

# ASSEMBLY, No. 2773

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

**Sponsored by:**

**Assemblyman VINCENT MAZZEO**

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**District 11 (Monmouth)**

**Assemblywoman JOANN DOWNEY**

**District 11 (Monmouth)**

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**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**Co-Sponsored by:**

**Assemblymen Webber, Wirths, Space and Assemblywoman Swain**

**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 introduced.



(Sponsorship Updated As Of: 6/29/2020)

1 AN ACT concerning special occasion events held on preserved  
2 farmland 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 “Committee” means the State Agriculture Development  
9 Committee established pursuant to section 4 of P.L.1983, c.31  
10 (C.4:1C-4).

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

13 “Non-residentially-exposed preserved farmland” means  
14 preserved farmland that is not residentially-exposed preserved  
15 farmland.

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

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

25 “Residentially-exposed preserved farmland” means preserved  
26 farmland, on which:

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

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

31 “Special occasion event” means a wedding, lifetime milestone  
32 event, or other cultural or social event on preserved farmland  
33 conducted pursuant to the requirements set forth in section 2 of this  
34 act, but shall not include any practice identified by the committee as  
35 an agricultural management practice, including but not limited to  
36 practices for on-farm direct marketing facilities, activities, and  
37 events.

38

39 2. a. (1) An event may be considered a special occasion event  
40 if the event involves activities and facilities including but not  
41 limited to live music, food trucks, side vendors, or other activities  
42 and facilities that may be further enumerated pursuant to rules and  
43 regulations adopted by the committee. A special occasion event  
44 may include the service of alcohol, so long as this service complies  
45 with the applicable State law and municipal ordinances.

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

48 (a) is marketed as a single event;

- 1 (b) occurs only on consecutive days; and  
2 (c) does not last for more than three days.
- 3 b. An event shall not be considered a special occasion event if:  
4 (1) attendance at the event does not result in a greater volume of  
5 parking or pedestrian traffic than is ordinarily present at the same  
6 farm on a weekend in which a special occasion event does not occur  
7 during the farm's busiest season of the year; or  
8 (2) the event consists of a wedding being held for:  
9 (a) a parent, child, grandparent, grandchild, sibling, niece,  
10 nephew, or cousin of the owner, or spouse of the owner, of the  
11 preserved farmland; or  
12 (b) an employee at the preserved farmland.
- 13 c. (1) Notwithstanding any law, or rule or regulation adopted  
14 pursuant thereto to the contrary, the owner of the preserved  
15 farmland may hold special occasion events on the farm, provided  
16 that the owner of the preserved farmland shall not engage in any of  
17 the following:  
18 (a) build new structures on preserved farmland for the sole  
19 purpose of holding special occasion events;  
20 (b) extend public utilities on preserved farmland, including  
21 electric, water, gas, or sewage, other than those already existing and  
22 available on the preserved farmland prior to the effective date of  
23 this act, for the sole purpose of holding special occasion events; or  
24 (c) unless a greater number of special occasion events are  
25 permitted by municipal ordinance:  
26 (i) hold more than 14 special occasion events each calendar  
27 year if the farm is a non-residentially-exposed preserved farm; or  
28 (ii) hold more than seven special occasion events each calendar  
29 year if the farm is a residentially-exposed preserved farm.
- 30 (2) The provisions of this subsection shall not be construed to  
31 restrict the ability of an owner of preserved farmland to upgrade  
32 infrastructure for the purpose of agricultural or horticultural  
33 viability.
- 34 d. An owner of preserved farmland may allocate no more than  
35 20 percent of the acreage of the preserved farmland for parking  
36 when hosting a special occasion event. The percentage of the  
37 preserved farmland that the owner may use for parking for a special  
38 occasion event shall not be further reduced by any regulation,  
39 ordinance, or other law to the contrary. An owner of preserved  
40 farmland shall not pave any preserved farmland that would not  
41 otherwise be paved to accommodate parking for a special occasion  
42 event, and the owner may use preserved farmland for parking only  
43 if this use would result in only minimal or temporary damage to the  
44 agricultural or horticultural use of the preserved farmland.
- 45
- 46 3. a. A person aggrieved by a violation of this act, or any rule  
47 or regulation adopted pursuant thereto, by an owner of preserved

1 farmland shall comply with the provisions of section 5 of P.L.1998,  
2 c.48 (C.4:1C-10.1) in the filing of a complaint.

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

8 c. In addition to the penalties established pursuant to  
9 subsection b. of this section:

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

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

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

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

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

32

33 4. a. No later than 90 days after the effective date of this act  
34 and notwithstanding the provisions of the "Administrative  
35 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the  
36 contrary, the committee shall immediately upon filing proper notice  
37 with the Office of Administrative Law, adopt interim rules and  
38 regulations to implement this act. Notwithstanding any provision of  
39 P.L.1983, c.31 (C.4:1C-1 et al.) concerning the independence of the  
40 committee, such regulations shall be effective as regulations  
41 immediately upon approval by the State Board of Agriculture and  
42 filing with the Office of Administrative Law. Such regulations  
43 shall be in effect for a period not to exceed 18 months, and shall,  
44 thereafter, be amended, adopted, or readopted by the committee in  
45 accordance with the provisions of the "Administrative Procedure  
46 Act." Rules and regulations promulgated by the committee to  
47 effectuate the provisions of this act shall not take effect prior to  
48 approval by the State Board of Agriculture.

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

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

6       (2) result in the use of preserved farmland for primarily non-  
7 agricultural or horticultural purposes.

8

9       5. This act shall take effect immediately.

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#### STATEMENT

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14       This bill would allow an owner of preserved farmland to hold no  
15 more than 14 special occasion events on the preserved farmland per  
16 year, if located in a non-residentially-exposed area. The bill would  
17 allow only seven special occasion events if the preserved farmland  
18 is located in a residentially-exposed area. The provisions of the bill  
19 would not apply to wineries, cideries, meaderies, breweries, or  
20 distilleries.

21       The bill defines a “special occasion event” as a wedding, lifetime  
22 milestone event, or other cultural or social event, such as those  
23 involving live music, food trucks and side vendors, but would not  
24 include any practices identified by the State Agricultural  
25 Development Committee (“SADC”) as agricultural management  
26 practices, such as on-farm direct marketing facilities, activities, and  
27 events in accordance with N.J.A.C.2:76-2A.13. An event would be  
28 considered a single special occasion event even if it lasts for more  
29 than one day, as long as the event is marketed as a single event,  
30 occurs only on consecutive days, and does not last for more than  
31 three days. An event would not be considered a special occasion  
32 event if attendance does not result in a greater volume of parking or  
33 pedestrian traffic than is ordinarily present at the same farm on a  
34 weekend in which a special occasion event does not occur during  
35 the farm’s busiest season of the year. Weddings of parents,  
36 children, grandparents, grandchildren, siblings, nieces, nephews,  
37 and cousins of the owner, or spouse of the owner, of the preserved  
38 farmland also would not be considered special occasion events.  
39 Weddings of employees at the preserved farmland also would not  
40 be considered special occasion events.

41       The bill defines “residentially-exposed preserved farmland” as  
42 preserved farmland, on which:

43       • one of the primary spaces on the property used for special  
44 occasion events is located within 200 feet of a primarily  
45 residential road; or

46       • a primary entrance used by persons attending special  
47 occasion events on the property is on a primarily residential  
48 road.

1 The bill would allow non-residentially-exposed, and  
2 residentially-exposed preserved farms to hold no more than 14 or 7  
3 special occasion events each year, respectively, unless a greater  
4 number of events are permitted by municipal ordinance. The bill  
5 would prohibit an owner of preserved farmland from building a new  
6 structure or extending certain utility lines, if these activities are  
7 conducted for the sole purpose of holding special occasion events.

8 The bill permits an owner of preserved farmland to allocate 20  
9 percent of the acreage of the farm for parking when hosting a  
10 special occasion event, so long as the land is not paved for the  
11 special occasion event that would not otherwise be paved, and the  
12 use of the land for parking would result in only minimal or  
13 temporary damage to the agricultural or horticultural use of the  
14 lands.

15 The owner of preserved farmland that violates the provisions of  
16 the bill may be subject to a civil penalty of up to \$250 for the first  
17 offense, up to \$500 for the second offense, or up to \$1,000 for a  
18 subsequent offense. Additionally, a second offense would result in  
19 a suspension from conducting special occasion events for a period  
20 of up to six months; a third offense would result in a suspension  
21 from conducting special occasion events for a period of at least six  
22 months but not more than one year; and a fourth or subsequent  
23 offense, would result in the suspension from conducting special  
24 occasion events for a period of at least one year but not more than  
25 two years. A person aggrieved by a violation of the requirements of  
26 the bill would be required to file a complaint with the applicable  
27 county agriculture development board, or with SADC in counties  
28 where no county board exists, prior to filing an action in court.

29 Lastly, the bill provides rulemaking authority to SADC,  
30 however, rules and regulations promulgated by SADC to effectuate  
31 the provisions of the bill would not take effect until approved by the  
32 State Board of Agriculture. The bill directs SADC to ensure that  
33 the rules and regulations provide that the holding of a special  
34 occasion event on preserved farmland would not (1) interfere with  
35 any agricultural deed restrictions for farmland preservation  
36 purposes on the preserved farmland, or (2) result in the use of  
37 preserved farmland for primarily non-agricultural or horticultural  
38 purposes.