

[First Reprint]

ASSEMBLY, No. 2773

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:

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District 11 (Monmouth)

Assemblyman RONALD S. DANCER

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Assemblywoman CAROL A. MURPHY

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SYNOPSIS

Allows certain preserved farms in certain counties to hold 14 special occasion events per year during three-year pilot program; imposes further event restrictions on residentially-exposed preserved farms.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on July 27, 2020, with amendments.

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

1 AN ACT concerning special occasion events ¹held¹ on preserved
2 farmland and supplementing ¹[Title 4 of the Revised Statutes]
3 P.L.1983, c.31 (C.4:1C-1 et al.)¹.

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

7
8 1. As used in ¹[this act] P.L. , c. (C.) (pending before the
9 Legislature as this bill)¹:

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

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

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

17 ¹“Pilot counties” means the counties of Atlantic, Burlington,
18 Camden, Cape May, Cumberland, Gloucester, and Salem.

19 “Pilot program” means the program established by the committee
20 pursuant to subsection a. of section 2 of P.L. , c. (C.) (pending
21 before the Legislature as this bill).¹

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

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

31 “Residentially-exposed preserved farmland” means preserved
32 farmland, on which:

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

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

37 “Special occasion event” means a wedding, lifetime milestone
38 event, or other cultural or social event on preserved farmland
39 conducted pursuant to the requirements set forth in section 2 of ¹[this
40 act] P.L. , c. (C.) (pending before the Legislature as this bill)¹,
41 but shall not include any practice identified by the committee as an
42 agricultural management practice, including but not limited to
43 practices for on-farm direct marketing facilities, activities, and events.

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:

¹Assembly AAP committee amendments adopted July 27, 2020.

1 2. a. ¹The committee shall establish a pilot program for
2 holding special occasion events on preserved farmland in pilot
3 counties. The pilot program shall take effect on the effective date
4 of the regulations adopted by the committee pursuant to section 5 of
5 P.L. , c. (C.) (pending before the Legislature as this bill)
6 and shall expire on the first day of the 37th month following that
7 date. The pilot program shall function exclusively in the pilot
8 counties. The provisions of this section shall apply exclusively in
9 the pilot counties while the pilot program is in effect.

10 b.¹ (1) An event may be considered a special occasion event if
11 the event involves activities and facilities including but not limited
12 to live music, food trucks, side vendors, or other activities and
13 facilities that may be further enumerated pursuant to rules and
14 regulations adopted by the committee. A special occasion event
15 may include the service of alcohol, so long as this service complies
16 with the applicable State law and municipal ordinances.

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

- 19 (a) is marketed as a single event;
20 (b) occurs only on consecutive days; and
21 (c) does not last for more than three days.

22 **1**~~[b.]~~ c.¹ An event shall not be considered a special occasion
23 event if:

24 (1) attendance at the event does not result in a greater volume
25 of parking or pedestrian traffic than is ordinarily present at the same
26 farm on a weekend in which a special occasion event does not occur
27 during the farm's busiest season of the year; or

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

29 (a) a parent, child, grandparent, grandchild, sibling, niece,
30 nephew, or cousin of the owner, or spouse of the owner, of the
31 preserved farmland; or

32 (b) an employee at the preserved farmland.

33 **1**~~[c.]~~ d.¹ (1) Notwithstanding any law, or rule or regulation
34 adopted pursuant thereto to the contrary, the owner of the preserved
35 farmland may hold special occasion events on the farm, provided
36 that the owner of the preserved farmland shall not engage in any of
37 the following:

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

40 (b) extend public utilities on preserved farmland, including
41 electric, water, gas, or sewage, other than those already existing and
42 available on the preserved farmland prior to the effective date of
43 **1**~~[this act]~~ P.L. , c. (C.) (pending before the Legislature as this
44 bill)¹, for the sole purpose of holding special occasion events; or

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

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

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

5 (2) The provisions of this subsection shall not be construed to
6 restrict the ability of an owner of preserved farmland to upgrade
7 infrastructure for the purpose of agricultural or horticultural
8 viability.

9 ¹**[d.]** e. Except as otherwise provided pursuant to this section, a
10 special occasion event held pursuant to this section shall comply with
11 all applicable municipal ordinances, resolutions, or regulations relating
12 to noise control, solid waste, parking, traffic, and the protection of
13 public health and safety; provided, however, that a special occasion
14 event conducted in accordance with the provisions of P.L. , c.
15 (C.) (pending before the Legislature as this bill) shall not require a
16 variance or site plan approval.

17 f.¹ An owner of preserved farmland may allocate no more than
18 20 percent of the acreage of the preserved farmland for parking
19 when hosting a special occasion event. The percentage of the
20 preserved farmland that the owner may use for parking for a special
21 occasion event shall not be further reduced by any regulation,
22 ordinance, or other law to the contrary. An owner of preserved
23 farmland shall not pave any preserved farmland that would not
24 otherwise be paved to accommodate parking for a special occasion
25 event, and the owner may use preserved farmland for parking only
26 if this use would result in only minimal or temporary damage to the
27 agricultural or horticultural use of the preserved farmland.

28

29 3. a. A person aggrieved by a violation of this act, or any rule
30 or regulation adopted pursuant thereto, by an owner of preserved
31 farmland shall comply with the provisions of section 5 of P.L.1998,
32 c.48 (C.4:1C-10.1) in the filing of a complaint.

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

38 c. In addition to the penalties established pursuant to
39 subsection b. of this section:

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

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

47 (3) for a fourth or subsequent offense, the committee shall, after
48 a hearing, suspend the owner of the preserved farmland from

1 conducting special occasion events for a period of at least one year
2 but not more than two years.

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

9 e. The committee shall notify, in writing, the appropriate
10 county board whenever it suspends, pursuant to subsection c. of this
11 section, an owner of preserved farmland from conducting special
12 occasion events. The notice shall identify the owner and location of
13 the preserved farmland and the time period of the suspension.
14

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

23 b. The committee shall prepare and submit to the Governor and
24 to the Legislature, pursuant to section 2 of P.L.1991, c.164
25 (C.52:14-19.1), a report at least 90 days prior to the expiration of
26 the pilot program established pursuant to P.L. , c. (C.)
27 (pending before the Legislature as this bill). This report shall
28 review the implementation and operation of the pilot program
29 established pursuant to P.L. , c. (C.) (pending before the
30 Legislature as this bill), summarize the findings and
31 recommendations of the annual reports received by the committee
32 pursuant to subsection a. of this section, and make
33 recommendations to the Governor and Legislature as to whether to
34 amend, extend, or make the pilot program permanent.¹
35

36 ¹[4.] 5.¹ a. No later than 90 days after the effective date of ¹[this
37 act] P.L. , c. (C.) (pending before the Legislature as this bill)¹
38 and notwithstanding the provisions of the “Administrative Procedure
39 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the
40 committee shall immediately upon filing proper notice with the Office
41 of Administrative Law, adopt interim rules and regulations to
42 implement ¹[this act. Notwithstanding any provision of P.L.1983,
43 c.31 (C.4:1C-1 et al.) concerning the independence of the committee,
44 such regulations shall be effective as regulations immediately upon
45 approval by the State Board of Agriculture and filing with the Office
46 of Administrative Law. Such regulations shall be in effect for a period
47 not to exceed 18 months,] P.L. , c. (C.) (pending before the

1 Legislature as this bill). Such regulations shall be effective as
2 regulations immediately upon approval by the State Board of
3 Agriculture and filing with the Office of Administrative Law and shall
4 be in effect for a period not to exceed 18 months,¹ and shall,
5 thereafter, be amended, adopted, or readopted by the committee in
6 accordance with the provisions of the “Administrative Procedure Act.”
7 Rules and regulations promulgated by the committee to effectuate the
8 provisions of ¹**[this act]** P.L. ____, c. ____ (C. ____) (pending before the
9 Legislature as this bill)¹ shall not take effect prior to approval by the
10 State Board of Agriculture.

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

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

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

18
19 ¹**[5.] 6.¹** This act shall take effect immediately ¹, but its
20 provisions shall remain inoperative until the regulations adopted
21 pursuant to section 5 of this act take effect¹.