ²[\$200] \$50² . The
34 ³municipal³ application shall not require more information than an
35 identification of locations of where tents and other temporary
36 structures ³, sanitary facilities, parking, and access and egress³ will
37 be located for each event, where music will be played, the number
38 of expected guests, and other information that may be of public
39 concern and would be required of a similar event when conducted at
40 a public park or another public venue.

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

46 ³(b) No permanent structure constructed fewer than five years
47 prior to the date of application to the grantee to hold a special

1 occasion event pursuant to subsection c. of this section shall be used
 2 for the purpose of holding the special occasion event.³

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

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

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

28 (7) The occupied area associated with a special occasion event
 29 ²~~[, excluding parking areas,]~~² shall be no more than ²~~15~~ the
 30 lesser of 10 acres or 10² percent of the preserved farmland.

31 c. ²~~Notwithstanding the provisions of this subsection to the~~
 32 contrary, a municipality may adopt a municipal ordinance to
 33 increase the number of, and allowable attendance at, special
 34 occasion events.] A special occasion event shall not be held on
 35 preserved farmland unless the ³~~owner or operator of the~~
 36 commercial farm] applicant³ obtains approval to hold special
 37 occasion events, in writing from the grantee, prior to holding a
 38 special occasion event. ³~~An owner or operator shall only~~ If the
 39 applicant is the operator, but not the owner, of the farm, then the
 40 operator shall submit to the grantee a notarized affidavit from the
 41 owner authorizing the application. Once approval is obtained from
 42 the grantee, a permittee shall³ be required to submit an application
 43 pursuant to this subsection ³not more than³ once ³annually³, and an
 44 individual application shall not be required for each special
 45 occasion event. ³~~The application~~

46 (1) A grantee whose approval is required for a special occasion
 47 event to be held on preserved farmland shall develop an application

1 process by which an owner or operator of a commercial farm
2 located on preserved farmland may apply for approval. The
3 application shall, at a minimum, allow the grantee to determine:

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

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

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

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

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

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

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

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

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

39 (3) An applicant shall annually certify to the grantee in a form
40 and manner to be prescribed by the grantee, information about the
41 special occasion events held in the prior calendar year that were
42 approved pursuant to this section, including, but not limited to, the
43 date, occasion, and approximate number of attendees of each event.
44 The grantee shall forward a copy of the certification to the
45 committee.³ ³【determines to refrain from holding any further
46 special occasion events on the preserved farm in the future, after
47 previously obtaining approval from the grantee pursuant to this

1 subsection, the owner or operator shall provide written notification
2 to the grantee of the decision to refrain from holding special
3 occasion events.]³

4 d.² A commercial farm shall not hold more than one special
5 occasion event with over ²[75] 100² guests per calendar day.
6 ²[Unless the number of permitted special occasion events, or the
7 number of permitted guests per special occasion event, or both, is
8 increased by municipal ordinance, the frequency and attendance of
9 special occasion events shall be limited as follows:

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

18 (2) No more than 15 of the special occasion events permitted
19 each calendar year shall be held indoors in a permanent structure, of
20 which only two special occasion events may have 250 guests or
21 more in attendance at any time during the event. A municipality
22 may further limit the number of special occasion events that may be
23 held indoors in a permanent structure to no more than seven special
24 occasion events, of which only one special occasion event may have
25 250 guests or more in attendance at any time during the event.
26 Events attended by fewer than 75 people shall not be considered
27 special occasion events for the purposes of indoor event limitations.
28 A winery shall not be restricted by special occasion event
29 limitations specific to indoor events, as provided by this paragraph,
30 but shall be restricted by paragraph (1) of this subsection.] A special
31 occasion event held by or for a nonprofit entity shall not count
32 against the limitations on events provided by this subsection if the
33 event has fewer than 100 guests and the ³permittee does not charge
34 for, and receives no fees or compensation for hosting the event,
35 other than for reimbursement of out-of-pocket expenses. The³
36 maximum reimbursement to the ³[owner or operator of the
37 commercial farm does] permittee shall³ not exceed \$1,000².

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

1 ²**[e.] f.**² Nothing in P.L. , c. (C.) (pending before the
 2 Legislature as this bill), or the rules and regulations adopted by the
 3 committee pursuant to section 6 of P.L. , c. (C.) (pending
 4 before the Legislature as this bill), shall apply to any special
 5 occasion event that is not held, in whole or in part, on preserved
 6 farmland on a commercial farm ³, including, but not limited to,
 7 exception areas³.

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

22
 23 ^{14.} a. ³**[board]** grantee and the committee³ shall have the
 24 right, without advance notice, to inspect a preserved farm on which
 25 special occasion events are held, upon presentation of appropriate
 26 credentials during normal business hours or during a special
 27 occasion event, in order to determine compliance with the
 28 provisions of P.L. , c. (C.) (pending before the Legislature
 29 as this bill).

30 b. ³**[An owner or operator of a commercial farm]** A permittee³
 31 engaged in conducting special occasion events on preserved
 32 farmland shall not be subjected to an inspection for any particular
 33 type of event authorized pursuant to P.L. , c. (C.) (pending
 34 before the Legislature as this bill) more than once per year ³**[unless**
 35 one or more] without good cause demonstrated by the grantee or
 36 committee.³ ³**[additional inspection is prompted by a complaint**
 37 concerning State and local laws, regulations, resolutions, and
 38 ordinances as described in paragraph (4) of subsection b. of section
 39 3 of P.L. , c. (C.) (pending before the Legislature as this
 40 bill).¹³

41
 42 ^{15.} a. ³**[²If a grantee, a board, or the committee determines that**
 43 an] A permittee who violates the provisions of this act shall be
 44 liable to a civil administrative penalty of up to \$1,000 for the first
 45 offense, up to \$2,500 for the second offense, or up to \$5,000 for a
 46 third and subsequent offense. Each day in which a violation occurs
 47 shall be considered a separate offense.³ ³**[owner or operator of a**

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

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

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

38 (2) for a third offense, ³the committee shall³ ²[the board shall]²
 39 suspend the ³[owner or operator of the commercial farm]
 40 permittee³ from holding special occasion events for a period of six
 41 months up to one year; and

42 (3) for a fourth or subsequent offense, ³the committee shall³
 43 ²[the board shall]² suspend the ³[owner or operator of the
 44 commercial farm] permittee³ from holding special occasion events
 45 for a period of at least one year, or ²[may]² permanently suspend

1 the owner or operator of the commercial farm from holding special
2 occasion events.

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

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

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

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

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

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

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

32 (2) If no hearing is requested, then the notice shall become a
33 final order 20 days after the date upon which the notice was served.
34 Payment of the civil administrative penalty shall be due, and
35 duration of the suspension, if any, shall begin, on the date when a
36 final order is issued or the notice becomes a final order.³ ²【No civil

37 administrative penalty pursuant to subsection a. of this section or
38 penalty established in subsection b. of this section shall be imposed
39 pursuant to this section until after the owner or operator of the
40 commercial farm has been notified of the alleged violation by
41 certified mail or personal service. The notice shall include:

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

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

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

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

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

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

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

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

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

32

33 ¹6. ³Notwithstanding the provisions of the "Administrative
34 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to the
35 contrary, the committee may adopt, immediately upon filing with
36 the Office of Administrative Law, such regulations as the
37 committee deems necessary to implement the applicable provisions
38 of this act, which shall be effective for a period not to exceed 12
39 months.³ The committee shall ³thereafter³ adopt, pursuant to the
40 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
41 seq.), rules and regulations to implement P.L. _____, c. (C. _____)
42 (pending before the Legislature as this bill), including any rules and
43 regulations necessary to determine compliance with the
44 requirements of section 3 of P.L. _____, c. (C. _____) (pending before
45 the Legislature as this bill). The rules and regulations adopted
46 pursuant to this section shall ³ [be no more restrictive than as
47 specifically provided for in P.L. _____, c. (C. _____) (pending before

1 the Legislature as this bill), and shall³ provide forms, processes,
 2 and procedures that are the least burdensome as ³may be feasible
 3 and which are³ necessary to implement P.L. , c. (C.)
 4 (pending before the Legislature as this bill).¹ ³A grantee may accept
 5 applications pursuant to this act and approve applications for special
 6 occasion events that comply with the provisions of this act prior to the
 7 adoption of the rules required under this section. Upon adoption of
 8 rules and regulations pursuant to this section, all approvals pursuant to
 9 this act shall comply with the rules and regulations adopted by the
 10 committee.³

11
 12 17. a. ²Rutgers, The State University] The committee² shall
 13 ²conduct an ongoing study] report² on special occasion events as
 14 authorized by P.L. , c. (C.) (pending before the Legislature
 15 as this bill). ²The committee, and the] ³A² board ²[, shall
 16 may²] All grantees shall³ provide ²Rutgers, The State University]
 17 the committee² with data requested in relation to the ²study]
 18 report² . The ²study] report² shall include, but shall not be limited
 19 to, an exploration of the following:

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

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

23 (3) the extent to which disputes are reported between:
 24 commercial farms and neighboring properties, commercial farms
 25 and municipalities, and commercial farms and the ³board]
 26 grantee³ or committee;

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

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

33 b. ²Rutgers, The State University] The committee² shall
 34 submit the initial ²study] report² conducted pursuant to this
 35 section to the Governor and to the Legislature, pursuant to section 2
 36 of P.L.1991, c.164 (C.52:14-19.1), on or before the first day of the
 37 18th month next following the effective date of P.L. ,
 38 c. (C.) (pending before the Legislature as this bill).
 39 Following submission of this initial ²study, Rutgers, The State
 40 University] report, the committee² shall submit to the Governor and
 41 the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
 42 19.1):

43 (1) an update of the ²study] report² on an annual basis; and

44 (2) a ²revised² report, once every four years beginning after
 45 submission of the initial ²study] report² , summarizing the

1 successes and drawbacks of special occasion events, and
2 recommending any administrative and legislative changes ²].

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

8
9 ²¹8. There is appropriated from the General Fund to Rutgers,
10 The State University the sum of \$85,000 to effectuate the purposes
11 of section 7 of this act. ¹ ²

12
13 ²¹^{9.} ^{8.} ² ³[With the exception of the application of this act to
14 a] This act shall take effect immediately, except the authority of a
15 municipality to require an application by a winery pursuant to
16 paragraph (4) of subsection b. of section 3 of this act shall take
17 effect on January 1, 2023. ³ ³[winery ²that has participated in the
18 pilot program established pursuant to P.L.2014, c.16 (C.4:1C-32.7
19 et seq.) ², this act shall take effect upon the earlier of: the first day
20 of the third month next following enactment; or the adoption of a
21 municipal ordinance pursuant to paragraph (4) of subsection b. of
22 section 3 of this act. For a winery ²that has participated in the
23 pilot program established pursuant to P.L.2014, c.16 (C.4:1C-32.7
24 et seq.) ², this act shall take effect ²immediately, except that the
25 authority of a municipality to require an application by a winery
26 pursuant to paragraph (4) of subsection b. of section 3 of this act
27 shall take effect ² on January 1, 2023 ²], and the winery shall
28 continue to use the approval process established for that pilot
29 program until January 1, 2023 ² ¹ ³.