

[First Reprint]

SENATE, No. 2714

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JULY 22, 2020

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District 36 (Bergen and Passaic)

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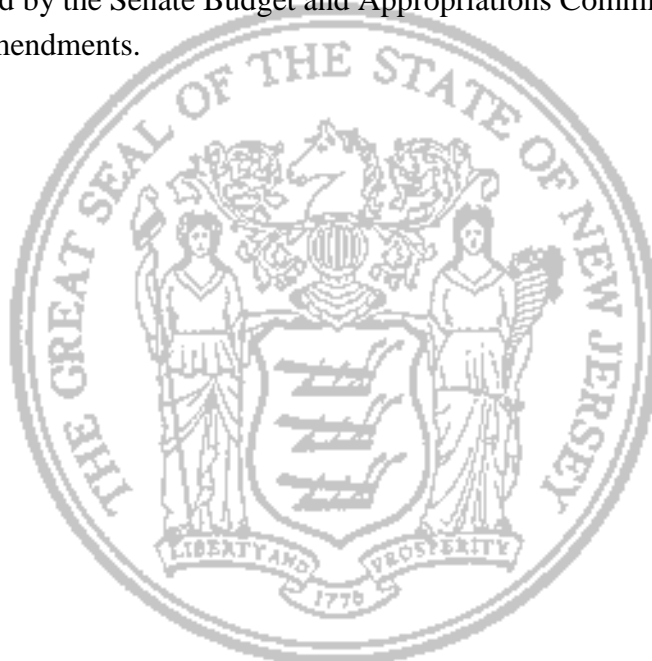
Senator Oroho

SYNOPSIS

Authorizes special occasion events at certain farms on preserved farmland, under certain conditions.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on July 28, 2020, with amendments.



(Sponsorship Updated As Of: 7/30/2020)

1 AN ACT concerning special occasion events on preserved farmland
2 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 “Board” means a county agriculture development board
9 established pursuant to section 7 of P.L.1983, c.32 (C.4:1C-14).

10 “Commercial farm” means the same as that term is defined in
11 section 3 of P.L.1983, c.31 (C.4:1C-3).

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

15 “Grantee” means the entity to which the development rights of a
16 preserved farm were conveyed pursuant to the provisions of section 24
17 of P.L.1983, c.32 (C.4:1C-31), section 5 of P.L.1988, c.4 (C.4:1C-
18 31.1), section 1 of P.L.1989, c.28 (C.4:1C-38), section 1 of P.L.1999,
19 c.180 (C.4:1C-43.1), sections 37 through 40 of P.L.1999, c.152
20 (C.13:8C-37 through C.13:8C-40), or any other State law enacted for
21 farmland preservation purposes. “Grantee” shall include all entities
22 which lawfully succeed to the rights and responsibilities of a grantee,
23 including, but not limited to, the grantee’s successors and assigns.

24 “Occupied area” means any area supporting the activities and
25 infrastructure associated with a special occasion event including, but
26 not limited to: an area for parking, vendors, tables, equipment,
27 infrastructure, or sanitary facilities; an existing building; or a
28 temporary or portable structure.

29 “Preserved farmland” means ¹**【**the same as that term is defined in
30 section 1 of P.L.2014, c.16 (C.4:1C-32.7)**】** land on which a
31 development easement was conveyed to, or retained by, the State
32 Agriculture Development Committee, a county agriculture
33 development board, a county, a municipality, or a qualifying tax
34 exempt nonprofit organization pursuant to the provisions of section 24
35 of P.L.1983, c.32 (C.4:1C-31), section 5 of P.L.1988, c.4 (C.4:1C-
36 31.1), section 1 of P.L.1989, c.28 (C.4:1C-38), section 1 of P.L.1999,
37 c.180 (C.4:1C-43.1), sections 37 through 40 of P.L.1999, c.152
38 (C.13:8C-37 through C.13:8C-40), or any other State law enacted for
39 farmland preservation purposes¹.

40 “Special occasion event” means a wedding, lifetime milestone
41 event, or other cultural or social event conducted, in whole or in part,
42 on preserved farmland on a commercial farm. "Special occasion
43 event" shall not include:

44 (1) an activity which is eligible to receive right to farm benefits
45 pursuant to the "Right to Farm Act," P.L.1983, c.31 (C.4:1C-1 et seq.);

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:

¹Senate SBA committee amendments adopted July 28, 2020.

- 1 (2) a recreational use permitted pursuant to a farmland
2 preservation deed of easement; or
3 (3) a wedding held for:
4 (a) a spouse, parent, child, grandparent, grandchild, sibling, niece,
5 nephew, or cousin of the landowner of the commercial farm; or
6 (b) the operator or an employee of the commercial farm.
7
- 8 2. a. Notwithstanding any law, or any rule or regulation adopted
9 pursuant thereto, to the contrary, a person shall not hold a special
10 occasion event on preserved farmland without first obtaining approval
11 therefor from the grantee pursuant to section 3 of this act, and shall
12 hold the special occasion event in compliance with the requirements of
13 this section and the rules and regulations adopted by the committee
14 pursuant to section 6 of this act. ¹ **[.]**¹
- 15 b. The owner or operator of a commercial farm located on
16 preserved farmland that produces agricultural or horticultural products
17 worth \$10,000 or more annually may hold special occasion events on
18 the farm. The special occasion event shall comply with the following
19 requirements:
20 (1) A special occasion event shall have a maximum duration of
21 two consecutive calendar days.
22 (2) A special occasion event shall not interfere with the use of the
23 preserved farmland for agricultural or horticultural production. The
24 special occasion event shall have minimal effects on the occupied area,
25 and shall be designed to protect the agricultural resources of the land
26 and ensure that the land can be readily returned to productive
27 agricultural or horticultural use after the event.
28 (3) A special occasion event that involves the service of alcoholic
29 beverages shall comply with all applicable State and local laws,
30 regulations, resolutions, and ordinances.
31 (4) All applicable State and local laws, regulations, resolutions,
32 and ordinances including, but not limited to, those concerning food
33 safety, litter, noise, solid waste, traffic, and the protection of public
34 health and safety shall apply to the special occasion event and all
35 activities related thereto.
36 (5) A special occasion event shall not cause a significant and direct
37 negative impact to any surrounding properties.
38 (6) No new structures shall be constructed or erected on preserved
39 farmland for the purpose of holding a special occasion event, and
40 improvements to existing structures shall be limited to the minimum
41 required for the protection of public health and safety;
42 (7) No structure constructed fewer than five years prior to the date
43 of an application pursuant to section 3 of this act to hold a special
44 occasion event shall be used for the purpose of holding the special
45 occasion event.
46 (8) No public utilities including ¹ **[**, but not limited to, **]**¹ water,
47 gas, or sewer lines shall be extended to the preserved farmland for the
48 purpose of holding special occasion events ¹, except that electric

1 service may be extended to preserved farmland for the purpose of
2 holding special occasion events¹.

3 (9) The occupied area associated with a special occasion event
4 shall be limited to the greater of:

5 (a) two and one-half acres, or

6 (b) five percent of the preserved farmland, up to a maximum of
7 five acres.

8 (10) Any temporary structures, including an enclosed or open
9 canopy or tent or other portable structure or facility, utilized for a
10 special occasion event shall be erected only for the minimum amount
11 of time reasonably necessary to accommodate the special occasion
12 event.

13 (11) Parking at a special occasion event shall be provided through
14 the use of existing parking areas on the farm and curtilage surrounding
15 existing buildings to the extent possible. Additional on-site areas
16 required to provide temporary parking shall comply with the standards
17 for on-farm direct marketing facilities, activities, and events adopted
18 by the committee pursuant to P.L.1983, c.31 (C.4:1C-1 et seq.).

19 c. (1) A special occasion event shall be conducted on a Friday,
20 Saturday, Sunday, or federal or State holiday, except that a special
21 occasion event may be conducted on another day with the approval of
22 the committee. The committee may delegate this authority to a
23 grantee.

24 (2) No commercial farm shall hold more than one special occasion
25 event per calendar day.

26 (3) A commercial farm that produces agricultural or horticultural
27 products worth between \$10,000 and \$100,000 annually may hold up
28 to a maximum of 15 special occasion events per calendar year, of
29 which two may have 250 guests or more in attendance at any time
30 during the event.

31 (4) A commercial farm that produces agricultural or horticultural
32 products worth \$100,000 or more annually may hold up to a maximum
33 of 26 special occasion events per calendar year, of which six may have
34 250 guests or more in attendance at any time during the event.

35 d. A retail food establishment other than a temporary retail food
36 establishment, as those terms are defined in the State Sanitary Code
37 adopted pursuant to section 7 of P.L.1947, c.177 (C.26:1A-7), shall not
38 operate on a commercial farm in support of a special occasion event.

39 e. Notwithstanding any law, or any rule or regulation adopted
40 pursuant thereto, to the contrary, a special occasion event during which
41 fewer than 250 people will be in attendance as guests at any time may
42 be held without a variance or site plan approval.

43

44 3. a. No person shall hold a special occasion event on preserved
45 farmland pursuant to this act unless the owner or operator of the
46 commercial farm applies to the grantee for approval pursuant to this
47 section ¹; except that if the grantee is the owner of the preserved
48 farmland, the application shall be made to the committee for approval¹

1 A grantee whose approval is required for a special occasion event to
2 be held on preserved farmland shall develop an application process by
3 which an owner or operator of a commercial farm located on preserved
4 farmland may apply for approval. The application shall, at a
5 minimum, allow the grantee ¹, or committee, as applicable,¹ to
6 determine:

7 (1) the annual value of agricultural or horticultural products
8 produced by the commercial farm;

9 (2) the number of special occasion events held on the commercial
10 farm during the calendar year;

11 (3) the maximum attendance of the special occasion event;

12 (4) the acreage of the occupied area, as delineated on a map or
13 aerial photograph, to be used for the special occasion event; and

14 (5) whether the farm is in compliance with its farmland
15 preservation deed of easement ¹~~;~~¹.

16 b. Upon request of the grantee, ¹or committee, as applicable,¹ the
17 owner or operator of the commercial farm shall provide evidence that
18 a proposed special occasion event on preserved farmland will be in
19 compliance with State and local laws as required in paragraphs (3) and
20 (4) of subsection b. of section 2 of this act. The grantee ¹, or
21 committee, as applicable,¹ may condition its approval upon receipt of
22 evidence from the municipality, county, or applicable State agency
23 that the event will comply with the provisions of paragraphs (3) and
24 (4) of subsection b. of section 2 of this act.

25 c. The grantee ¹, or committee, as applicable,¹ may approve an
26 application made pursuant to this section upon a finding that the
27 special occasion events on the preserved farmland that are the subject
28 of the application are in compliance with the requirements of this act
29 and any rules and regulations adopted by the committee to implement
30 this act. ¹The grantee shall forward a copy of its approval to the
31 committee and to the board in the county in which the preserved
32 farmland is located.¹

33 d. An applicant shall annually certify to the grantee, ¹or
34 committee, as applicable,¹ in a form and manner to be prescribed by
35 the grantee, ¹or committee, as applicable,¹ information about the
36 special occasion events held in the prior calendar year that were
37 approved pursuant to this section, including, but not limited to, the
38 date, occasion, and approximate number of attendees of each event.
39 The grantee shall forward a copy of the certification to the committee
40 ¹and the applicable board¹.

41 ¹e. Upon the effective date of this act, and prior to the adoption by
42 the committee of rules and regulations pursuant to section 6 of this act,
43 a grantee, or the committee, as applicable, may accept applications
44 pursuant to this section and approve applications for special occasion
45 events that comply with the provisions of this act. Upon the adoption
46 of rules and regulations pursuant to section 6 of this act, approvals

1 pursuant to this section shall also comply with the rules and
2 regulations adopted by the committee.¹

3

4 4. a. The committee and the ¹[appropriate board] grantee¹ have
5 the right, without advance notice, to inspect a preserved farm that has
6 received approval from the grantee to hold one or more special
7 occasion events, upon presentation of appropriate credentials during
8 normal business hours ¹or during a special occasion event¹, in order to
9 determine compliance with the provisions of this act.

10 b. The committee or the ¹[appropriate board] grantee¹ may, upon
11 reasonable cause, order and specify the scope of an audit of the owner
12 or operator of a commercial farm engaged in conducting special
13 occasion events on preserved farmland for the purpose of determining
14 compliance with this act. The audit shall be conducted by an
15 independent certified public accountant approved by ¹[the board or]¹
16 the committee, and the reasonable costs thereof shall be paid by the
17 owner or operator of the commercial farm. ¹[A county agriculture
18 development board, or the] The¹ committee¹[,]¹ may establish a list
19 of independent certified public accountants approved for the purposes
20 of conducting an audit pursuant to this ¹[paragraph] subsection¹.
21 Copies of the audit shall be submitted to the ¹[applicable board]
22 grantee¹, the committee, and the owner or operator of the commercial
23 farm.

24 c. An owner or operator of a commercial farm engaged in
25 conducting special occasion events on preserved farmland shall not be
26 subjected to an audit authorized pursuant to this section more than
27 once per year without good cause demonstrated by the ¹[applicable
28 board] grantee¹ or the committee.

29

30 5. a. An owner or operator of a commercial farm who violates
31 the provisions of this act shall be liable to a civil administrative
32 penalty of up to \$2,500 for the first offense, up to \$10,000 for the
33 second offense, or up to \$25,000 for a third and subsequent offense.
34 Each day in which a violation occurs shall be considered a separate
35 offense.

36 b. In addition to the penalties established pursuant to subsection a.
37 of this section:

38 (1) for a second offense, the committee shall suspend the owner or
39 operator of the commercial farm from holding special occasion events
40 for a period of up to six months;

41 (2) for a third offense, the committee shall suspend the owner or
42 operator of the commercial farm from holding special occasion events
43 for a period of six months up to one year; and

44 (3) for a fourth or subsequent offense, the committee shall
45 suspend the owner or operator of the commercial farm from holding
46 special occasion events for a period of at least one year, or may

1 permanently suspend the owner or operator of the commercial farm
2 from holding special occasion events.

3 c. No civil administrative penalty or penalty established in
4 subsection b. of this section shall be imposed pursuant to this section
5 until after the owner or operator has been notified of the alleged
6 violation by certified mail or personal service. The notice shall
7 include:

8 (1) a reference to the section of the statute, regulation, order or
9 permit condition alleged to have been violated;

10 (2) a concise statement of the facts alleged to constitute a
11 violation;

12 (3) a statement of the amount of the civil administrative penalty
13 that may be imposed and the duration of the suspension that may be
14 imposed, if any; and

15 (4) a statement of the right of the owner or operator to a hearing.

16 The owner or operator served with the notice shall have 20 days
17 after the receipt of the notice to request in writing a hearing before the
18 committee. After the hearing, if the committee finds that a violation
19 has occurred, the committee may issue a final order assessing the
20 amount of the civil administrative penalty set forth in the notice and
21 imposing the suspension, if any. If no hearing is requested, then the
22 notice shall become a final order 20 days after the date upon which the
23 notice was served. Payment of the civil administrative penalty shall be
24 due, and duration of the suspension, if any, shall begin, on the date
25 when a final order is issued or the notice becomes a final order.

26 d. The committee shall notify, in writing, the ¹**["appropriate"]**¹
27 board ¹in the county in which the preserved farmland is located¹ and
28 the applicable grantee when it suspends an owner or operator of a
29 commercial farm from holding special occasion events pursuant to
30 subsection b. of this section.

31

32 6. The committee shall adopt, pursuant to the "Administrative
33 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
34 regulations to implement this act, including any rules and
35 regulations necessary to determine compliance with the
36 requirements of section 2 of this act.

37

38 7. a. The committee shall prepare a report annually on the
39 implementation of this act, and shall submit the report to the Governor,
40 and to the Legislature pursuant to section 2 of
41 P.L.1991, c.164 (C.52:14-19.1).

42 b. The report shall include:

43 (1) the number of preserved farms for which approvals to hold
44 special occasion events have been issued by grantees;

45 (2) the frequency, type, and size of special occasion events held;

46 (3) the extent to which municipalities ¹**["and"]**, ¹ county agriculture
47 development boards ¹, and qualifying tax exempt nonprofit
48 organizations that hold a development easement on preserved

S2714 [1R] SARLO, ADDIEGO

8

1 farmland¹ report problems associated with the holding of special
2 occasion events;

3 (4) the number of audits that have been conducted pursuant to
4 section 4 of this act; and

5 (5) an accounting of penalties collected pursuant to section 5 of
6 this act.

7

8 8. This act shall take effect immediately.