

[First Reprint]

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)

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblywoman ANDREA KATZ

District 8 (Atlantic and Burlington)

Co-Sponsored by:

Senator Turner, Assemblymen Clifton, Freiman, Assemblywomen Drulis, Speight, Assemblyman Bailey, Assemblywomen Kane and Reynolds-Jackson

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 reported by the Senate Economic Growth Committee on December 12, 2024, with amendments.

(Sponsorship Updated As Of: 2/27/2025)

S3418 [1R] BEACH, PENNACCHIO

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 read
9 as follows:

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

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

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

29 (a) is marketed as a single event;

30 (b) occurs only on consecutive days; and

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

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

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

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

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:

¹Senate SEG committee amendments adopted December 12, 2024.

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

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

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

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

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

29 (b) **[No]** A permanent structure that has been constructed fewer
30 than five years prior to the date [of] on which an application [to the
31 grantee] to hold a special occasion event is submitted to the grantee,
32 pursuant to subsection c. of this section, shall not be used for the
33 purpose of holding [the] any special occasion event identified in the
34 application, unless ¹: (i) such permanent structure is used by a winery,
35 in accordance with the “Right to Farm Act,” P.L.1983, c.31 (C.4:1C-1
36 et seq.), for the primary purpose of facilitating the testing, sale,
37 consumption, or marketing of wine, wine-related products, or farm-
38 related products; or (ii) ¹ the total amount of revenue to be earned from
39 all ¹[such] ¹ special occasion events identified in the application, and
40 approved to be held on the farm during the calendar year, will not
41 exceed 10 percent of the total revenues accruing to the farm in that
42 calendar year.

43 (c) The installation and use of tents, canopies, umbrellas, tables,
44 chairs, and other temporary structures on preserved farmland for the
45 purpose of holding special occasion events shall be a permitted use
46 provided that the tent, canopy, umbrella, table, chairs, or other

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

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

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

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

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

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

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

45 (b) the number of special occasion events to be held on the
46 commercial farm during the calendar year, and the estimated dollar

- 1 amount and percentage share of total annual farm revenues expected to
2 be earned, during that calendar year, through the holding of such
3 special occasion events;
- 4 (c) the maximum attendance of the special occasion events;
- 5 (d) the acreage of the occupied area, as delineated on a map or
6 aerial photograph, to be used for the special occasion event; and
- 7 (e) whether the farm is in compliance with its farmland
8 preservation deed of easement.
- 9 (2) The grantee shall approve **[an]**, in writing, any application
10 **[made] submitted pursuant to this section [upon a finding], if it finds**
11 **that the special occasion events [on the preserved farmland that are the**
12 **subject of] identified in the application will comply with the**
13 **requirements of [this act] P.L.2023, c.9 (C.4:1C-32.15 et seq.) and**
14 **any rules and regulations adopted by the committee [to implement this**
15 **act] pursuant thereto. A written approval issued pursuant to this**
16 **paragraph shall additionally indicate whether the applicant has**
17 **satisfied the ¹primary purpose and use requirements established**
18 **pursuant to sub-subparagraph (i) of subparagraph (b) of paragraph (5)**
19 **of subsection b. of this section, or the¹ revenue requirements**
20 **established pursuant to ¹sub-subparagraph (ii) of¹ subparagraph (b) of**
21 **paragraph (5) of subsection b. of this section, ¹as applicable,¹ as**
22 **evidenced in the application by submission of an associated**
23 **certification and supporting documentation, and is, therefore,**
24 **authorized and approved to use permanent structures, constructed**
25 **fewer than five years prior to the date of application, for the purposes**
26 **of holding the approved special occasion events identified therein.**
27 The grantee shall forward a copy of its written approval to the
28 committee and to the board in the county **[in which]** where the
29 preserved farmland is located.
- 30 (a) If the grantee is a qualifying tax exempt nonprofit organization
31 as defined pursuant to P.L.1999, c.152 (C.13:8C-3), the grantee may
32 approve, approve with conditions, or deny the application submitted
33 pursuant to this section.
- 34 (b) If the grantee does not respond to a written request to hold
35 special occasion events within 90 days following receipt of a request,
36 then the request shall be deemed approved.
- 37 (c) If the grantee denies an application made pursuant to this
38 section, the grantee shall provide a reason for the denial and an
39 opportunity for the applicant to reapply with an amended application.
- 40 (3) An applicant shall annually certify to the grantee, in a form and
41 manner to be prescribed by the grantee, information about the special
42 occasion events held in the prior calendar year that were approved
43 pursuant to this section, including, but not limited to, the date,
44 occasion, and approximate number of attendees of each event. The
45 grantee shall forward a copy of the certification to the committee.

1 d. A commercial farm shall not hold more than one special
2 occasion event with over 100 guests per calendar day. A commercial
3 farm may hold 26 special occasion events each calendar year, of which
4 only six special occasion events may have 250 guests or more in
5 attendance at any time during the event. A special occasion event held
6 by or for a nonprofit entity shall not count against the limitations on
7 events provided by this subsection if the event has fewer than 100
8 guests and the permittee does not charge for, and receives no fees or
9 compensation for hosting the event, other than for reimbursement of
10 out-of-pocket expenses. The maximum reimbursement to the
11 permittee shall not exceed \$1,000.

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

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

25

26 2. This act shall take effect immediately.