

ASSEMBLY AGRICULTURE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2773

STATE OF NEW JERSEY

DATED: FEBRUARY 13, 2020

The Assembly Agriculture Committee reports favorably Assembly Bill No. 2773.

This bill would allow an owner of preserved farmland to hold 14 special occasion events on the owner's preserved farmland per year, if located in a non-residentially-exposed area unless a greater number of special occasion events is permitted by municipal ordinance. The bill would also allow seven special occasion events if the preserved farmland is located in a residentially-exposed area unless a greater number of special occasion events is permitted by municipal ordinance. The provisions of the bill would not apply to wineries, cideries, meaderies, breweries, or distilleries.

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

The bill defines "residentially-exposed preserved farmland" as preserved farmland, on which:

(1) one of the primary spaces on the property used for special occasion events is located within 200 feet of a primarily residential road; or

(2) a primary entrance used by persons attending special occasion events on the property is on a primarily residential road.

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

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

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

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