

SENATE, No. 3418

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JUNE 10, 2024

Sponsored by:

Senator JAMES BEACH

District 6 (Burlington and Camden)

Senator JOSEPH PENNACCHIO

District 26 (Morris and Passaic)

SYNOPSIS

Authorizes certain types of permanent structures, recently constructed or erected on preserved farmland, to be used, in certain cases, for purposes of holding special occasion events thereon.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/12/2024)

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2

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

4

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

7

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

10 3. a. Notwithstanding any law, or any rule or regulation
11 adopted pursuant thereto, to the contrary, a person may hold a
12 special occasion event on preserved farmland, provided that the
13 grantee determines the preserved farm complies with the terms of
14 the Farmland Preservation Program deed of easement recorded
15 against the preserved farmland, the person complies with the
16 requirements set forth in P.L.2023, c.9 (C.4:1C-32.15 et seq.), and
17 the special occasion event is held in compliance with the
18 requirements of this section and the rules and regulations adopted
19 by the committee pursuant to section 6 of P.L.2023, c.9 (C.4:1C-
20 32.20).

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

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

30 (a) is marketed as a single event;

31 (b) occurs only on consecutive days; and

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

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

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

43 (4) (a) All applicable State and local laws, regulations,
44 resolutions, and ordinances including, but not limited to, those
45 concerning food safety, litter, noise, solid waste, traffic, and the
46 protection of public health and safety shall apply to the special

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.

1 occasion event and all activities related thereto. To comply with
2 local laws, regulations, resolutions, and ordinances, the
3 municipality may require that an owner or operator of a commercial
4 farm located on preserved farmland submit an application to the
5 municipality for approval and may designate an office or agency of
6 the municipality to review municipal applications for conducting
7 special occasion events. A municipality may require a municipal
8 application if the special occasion event would:

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

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

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

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

31 (b) **【No】** A permanent structure that has been constructed fewer
32 than five years prior to the date **【of】** on which an application **【to**
33 **the grantee】** to hold a special occasion event is submitted to the
34 grantee, pursuant to subsection c. of this section, shall not be used
35 for the purpose of holding **【the】** any special occasion event
36 identified in the application, unless the total amount of revenue to
37 be earned from all such special occasion events identified in the
38 application, and approved to be held on the farm during the
39 calendar year, will not exceed 10 percent of the total revenues
40 accruing to the farm in that calendar year.

41 (c) The installation and use of tents, canopies, umbrellas, tables,
42 chairs, and other temporary structures on preserved farmland for the
43 purpose of holding special occasion events shall be a permitted use
44 provided that the tent, canopy, umbrella, table, chairs, or other
45 temporary structure conforms to all applicable provisions of the
46 State Uniform Construction Code and Uniform Fire Code, which

1 have been adopted by the Commissioner of Community Affairs
2 pursuant to P.L.1975, c.217 (C.52:27D-119~~],~~ et seq.) and
3 P.L.1983, c.383 (C.52:27D-192 et seq.), respectively. The
4 permitted use of tents, canopies, umbrellas, tables, chairs, and other
5 temporary structures allowed by this subparagraph shall be limited
6 to the timeframe encompassing the first day of April through
7 November 30 of each year.

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

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

20 (7) The occupied area associated with a special occasion event
21 shall be no more than the lesser of 10 acres or 10 percent of the
22 preserved farmland.

23 c. A special occasion event shall not be held on preserved
24 farmland unless the applicant obtains approval to hold special
25 occasion events, in writing from the grantee, prior to holding a
26 special occasion event. If the applicant is the operator, but not the
27 owner, of the farm, then the operator shall submit to the grantee a
28 notarized affidavit from the owner authorizing the application.
29 Once approval is obtained from the grantee, a permittee shall be
30 required to submit an application pursuant to this subsection not
31 more than once annually, and an individual application shall not be
32 required for each special occasion event.

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

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

44 (b) the number of special occasion events to be held on the
45 commercial farm during the calendar year, and the estimated dollar
46 amount and percentage share of total annual farm revenues

1 expected to be earned, during that calendar year, through the
2 holding of such special occasion events;

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

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

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

8 (2) The grantee shall approve **【an】**, in writing, any application
9 **【made】** submitted pursuant to this section 【upon a finding】, if it
10 finds that the special occasion events 【on the preserved farmland
11 that are the subject of】 identified in the application will comply
12 with the requirements of 【this act】 P.L.2023, c.9 (C.4:1C-32.15 et
13 seq.) and any rules and regulations adopted by the committee 【to
14 implement this act】 pursuant thereto. A written approval issued
15 pursuant to this paragraph shall additionally indicate whether the
16 applicant has satisfied the revenue requirements established
17 pursuant to subparagraph (b) of paragraph (5) of subsection b. of
18 this section, as evidenced in the application by submission of an
19 associated certification and supporting documentation, and is,
20 therefore, authorized and approved to use permanent structures,
21 constructed fewer than five years prior to the date of application,
22 for the purposes of holding the approved special occasion events
23 identified therein. The grantee shall forward a copy of its written
24 approval to the committee and to the board in the county **【in which】**
25 where the preserved farmland is located.

26 (a) If the grantee is a qualifying tax exempt nonprofit
27 organization as defined pursuant to P.L.1999, c.152 (C.13:8C-3),
28 the grantee may approve, approve with conditions, or deny the
29 application submitted pursuant to this section.

30 (b) If the grantee does not respond to a written request to hold
31 special occasion events within 90 days following receipt of a
32 request, then the request shall be deemed approved.

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

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

44 d. A commercial farm shall not hold more than one special
45 occasion event with over 100 guests per calendar day. A
46 commercial farm may hold 26 special occasion events each calendar

1 year, of which only six special occasion events may have 250 guests
2 or more in attendance at any time during the event. A special
3 occasion event held by or for a nonprofit entity shall not count
4 against the limitations on events provided by this subsection if the
5 event has fewer than 100 guests and the permittee does not charge
6 for, and receives no fees or compensation for hosting the event,
7 other than for reimbursement of out-of-pocket expenses. The
8 maximum reimbursement to the permittee shall not exceed \$1,000.

9 e. A retail food establishment other than a temporary retail
10 food establishment, as those terms are defined in the State Sanitary
11 Code adopted pursuant to section 7 of P.L.1947, c.177 (C.26:1A-7),
12 shall not operate on a commercial farm in support of a special
13 occasion event. The limitations of this subsection on the use of a
14 retail food establishment shall not apply to a retail food
15 establishment based at the commercial farm.

16 f. Nothing in P.L.2023, c.9 (C.4:1C-32.15 et seq.), or the rules
17 and regulations adopted by the committee pursuant to section 6 of
18 P.L.2023, c.9 (C.4:1C-32.20), shall apply to any special occasion
19 event that is not held, in whole or in part, on preserved farmland on
20 a commercial farm, including, but not limited to, exception areas.
21 (cf: P.L.2023, c.9, s.3)

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23 2. This act shall take effect immediately.

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STATEMENT

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28 This bill would amend the law at P.L.2023, c.9 (C.4:1C-32.15 et
29 seq.), which authorizes the holding of certain limited special
30 occasion events on preserved farms, in order to clarify the
31 circumstances under which certain recently constructed or erected
32 permanent structures may be used for such special occasion events.

33 While existing law authorizes special occasion events to be held
34 on a preserved farm, provided that the farm owner or operator first
35 (and annually) applies to, and receives approval therefor from, the
36 State, local, or nonprofit entity to which the farm's development
37 rights have been conveyed (the grantee), the existing law also
38 prohibits a farm owner or operator from using any permanent
39 structures on the farm, for the holding of grantee-approved special
40 occasion events, if those structures have been recently constructed
41 within the five-year period preceding the date on which the special
42 occasion events application is submitted. This bill would establish
43 a limited exception to this general prohibition by authorizing a
44 preserved farm owner or operator to use these types of recently
45 constructed permanent structures, for special occasion events that
46 are approved to be held on the preserved farm, as long as the total

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1 revenues to be received from all special occasion events held on the
2 farm, during the calendar year, will not exceed 10 percent of the
3 total revenues accruing to the farm in that calendar year. The farm
4 owner or operator would be required, in the application to the
5 grantee submitted pursuant to the law, to certify and provide
6 supporting documentation to establish that the revenue to be earned
7 meets the standards established by the bill.

8 The bill would further require a grantee, when approving a
9 special occasion events application, to confirm, in its written notice
10 of approval, whether the applicant has provided satisfactory
11 evidence of compliance with the bill's revenue limits, in this regard,
12 and is being authorized and approved by the grantee, on this basis,
13 to use such recently constructed permanent structures for the
14 purposes of holding the special occasion events identified in the
15 application.