

[First Reprint]

**ASSEMBLY, No. 2775**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

INTRODUCED FEBRUARY 3, 2020

**Sponsored by:**

**Assemblyman ERIC HOUGHTALING**

**District 11 (Monmouth)**

**Assemblyman RONALD S. DANCER**

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

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**Co-Sponsored by:**

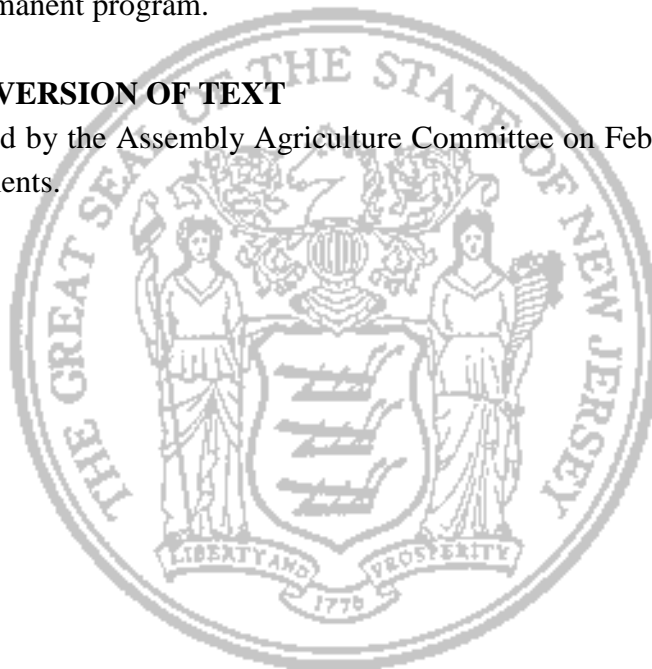
**Assemblymen Wirths, Rooney, Freiman, Mazzeo, Armato, Space and Peterson**

**SYNOPSIS**

Makes pilot program for special occasion events at wineries on preserved farmland permanent program.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Agriculture Committee on February 13, 2020, with amendments.



**(Sponsorship Updated As Of: 3/5/2020)**

1 AN ACT concerning wineries on preserved farmland and amending  
2 P.L.2014, c.16 and<sup>1</sup> P.L.2018, c.30.

3

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

6

7 <sup>1</sup>1. Section 2 of P.L.2014, c.16 (C.4:1C-32.8) is amended to  
8 read as follows:

9 2. a. The State Agriculture Development Committee shall  
10 establish a **[pilot]** program permitting special occasion events to be  
11 conducted on preserved farmland at a winery provided that:

12 (1) the gross income generated by the winery from all special  
13 occasion events conducted for the calendar year together account  
14 for less than 50 percent of the annual gross income of the winery;

15 (2) the special occasion event uses the agricultural output of the  
16 winery, to the maximum extent practicable, to promote agricultural  
17 tourism and advance the agricultural or horticultural output of the  
18 winery;

19 (3) the special occasion event is conducted on a Friday,  
20 Saturday, Sunday, or federal or State holiday, except that a special  
21 occasion event may be conducted on any other day of the week with  
22 the approval of the State Agriculture Development Committee. The  
23 committee may delegate its authority in that regard to a county  
24 agriculture development board;

25 (4) the special occasion event is conducted in: (a) a temporary  
26 structure, such as an enclosed or open canopy or tent or other  
27 portable structure or facility, and any temporary structure would be  
28 put in place for only the minimum amount of time reasonably  
29 necessary to accommodate the special occasion event; (b) an  
30 existing permanent agricultural building; (c) a farm or open air  
31 pavilion; or (d) another structure used in the normal course of  
32 winery operations and activities;

33 (5) the special occasion event complies with applicable  
34 municipal ordinances, resolutions, or regulations concerning litter,  
35 solid waste, and traffic and the protection of public health and  
36 safety;

37 (6) the winery shall be subject to a site plan review and any  
38 applicable development approvals as may be required under an  
39 ordinance adopted pursuant to the "Municipal Land Use Law,"  
40 P.L.1975, c.291 (C.40:55D-1 et seq.);

41 (7) the special occasion event is subject to the noise standards  
42 set forth pursuant to the "Noise Control Act," P.L.1971, c.418  
43 (C.13:1G-1 et seq.), and the rules and regulations adopted thereto;

44 (8) the special occasion event complies with any applicable  
45 municipal ordinance that restricts performing or playing music  
46 inside the winery's buildings and structures;

**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 AAN committee amendments adopted February 13, 2020.

1 (9) the special occasion event ends at a specific time, if required  
2 pursuant to a curfew established by a municipal ordinance;

3 (10) the special occasion event would not knowingly result in a  
4 significant and direct negative impact to any property adjacent to  
5 the winery; and

6 (11) the winery hosting a special occasion event enforces State  
7 and federal requirements concerning the legal drinking age.

8 b. In determining the annual gross income of a winery pursuant  
9 to this section, the gross income received from any special occasion  
10 event shall include, but need not be limited to, admission fees;  
11 rental fees; setup, breakdown, and cleaning fees; and all other  
12 revenue that is not directly related to the agricultural output of the  
13 winery but is received by the winery in conjunction with conducting  
14 a special occasion event.<sup>1</sup>

15 (cf: P.L.2014, c.16, s.2)

16

17 <sup>1</sup>**[1.] 2.**<sup>1</sup> Section 1 of P.L.2018, c.30 (C.4:1C-32.12) is  
18 amended to read as follows:

19 1. Notwithstanding the provisions of section 6 of P.L.2014,  
20 c.16 to the contrary, sections 1 through 5 of P.L.2014, c.16 (C.4:1C-  
21 32.7 through C.4:1C-32.11) shall be and remain in effect **[for two**  
22 **years]** following the effective date of **[this act]** P.L. \_\_\_\_\_, c.  
23 (pending before the Legislature as this bill) or May 30, 2020,  
24 <sup>1</sup>**[whichever date is later.]**<sup>1</sup> and , if appropriate, shall be retroactive  
25 to **[March 1, 2018]** May 30, 2020.

26 (cf: P.L.2018, c.30, s.1)

27

28 <sup>1</sup>**[2.] 3.**<sup>1</sup> Section 2 of P.L.2018, c.30 (C.4:1C-32.13) is amended  
29 to read as follows:

30 2. a. Each county agriculture development board shall  
31 prepare and submit to the Governor and to the Legislature, pursuant  
32 to section 2 of P.L.1991, c.164 (C.52:14-19.1), an annual report.  
33 Each annual report shall include findings that summarize the  
34 activities of wineries on preserved farmland in the county of the  
35 board's jurisdiction and make recommendations for the <sup>1</sup>**[pilot]**<sup>1</sup>  
36 program established pursuant to P.L.2014, c.16 (C.4:1C-  
37 32.7 et seq.).

38 b. The State Agriculture Development Committee shall prepare  
39 and submit to the Governor and to the Legislature, pursuant to  
40 section 2 of P.L.1991, c.164 (C.52:14-19.1) **[**:

41 (1) an interim report, within 30 days after the effective date of  
42 this act; and

43 (2) a final report, at least 45 days before the expiration of the  
44 pilot program established pursuant to P.L.2014, c.16 (C.4:1C-32.7  
45 et seq.) and extended pursuant to this act **]** a biennial report.

46 c. **[The interim and final reports]** Each biennial report required  
47 pursuant to subsection b. of this section shall review the

1 implementation and operation of the <sup>1</sup>‘[pilot]’ program established  
2 pursuant to P.L.2014, c.16 (C.4:1C-32.7 et seq.), summarize the  
3 findings and recommendations of the annual reports prepared  
4 pursuant to subsection a. of this section, and make  
5 recommendations to the Governor and Legislature to amend **[**,  
6 extend,] <sup>1</sup>‘[or make permanent]’ the program.  
7 (cf: P.L.2018, c.30, s.2.)  
8

9 <sup>1</sup>4. Section 3 of P.L.2018, c.30 (C.4:1C-32.14) is amended to  
10 read as follows:

11 3. a. Notwithstanding any other law, or rule or regulation  
12 adopted pursuant thereto, to the contrary, the **[pilot]** program  
13 established pursuant to P.L.2014, c.16 (C.4:1C-32.7 et seq.) and  
14 extended pursuant to **[this act]** P.L.2018, c.30 (C.4:1C-  
15 32.12 et seq.) and P.L. , c. (pending before the Legislature as  
16 this bill) shall not apply to any special occasion event at a winery  
17 that is not on preserved farmland.

18 b. The State Agriculture Development Committee shall not  
19 have any authority to regulate or restrict any special occasion event  
20 conducted at a winery beyond the scope of the authority granted  
21 pursuant to P.L.2014, c.16 (C.4:1C-32.7 et seq.).<sup>1</sup>  
22 (cf: P.L.2018, c.30, s.3)  
23

24 <sup>1</sup>‘**[3.] 5.**’ This act shall take effect immediately <sup>1</sup>‘**[**, but shall  
25 remain inoperative until May 30, 2020]’<sup>1</sup>.