

SENATE, No. 3393

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JANUARY 24, 2019

Sponsored by:

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

Senator DAWN MARIE ADDIEGO

District 8 (Atlantic, Burlington and Camden)

Co-Sponsored by:

Senators Oroho, Ruiz and Singer

SYNOPSIS

Directs State Agriculture Development Committee to establish pilot program to allow special occasion events to be conducted on preserved farmland under certain conditions.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/22/2019)

1 AN ACT concerning special occasion events on preserved farmland
2 and supplementing Title 4 of the Revised Statutes.

3

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

6

7 1. As used in this act:

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

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

13 “Preserved farmland” means land on which a development
14 easement was conveyed to, or retained by, the committee, a board, a
15 county, a municipality, or a qualifying tax exempt nonprofit
16 organization pursuant to the provisions of section 24 of P.L.1983,
17 c.32 (C.4:1C-31), section 5 of P.L.1988, c.4 (C.4:1C-31.1), section
18 1 of P.L.1989, c.28 (C.4:1C-38), section 1 of P.L.1999, c.180
19 (C.4:1C-43.1), sections 37 through 40 of P.L.1999, c.152 (C.13:8C-
20 37 through C.13:8C-40), or any other State law enacted for
21 farmland preservation purposes.

22 “Special occasion event” means a wedding, lifetime milestone
23 event, or other cultural event as defined by the appropriate board,
24 and conducted pursuant to the requirements set forth in this act.

25

26 2. a. The State Agriculture Development Committee shall
27 establish a pilot program permitting special occasion events to be
28 conducted on preserved farmland, provided that:

29 (1) the special occasion event uses the agricultural or
30 horticultural output of the farm, to the maximum extent practicable,
31 to promote agricultural tourism and advance the agricultural or
32 horticultural output of the preserved farmland;

33 (2) the special occasion event does not unreasonably interfere
34 with the use of the preserved farmland for agricultural or
35 horticultural production;

36 (3) no more than 10 special occasion events are held in a
37 calendar year on any parcel of preserved farmland;

38 (4) the gross income generated from all special occasion events
39 conducted for the calendar year together account for less than 50
40 percent of the annual gross income derived from the agricultural or
41 horticultural output of the preserved farmland;

42 (5) no new structures are constructed on preserved farmland for
43 the purpose of holding special occasion events, and no public
44 utilities, including water, gas, or sewage, other than those already
45 existing and available on preserved farmland, are allowed to be
46 extended, for the purpose of holding special occasion events;

47 (6) the special occasion event is conducted on a Friday,
48 Saturday, Sunday, or federal or State holiday, except that a special

1 occasion event may be conducted on any other day of the week with
2 the approval of the committee. The committee may delegate this
3 authority to a board;

4 (7) the special occasion event is conducted in: (a) a temporary
5 structure, such as an enclosed or open canopy or tent or other
6 portable structure or facility, and any temporary structure is put in
7 place for only the minimum amount of time reasonably necessary to
8 accommodate the special occasion event; (b) an existing permanent
9 agricultural building; or (c) a farm or open air pavilion;

10 (8) the special occasion event complies with all applicable State
11 and local laws, regulations, resolutions, or ordinances including but
12 not limited to food safety, litter, noise, solid waste, traffic, and the
13 protection of public health and safety, provided, however, that a
14 special occasion event may be held as a matter of right without need
15 for a variance or site plan approval on any lot and block all or a part
16 of which is preserved farmland; and

17 (9) the owner of the preserved farmland does not knowingly
18 cause a significant and direct negative impact to any property
19 adjacent to the farm as a result of a special occasion event.

20 b. In developing and administering the program required by
21 this section, the committee shall ensure that the holding of a special
22 occasion event on preserved farmland does not interfere with any
23 agricultural deed restrictions for farmland preservation purposes on
24 the preserved farmland.

25

26 3. a. The owner of preserved farmland who wishes to conduct
27 a special occasion event shall provide written notice to the
28 committee and to the board of the county in which the preserved
29 farmland is located at least 30 days in advance of the date of the
30 special occasion event. The notice shall identify the location of the
31 preserved farmland, the type of special occasion event proposed to
32 be held, and any other information the committee may require
33 pursuant to rules and regulations adopted by the committee to
34 implement this act.

35 b. The owner of preserved farmland who holds a special
36 occasion event on the preserved farmland shall annually certify in
37 writing to the committee, and the board of the county in which the
38 preserved farmland is located, that the special occasion events
39 together account for less than 50 percent of the annual gross income
40 of the farm during the prior calendar year. This certification shall
41 identify by date and type each special occasion event held on the
42 preserved farmland in the prior calendar year.

43 In determining the annual gross income of a farm pursuant to this
44 subsection, the gross income received from any special occasion
45 event shall include, but need not be limited to: admission fees;
46 rental fees; catering fees; setup, breakdown, and cleaning fees; and
47 all other revenue that is not directly related to the agricultural or
48 horticultural output of the farm but is received by the owner of the

1 preserved farmland in conjunction with conducting a special
2 occasion event.

3 c. (1) The committee or a board may order, and specify the
4 scope of, an audit of any owner of preserved farmland engaged in
5 conducting special occasion events for the purpose of determining
6 compliance with this act. The audit shall be conducted by an
7 independent certified public accountant approved by the committee
8 or board, and the reasonable costs thereof shall be paid by the
9 owner of the preserved farmland. The committee may establish a
10 list of independent certified public accountants approved for the
11 purposes of conducting an audit pursuant to this paragraph. A copy
12 of an audit conducted pursuant to this section shall be submitted to
13 the committee, the board, and the owner of the preserved farmland.

14 (2) An owner of preserved farmland shall not be subject to an
15 audit authorized pursuant to this section more than once per year
16 without good cause demonstrated by the committee or applicable
17 board.

18 d. In conjunction with an audit ordered pursuant to this section,
19 the committee or a board may request, and the owner of the
20 preserved farmland shall then submit, additional documentation as
21 may be necessary for the committee or board, as applicable, to
22 verify compliance with this act.

23

24 4. a. An owner of preserved farmland who violates this act, or
25 any rule or regulation adopted pursuant thereto, shall be liable for a
26 civil penalty of up to \$1,000 for the first offense, up to \$2,000 for
27 the second offense, or up to \$3,000 for a subsequent offense, to be
28 collected in a civil action commenced by the committee.

29 b. Any penalty imposed pursuant to this section may be
30 collected, with costs, in a summary proceeding pursuant to the
31 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-
32 10 et seq.). The Superior Court and the municipal court shall have
33 jurisdiction to enforce the provisions of the "Penalty Enforcement
34 Law of 1999" in connection with this act.

35 c. In addition to the penalties established pursuant to
36 subsection a. of this section:

37 (1) for a second offense, the committee shall, after a hearing,
38 suspend the owner of preserved farmland from conducting special
39 occasion events for a period of up to six months;

40 (2) for a third offense, the committee shall, after a hearing,
41 suspend the owner of preserved farmland from conducting special
42 occasion events for a period of at least six months but not more than
43 one year; and

44 (3) for a fourth or subsequent offense, the committee shall, after
45 a hearing, suspend the owner of preserved farmland from
46 conducting special occasion events for a period of at least one year
47 but not more than two years.

1 d. The committee shall notify, in writing, the appropriate board
2 whenever it suspends, pursuant to subsection c. of this section, an
3 owner of preserved farmland from conducting special occasion
4 events. The notice shall identify the owner and location of the
5 preserved farmland and the time period of the suspension.
6

7 5. a. Each board shall prepare and submit to the Governor, to
8 the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
9 19.1), and to the committee an annual report that summarizes the
10 special occasion events held on preserved farmland in the county of
11 the board's jurisdiction and makes recommendations regarding the
12 pilot program established pursuant to this act.

13 b. The committee shall prepare and submit to the Governor and
14 to the Legislature, pursuant to section 2 of P.L.1991, c.164
15 (C.52:14-19.1), a report at least 90 days prior to the expiration of
16 the pilot program established pursuant to this act. This report shall
17 review the implementation and operation of the pilot program
18 established pursuant to this act, summarize the findings and
19 recommendations of the annual reports received by the committee
20 pursuant to subsection a. of this section, and make
21 recommendations to the Governor and Legislature as to whether to
22 amend, extend, or make permanent the pilot program established
23 pursuant to this act.
24

25 6. a. The committee shall adopt, pursuant to the
26 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
27 1 et seq.), such rules and regulations as may be necessary for the
28 implementation of this act.

29 b. The committee may adopt, as may be necessary and
30 appropriate, agricultural management practices for the
31 implementation of this act in accordance with the provisions of
32 section 5 of P.L.1983, c.31 (C.4:1C-6).
33

34 7. This act shall take effect immediately and shall expire on the
35 first day of the 44th month after the date of enactment.
36
37

38 STATEMENT
39

40 This bill would establish a pilot program to allow special
41 occasion events to be conducted on preserved farmland under
42 certain conditions. Under the bill, the State Agriculture
43 Development Committee (committee) would establish a pilot
44 program, allowing for special occasion events to be conducted on
45 preserved farmland, provided that the conditions set forth in the bill
46 are met.

47 The owner of preserved farmland who wishes to conduct special
48 occasion events would be required to provide written notice to the

1 committee and to the county agriculture development board (board)
2 of the county in which the preserved farmland is located prior to
3 conducting any special occasion event on the preserved farmland.

4 Under the bill, the special occasion event would be required to
5 use the agricultural or horticultural output of the farm, to the
6 maximum extent practicable, to promote agricultural tourism and
7 advance the agricultural or horticultural output of the preserved
8 farmland. The bill also provides that the special occasion event
9 could not unreasonably interfere with the agricultural or
10 horticultural output of the preserved farmland, and that no more
11 than 10 special occasion events would be held in a calendar year on
12 any parcel of preserved farmland. The gross income generated
13 from all special occasion events conducted for the calendar year
14 together would account for less than 50 percent of the annual gross
15 income of that preserved farmland. In addition, under the bill, no
16 new structures could be constructed on preserved farmland for the
17 purpose of holding special occasion events, and no public utilities,
18 including water, gas, or sewage, other than those already existing
19 and available on preserved farmland, would be allowed to be
20 extended, for the purpose of holding special occasion events. The
21 bill requires special occasion events to comply with all applicable
22 State and local laws, regulations, resolutions, or ordinances
23 including but not limited to food safety, litter, noise, solid waste,
24 traffic, and the protection of public health and safety; however, the
25 bill provides that a special occasion event may be held as a matter
26 of right without need for a variance or site plan approval on any lot
27 and block all or a part of which is preserved farmland.

28 In developing and administering the program required by the bill,
29 the committee would be requires to ensure that the holding of a
30 special occasion event on preserved farmland does not interfere
31 with any agricultural deed restrictions for farmland preservation
32 purposes on the preserved farmland.

33 The pilot program established by the bill would expire on the
34 first day of the 44th month after the bill is enacted into law.

35 This bill is similar to the current pilot program allowing for
36 special occasion events to be conducted on wineries on preserved
37 farmland. This bill would help the State's agricultural community
38 to remain economically viable, by allowing owners of preserved
39 farmland to earn additional income from hosting special occasion
40 events, just as the current pilot program allowing for special
41 occasion events to be conducted at wineries on preserved farmland
42 has provided economic assistance to those wineries.