

CHAPTER 83

AN ACT concerning the use of certain recently constructed permanent structures for special occasion events held on preserved farmland, and amending P.L.2023, c.9.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section 3 of P.L.2023, c.9 (C.4:1C-32.17) is amended to read as follows:

C.4:1C-32.17 Special occasion event, preserved farmland, compliance, Farmland Preservation Program.

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 grantee determines the preserved farm complies with the terms of the Farmland Preservation Program deed of easement recorded against the preserved farmland, the person complies with the requirements set forth in P.L.2023, c.9 (C.4:1C-32.15 et seq.), 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.2023, c.9 (C.4:1C-32.20).

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 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) (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 require that an owner or operator of a commercial farm located on preserved farmland submit an application to the municipality for approval and may designate an office or agency of the municipality to review municipal applications for conducting special occasion events. A municipality may require a municipal 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 a municipal application submitted in accordance with subparagraph (a) of this paragraph, the municipality shall not charge an application fee of more than \$50. The municipal application shall not require more information than an identification of locations of where tents and other temporary structures, sanitary facilities, parking, and access and egress 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) (a) 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.

(b) A permanent structure that has been constructed fewer than five years prior to the date on which an application to hold a special occasion event is submitted to the grantee, pursuant to subsection c. of this section, shall not be used for the purpose of holding any special occasion event identified in the application, unless: (i) such permanent structure was constructed and is used in accordance with section 6 of P.L.1983, c.31 (C.4:1C-9) by a winery for the primary purpose of facilitating the tasting, sale, consumption, production, packaging, or marketing of wine, wine-related products, or farm-related products, as determined by the grantee; or (ii) the total amount of revenue to be earned from all special occasion events identified in the application, and approved to be held on the farm during the calendar year, will not exceed 10 percent of the total revenues accruing to the farm in that calendar year.

(c) 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.

(d) 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.

(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 shall be no more than the lesser of 10 acres or 10 percent of the preserved farmland.

c. A special occasion event shall not be held on preserved farmland unless the applicant obtains approval to hold special occasion events, in writing from the grantee, prior to holding a special occasion event. 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 be required to

submit an application pursuant to this subsection not more than once annually, and an individual application shall not be required for each special occasion event.

(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, and the estimated dollar amount and percentage share of total annual farm revenues expected to be earned, during that calendar year, through the holding of such special occasion events;

(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, in writing, any application submitted pursuant to this section if it finds that the special occasion events identified in the application will comply with the requirements of P.L.2023, c.9 (C.4:1C-32.15 et seq.) and any rules and regulations adopted by the committee pursuant thereto. Notwithstanding any law, regulation, or prior practice to the contrary that permitted multi-year approvals for special occasion events, special occasion events occurring in structures pursuant to subparagraph (b) of paragraph (5) of subsection b. of this section shall be reviewed, and approved or denied, annually by the grantee. A written approval issued pursuant to this paragraph shall additionally indicate whether the applicant has satisfied the primary purpose and use requirements established pursuant to sub-subparagraph (i) of subparagraph (b) of paragraph (5) of subsection b. of this section or the revenue requirements established pursuant to sub-subparagraph (ii) of subparagraph (b) of paragraph (5) of subsection b. of this section, as applicable, as evidenced in the application by submission of an associated certification and supporting documentation, and is, therefore, authorized and approved to use permanent structures, constructed fewer than five years prior to the date of application, for the purposes of holding the approved special occasion events identified therein. Special occasion events occurring pursuant to sub-subparagraph (i) of subparagraph (b) of paragraph (5) of subsection b. of this section may not be approved prior to completed construction of the structure in which the special occasion event is to occur and final approval by the applicable construction office. The grantee shall forward a copy of its written approval to the committee and to the board in the county where 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.

(b) 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.

(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.

d. A commercial farm shall not hold more than one special occasion event with over 100 guests per calendar day. 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. 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 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 maximum reimbursement to the permittee shall not exceed \$1,000.

e. 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 a retail food establishment based at the commercial farm.

f. Nothing in P.L.2023, c.9 (C.4:1C-32.15 et seq.), or the rules and regulations adopted by the committee pursuant to section 6 of P.L.2023, c.9 (C.4:1C-32.20), shall apply to any special occasion event that is not held, in whole or in part, on preserved farmland on a commercial farm, including, but not limited to, exception areas.

g. (1) A county agriculture development board or the State Agriculture Development Committee may order, and specify the scope of, an audit of the owner or operator of any farm engaged in conducting special occasion events on preserved farmland, for the purpose of determining compliance with sub-subparagraph (ii) of subparagraph (b) of paragraph (5) of subsection b. of this section. The audit shall be conducted by an independent certified public accountant approved by the board or the committee, and the reasonable costs thereof shall be paid by the owner or operator of the farm. A county agriculture development board, or the committee, may establish a list of independent certified public accountants approved for the purposes of conducting an audit pursuant to this paragraph. Copies of the audit shall be submitted to the board and the committee. In conjunction with an audit ordered pursuant to this paragraph, a board or the committee may request, and the farm shall then submit, additional documentation as may be necessary for the board or the committee to verify compliance with sub-subparagraph (ii) of subparagraph (b) of paragraph (5) of subsection b. of this section. An owner or operator of a farm engaged in conducting special occasion events on preserved farmland shall not be subject to an audit authorized pursuant to this paragraph more than once per year without good cause demonstrated by the applicable board or the committee.

(2) An owner or operator of a farm engaged in conducting special occasion events on preserved farmland pursuant to sub-subparagraph (ii) of subparagraph (b) of paragraph (5) of subsection b. of this section shall annually certify to the county agriculture development board that the special occasion events together account for no more than 10 percent of the annual gross income of the farm during the prior calendar year. The board shall forward the certification of annual gross income to the committee.

h. In addition to any other penalties provided by law:

(1) A person who commits a second or subsequent violation of sub-subparagraph (i) of subparagraph (b) of paragraph (5) of subsection b. of this section shall be liable for double the

maximum civil administrative penalty that may be assessed for any second or subsequent violation under subsection a. of section 5 of P.L.2023, c.9 (C.4:1C-32.19).

(2) A person who commits a violation of sub-subparagraph (ii) of subparagraph (b) of paragraph (5) of subsection b. of this section shall be liable for forfeiture of revenues earned from special events that exceed 10 percent of the farm's total annual revenues, which penalty shall be collected and enforced pursuant to section 5 of P.L.2023, c.9 (C.4:1C-32.19).

2. This act shall take effect immediately.

Approved July 1, 2025.