

[First Reprint]

**SENATE, No. 3393**

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**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

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INTRODUCED JANUARY 24, 2019

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**SYNOPSIS**

Allows certain preserved farms to hold 14 special occasion events per year; imposes further event restrictions on residentially-exposed preserved farms.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Appropriations Committee on January 9, 2020, with amendments.

**(Sponsorship Updated As Of: 1/14/2020)**

1 AN ACT concerning special occasion events <sup>1</sup>held<sup>1</sup> on preserved  
2 farmland and supplementing <sup>1</sup>[Title 4 of the Revised Statutes]  
3 P.L.1983, c.31 (C.4:1C-1et al.)<sup>1</sup>.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 <sup>1</sup>[1. As used in this act:

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

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

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

23 “Special occasion event” means a wedding, lifetime milestone  
24 event, or other cultural event as defined by the appropriate board,  
25 and conducted pursuant to the requirements set forth in this act.]<sup>1</sup>  
26

27 <sup>1</sup>[2. a. The State Agriculture Development Committee shall  
28 establish a pilot program permitting special occasion events to be  
29 conducted on preserved farmland, provided that:

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

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

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

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

43 (5) no new structures are constructed on preserved farmland for  
44 the purpose of holding special occasion events, and no public

**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:

<sup>1</sup>Assembly AAP committee amendments adopted January 9, 2020.

1 utilities, including water, gas, or sewage, other than those already  
2 existing and available on preserved farmland, are allowed to be  
3 extended, for the purpose of holding special occasion events;

4 (6) the special occasion event is conducted on a Friday,  
5 Saturday, Sunday, or federal or State holiday, except that a special  
6 occasion event may be conducted on any other day of the week with  
7 the approval of the committee. The committee may delegate this  
8 authority to a board;

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

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

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

25 b. In developing and administering the program required by  
26 this section, the committee shall ensure that the holding of a special  
27 occasion event on preserved farmland does not interfere with any  
28 agricultural deed restrictions for farmland preservation purposes on  
29 the preserved farmland. <sup>1</sup>

30

31 <sup>1</sup>[3. a. The owner of preserved farmland who wishes to conduct  
32 a special occasion event shall provide written notice to the  
33 committee and to the board of the county in which the preserved  
34 farmland is located at least 30 days in advance of the date of the  
35 special occasion event. The notice shall identify the location of the  
36 preserved farmland, the type of special occasion event proposed to  
37 be held, and any other information the committee may require  
38 pursuant to rules and regulations adopted by the committee to  
39 implement this act.

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

1 In determining the annual gross income of a farm pursuant to this  
2 subsection, the gross income received from any special occasion  
3 event shall include, but need not be limited to: admission fees;  
4 rental fees; catering fees; setup, breakdown, and cleaning fees; and  
5 all other revenue that is not directly related to the agricultural or  
6 horticultural output of the farm but is received by the owner of the  
7 preserved farmland in conjunction with conducting a special  
8 occasion event.

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

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

24 d. In conjunction with an audit ordered pursuant to this section,  
25 the committee or a board may request, and the owner of the  
26 preserved farmland shall then submit, additional documentation as  
27 may be necessary for the committee or board, as applicable, to  
28 verify compliance with this act.】<sup>1</sup>

29  
30 <sup>1</sup>4. a. An owner of preserved farmland who violates this act, or  
31 any rule or regulation adopted pursuant thereto, shall be liable for a  
32 civil penalty of up to \$1,000 for the first offense, up to \$2,000 for  
33 the second offense, or up to \$3,000 for a subsequent offense, to be  
34 collected in a civil action commenced by the committee.

35 b. Any penalty imposed pursuant to this section may be  
36 collected, with costs, in a summary proceeding pursuant to the  
37 “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-  
38 10 et seq.). The Superior Court and the municipal court shall have  
39 jurisdiction to enforce the provisions of the “Penalty Enforcement  
40 Law of 1999” in connection with this act.

41 c. In addition to the penalties established pursuant to  
42 subsection a. of this section:

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

46 (2) for a third offense, the committee shall, after a hearing,  
47 suspend the owner of preserved farmland from conducting special

1 occasion events for a period of at least six months but not more than  
2 one year; and

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

7 d. The committee shall notify, in writing, the appropriate board  
8 whenever it suspends, pursuant to subsection c. of this section, an  
9 owner of preserved farmland from conducting special occasion  
10 events. The notice shall identify the owner and location of the  
11 preserved farmland and the time period of the suspension. **1**

12

13 **1**[5. a. Each board shall prepare and submit to the Governor, to  
14 the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-  
15 19.1), and to the committee an annual report that summarizes the  
16 special occasion events held on preserved farmland in the county of  
17 the board's jurisdiction and makes recommendations regarding the  
18 pilot program established pursuant to this act.

19 b. The committee shall prepare and submit to the Governor and  
20 to the Legislature, pursuant to section 2 of P.L.1991, c.164  
21 (C.52:14-19.1), a report at least 90 days prior to the expiration of  
22 the pilot program established pursuant to this act. This report shall  
23 review the implementation and operation of the pilot program  
24 established pursuant to this act, summarize the findings and  
25 recommendations of the annual reports received by the committee  
26 pursuant to subsection a. of this section, and make  
27 recommendations to the Governor and Legislature as to whether to  
28 amend, extend, or make permanent the pilot program established  
29 pursuant to this act. **1**

30

31 **1**[6. a. The committee shall adopt, pursuant to the  
32 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
33 1 et seq.), such rules and regulations as may be necessary for the  
34 implementation of this act.

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

39

40 **1**[7. This act shall take effect immediately and shall expire on  
41 the first day of the 44th month after the date of enactment. **1**

42

43 **1**1. As used in this act:

44 "Committee" means the State Agriculture Development  
45 Committee established pursuant to section 4 of P.L.1983, c.31  
46 (C.4:1C-4).

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

3 “Non-residentially-exposed preserved farmland” means  
4 preserved farmland that is not residentially-exposed preserved  
5 farmland.

6 “Preserved farmland” means the same as the term is defined  
7 pursuant to section 1 of P.L.2014, c.16 (C.4:1C-32.7), except that  
8 the term shall not include any land that is part of a “winery,” as  
9 defined pursuant to section 1 of P.L.2014, c.16 (C.4:1C-32.7), or a  
10 cidery, meadery, brewery, or distillery.

11 “Residential road” means a road, or road segment of no less  
12 than one eighth of a mile in length, on which the speed limit is not  
13 greater than 25 miles per hour, and the majority of the parcels  
14 adjacent to the road or road segment are residential properties.

15 “Residentially-exposed preserved farmland” means preserved  
16 farmland, on which:

17 a. one of the primary spaces used for special occasion events is  
18 located within 200 feet of a residential road; or

19 b. a primary entrance used by persons attending special  
20 occasion events on the property is on a residential road.

21 “Special occasion event” means a wedding, lifetime milestone  
22 event, or other cultural or social event on preserved farmland  
23 conducted pursuant to the requirements set forth in section 2 of this  
24 act, but shall not include any practice identified by the committee as  
25 an agricultural management practice, including but not limited to  
26 practices for on-farm direct marketing facilities, activities, and  
27 events.<sup>1</sup>

28  
29 <sup>1</sup>2. a. (1) An event may be considered a special occasion event  
30 if the event involves activities and facilities including but not  
31 limited to live music, food trucks, side vendors, or other activities  
32 and facilities that may be further enumerated pursuant to rules and  
33 regulations adopted by the committee. A special occasion event  
34 may include the service of alcohol, so long as this service complies  
35 with the applicable State law and municipal ordinances.

36 (2) An event shall be considered a single special occasion event,  
37 even if the event lasts for more than one day if the event:

38 (a) is marketed as a single event;

39 (b) occurs only on consecutive days; and

40 (c) does not last for more than three days.

41 b. An event shall not be considered a special occasion event if:

42 (1) attendance at the event does not result in a greater volume of  
43 parking or pedestrian traffic than is ordinarily present at the same  
44 farm on a weekend in which a special occasion event does not occur  
45 during the farm’s busiest season of the year; or

46 (2) the event consists of a wedding being held for:

1       (a) a parent, child, grandparent, grandchild, sibling, niece,  
2 nephew, or cousin of the owner, or spouse of the owner, of the  
3 preserved farmland; or

4       (b) an employee at the preserved farmland.

5       c. (1) Notwithstanding any law, or rule or regulation adopted  
6 pursuant thereto to the contrary, the owner of the preserved  
7 farmland may hold special occasion events on the farm, provided  
8 that the owner of the preserved farmland shall not engage in any of  
9 the following:

10       (a) build new structures on preserved farmland for the sole  
11 purpose of holding special occasion events;

12       (b) extend public utilities on preserved farmland, including  
13 electric, water, gas, or sewage, other than those already existing and  
14 available on the preserved farmland prior to the effective date of  
15 this act, for the sole purpose of holding special occasion events; or

16       (c) unless a greater number of special occasion events are  
17 permitted by municipal ordinance:

18       (i) hold more than 14 special occasion events each calendar year  
19 if the farm is a non-residentially-exposed preserved farm; or

20       (ii) hold more than seven special occasion events each calendar  
21 year if the farm is a residentially-exposed preserved farm.

22       (2) The provisions of this subsection shall not be construed to  
23 restrict the ability of an owner of preserved farmland to upgrade  
24 infrastructure for the purpose of agricultural or horticultural  
25 viability.

26       d. Except as otherwise provided pursuant to this section, a  
27 special occasion event held pursuant to this section shall comply  
28 with all applicable municipal ordinances, resolutions, or regulations  
29 relating to noise control, solid waste, parking, traffic, and the  
30 protection of public health and safety, provided, however, that a  
31 special occasion event conducted in accordance with the provisions  
32 of this act shall not require a variance or site plan approval.

33       e. An owner of preserved farmland may allocate no more than  
34 20 percent of the acreage of the preserved farmland for parking  
35 when hosting a special occasion event. The percentage of the  
36 preserved farmland that the owner may use for parking for a special  
37 occasion event shall not be further reduced by any regulation,  
38 ordinance, or other law to the contrary. An owner of preserved  
39 farmland shall not pave any preserved farmland that would not  
40 otherwise be paved to accommodate parking for a special occasion  
41 event, and the owner may use preserved farmland for parking only  
42 if this use would result in only minimal or temporary damage to the  
43 agricultural or horticultural use of the preserved farmland.<sup>1</sup>

44  
45       <sup>1</sup>3. a. A person aggrieved by a violation of this act, or any rule  
46 or regulation adopted pursuant thereto, by an owner of preserved  
47 farmland shall comply with the provisions of section 5 of P.L.1998,  
48 c.48 (C.4:1C-10.1) in the filing of a complaint.

1       b. An owner of preserved farmland who violates this act, or any  
2 rule or regulation adopted pursuant thereto, shall be liable to a civil  
3 penalty of up to \$250 for the first offense, up to \$500 for the second  
4 offense, or up to \$1,000 for a subsequent offense, to be collected in  
5 a civil action commenced by the committee.

6       c. In addition to the penalties established pursuant to  
7 subsection b. of this section:

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

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

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

19       d. Any penalty imposed pursuant to this section may be  
20 collected, with costs, in a summary proceeding pursuant to the  
21 “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10  
22 et seq.). The Superior Court and the municipal court shall have  
23 jurisdiction to enforce the provisions of the “Penalty Enforcement  
24 Law of 1999” in connection with this act.

25       e. The committee shall notify, in writing, the appropriate county  
26 board whenever it suspends, pursuant to subsection c. of this  
27 section, an owner of preserved farmland from conducting special  
28 occasion events. The notice shall identify the owner and location of  
29 the preserved farmland and the time period of the suspension.<sup>1</sup>

30  
31       <sup>1</sup>4. a. No later than 90 days after the effective date of this act  
32 and notwithstanding the provisions of the “Administrative  
33 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) to the  
34 contrary, the committee shall immediately upon filing proper notice  
35 with the Office of Administrative Law, adopt interim rules and  
36 regulations to implement this act. Such regulations shall be  
37 effective as regulations immediately upon approval by the State  
38 Board of Agriculture and filing with the Office of Administrative  
39 Law and shall be in effect for a period not to exceed 18 months, and  
40 shall, thereafter, be amended, adopted, or readopted by the  
41 committee in accordance with the provisions of the “Administrative  
42 Procedure Act.” Rules and regulations promulgated by the  
43 committee to effectuate the provisions of this act shall not take  
44 effect prior to approval by the State Board of Agriculture.

45       b. The rules and regulations adopted by the committee shall  
46 ensure that the holding of a special occasion event on preserved  
47 farmland does not:



1       (1) interfere with any agricultural deed restrictions for farmland  
2 preservation purposes on the preserved farmland; or

3       (2) result in the use of preserved farmland for primarily non-  
4 agricultural or horticultural purposes.<sup>1</sup>

5

6       <sup>1</sup>5. This act shall take effect immediately.<sup>1</sup>