

[Second 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 amended on June 2, 2025 by the Senate pursuant to the Governor's recommendations.

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

S3418 [2R] 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

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.

²Senate amendments adopted in accordance with Governor's
recommendations June 2, 2025.

1 activities related thereto. To comply with local laws, regulations,
2 resolutions, and ordinances, the municipality may require that an
3 owner or operator of a commercial farm located on preserved farmland
4 submit an application to the municipality for approval and may
5 designate an office or agency of the municipality to review municipal
6 applications for conducting special occasion events. A municipality
7 may require a municipal application if the special occasion event
8 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 common
12 purposes or goals proceeding in or upon any street, park, or other
13 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 charge
18 an application fee of more than \$50. The municipal application shall
19 not require more information than an identification of locations of
20 where tents and other temporary structures, sanitary facilities, parking,
21 and access and egress will be located for each event, where music will
22 be played, the number of expected guests, and other information that
23 may be of public concern and would be required of a similar event
24 when conducted at a public park or another public venue.

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

30 (b) ~~【No】~~ A permanent structure that has been constructed fewer
31 than five years prior to the date ~~【of】~~ on which an application ~~【to the~~
32 ~~grantee】~~ to hold a special occasion event is submitted to the grantee,
33 pursuant to subsection c. of this section, shall not be used for the
34 purpose of holding ~~【the】~~ any special occasion event identified in the
35 application, unless ¹: (i) such permanent structure ²was constructed,
36 and ²is used ²【by a winery,】 ²in accordance with ²【the “Right to Farm
37 Act,】 section 6 of ²P.L.1983, c.31 ²【(C.4:1C-1 et seq.),】 (C.4:1C-9)
38 by a winery ²for the primary purpose of facilitating the ²【testing】
39 tasting ², sale, consumption, ²production, packaging, ²or marketing of
40 wine, wine-related products, or farm-related products ², as determined
41 by the grantee ²; or (ii) ¹the total amount of revenue to be earned from
42 all ¹【such】 ¹special occasion events identified in the application, and
43 approved to be held on the farm during the calendar year, will not
44 exceed 10 percent of the total revenues accruing to the farm in that
45 calendar year.

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

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

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

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

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

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

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

1 located on the preserved farmland produces agricultural or
2 horticultural products worth \$10,000 or more annually;

3 (b) the number of special occasion events to be held on the
4 commercial farm during the calendar year, and the estimated dollar
5 amount and percentage share of total annual farm revenues expected to
6 be earned, during that calendar year, through the holding of such
7 special occasion events;

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

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

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

13 (2) The grantee shall approve **[an]**, in writing, any application
14 **[made]** submitted pursuant to this section [upon a finding], if it finds
15 that the special occasion events [on the preserved farmland that are the
16 subject of] identified in the application will comply with the
17 requirements of [this act] P.L.2023, c.9 (C.4:1C-32.15 et seq.) and
18 any rules and regulations adopted by the committee [to implement this
19 act] pursuant thereto. ²Notwithstanding any law, regulation, or prior
20 practice to the contrary that permitted multi-year approvals for special
21 occasion events, special occasion events occurring in structures
22 pursuant to subparagraph (b) of paragraph (5) of subsection b. of this
23 section shall be reviewed, and approved or denied, annually by the
24 grantee.² A written approval issued pursuant to this paragraph shall
25 additionally indicate whether the applicant has satisfied the ¹primary
26 purpose and use requirements established pursuant to sub-
27 subparagraph (i) of subparagraph (b) of paragraph (5) of subsection b.
28 of this section, or the ¹revenue requirements established pursuant to
29 ¹sub-subparagraph (ii) of ¹ subparagraph (b) of paragraph (5) of
30 subsection b. of this section, ¹as applicable,¹ as evidenced in the
31 application by submission of an associated certification and supporting
32 documentation, and is, therefore, authorized and approved to use
33 permanent structures, constructed fewer than five years prior to the
34 date of application, for the purposes of holding the approved special
35 occasion events identified therein. ²Special occasion events occurring
36 pursuant to sub-subparagraph (i) of subparagraph (b) of paragraph (5)
37 of subsection b. of this section may not be approved prior to completed
38 construction of the structure in which the special occasion event is to
39 occur and final approval by the applicable construction office.² The
40 grantee shall forward a copy of its written approval to the committee
41 and to the board in the county [in which] where the preserved
42 farmland is located.

43 (a) If the grantee is a qualifying tax exempt nonprofit organization
44 as defined pursuant to P.L.1999, c.152 (C.13:8C-3), the grantee may

1 approve, approve with conditions, or deny the application submitted
2 pursuant to this section.

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

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

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

15 d. A commercial farm shall not hold more than one special
16 occasion event with over 100 guests per calendar day. A commercial
17 farm may hold 26 special occasion events each calendar year, of which
18 only six special occasion events may have 250 guests or more in
19 attendance at any time during the event. A special occasion event held
20 by or for a nonprofit entity shall not count against the limitations on
21 events provided by this subsection if the event has fewer than 100
22 guests and the permittee does not charge for, and receives no fees or
23 compensation for hosting the event, other than for reimbursement of
24 out-of-pocket expenses. The maximum reimbursement to the
25 permittee shall not exceed \$1,000.

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

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

38 ²g. (1) A county agriculture development board or the State
39 Agriculture Development Committee may order, and specify the scope
40 of, an audit of the owner or operator of any farm engaged in
41 conducting special occasion events on preserved farmland, for the
42 purpose of determining compliance with sub-subparagraph (ii) of
43 subparagraph (b) of paragraph (5) of subsection b. of this section. The
44 audit shall be conducted by an independent certified public accountant
45 approved by the board or the committee, and the reasonable costs
46 thereof shall be paid by the owner or operator of the farm. A county

1 agriculture development board, or the committee, may establish a list
2 of independent certified public accountants approved for the purposes
3 of conducting an audit pursuant to this paragraph. Copies of the audit
4 shall be submitted to the board and the committee. In conjunction
5 with an audit ordered pursuant to this paragraph, a board or the
6 committee may request, and the farm shall then submit, additional
7 documentation as may be necessary for the board or the committee to
8 verify compliance with sub-subparagraph (ii) of subparagraph (b) of
9 paragraph (5) of subsection b. of this section. An owner or operator of
10 a farm engaged in conducting special occasion events on preserved
11 farmland shall not be subject to an audit authorized pursuant to this
12 paragraph more than once per year without good cause demonstrated
13 by the applicable board or the committee.

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

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

23 (1) A person who commits a second or subsequent violation of
24 sub-subparagraph (i) of subparagraph (b) of paragraph (5) of
25 subsection b. of this section shall be liable for double the maximum
26 civil administrative penalty that may be assessed for any second or
27 subsequent violation under subsection a. of section 5 of P.L.2023, c.9
28 (C.4:1C-32.19).

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

35 (cf: P.L.2023, c.9, s.3)

36

37 2. This act shall take effect immediately.