

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2773

with committee amendments

STATE OF NEW JERSEY

DATED: JULY 27, 2020

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2773, with committee amendments.

As amended, this bill would direct the State Agricultural Development Committee (“SADC”) to create a pilot program to allow owners of preserved farmland within certain counties to hold special occasion events on their farms. The pilot program would operate for three years within the counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem. Through the pilot program, the bill would allow an owner of preserved farmland within a pilot county 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 pilot program 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 pilot program 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 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.

Under the pilot program, non-residentially-exposed, and residentially-exposed preserved farms would be able to hold no more than 14 or seven special occasion events each year, respectively, unless a greater number of events are permitted by municipal ordinance. The pilot program 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.

Except as otherwise provided under the bill, a special occasion event held through the pilot program would be required to comply with all applicable municipal ordinances, resolutions, or regulations relating to noise control, solid waste, parking, traffic, and the protection of public health and safety. However, a special occasion event conducted in accordance with the bill’s requirements would not require a variance or site plan approval.

The pilot program would permit 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.

During the time of the pilot program, the bill would require each county board of a pilot county to an annual report that summarizes the special occasion events held on preserved farmland in the county of the board's jurisdiction and makes recommendations regarding the pilot program. The bill would require SADC to prepare a report at

least 90 days prior to the expiration of the pilot program. This report would review the implementation and operation of the pilot program, summarize the findings and recommendations of the annual reports received by the committee, and make recommendations to the Governor and Legislature as to whether to amend, extend, or make the pilot program permanent.

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, at which point the pilot program would take effect. 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.

COMMITTEE AMENDMENTS

The committee amendments to this bill make the following changes:

- Provide that the bill would establish a three-year pilot program, effective in the counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem;
- Clarify the jurisdiction of local laws over special occasion events;
- Provide that the regulations adopted by SADC would not take effect until approved by the State Board of Agriculture;
- Amend the title to clarify the allocation;
- Establish pilot program reporting responsibilities for SADC and the county boards of the pilot counties; and
- Make technical amendments to the bill.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that the bill may result in annual indeterminate State, county, and municipal expenditure increases during the pilot program as the bill imposes additional administrative tasks on the State Agriculture Development Committee (SADC), State Board of Agriculture, and certain county agriculture development boards (CADB). It is likely, however, that these tasks can be subsumed within existing staff at little or no marginal cost. To the extent that the special occasion events would require local enforcement of municipal ordinances, there may be a marginal increase in annual municipal expenditures.