

## Overview

On February 3, 2023, the State of New Jersey adopted new legislation (S757) which authorizes certain commercial farms located on preserved farmland to hold "special occasion events." These events are defined by the legislation as "a wedding, lifetime milestone event, or other cultural or social event conducted, in whole or in part, on preserved farmland on a commercial farm." Special occasion events do not include: activities which are eligible to receive right to farm benefits pursuant to the Right to Farm Act; a recreational use permitted to a farmland preservation deed of easement, or; a wedding held for a spouse, parent, child, grandparent, grandchild, sibling, niece, nephew, or cousin of the owner of the commercial farm, or the owner, operator, or an employee of the commercial farm.

As established by S757, a person may hold a special occasion event on preserved farmland provided that the grantee (.e. the entity to which the development rights of a preserved farm were conveyed) determines that the preserved farm complies with the terms of the Farmland Preservation Program deed of easement. Any special event held pursuant to this legislation is not permitted to interfere with the use of the preserved farmland for agricultural or horticultural production. The legislation also requires that special events have minimum effects on the occupied area in which they are conducted and be designed to protect the agricultural resources of the land to ensure that it can be readily returned to productive agricultural or horticultural use after the event.

## Quantity

A total of twenty-six special occasion events may be held by a commercial farm on preserved farmland each year, of which only six such events may have two hundred and fifty or more guests in attendance. However, events held for nonprofit entities with fewer than one hundred attendees are not counted against this limitation, provided the farm does not charge for or receive compensation for hosting the event other than out-of-pocket expenses not exceeding \$1,000. Furthermore, special occasion events may have a maximum duration of two consecutive calendar days if the event is marketed as a single event. A commercial farm on preserved farmland may also not hold more than one special event with over one hundred guests per calendar day.

## Outside Approvals

Special occasional events are subject to "all applicable State and local laws, regulations, resolutions and ordinances including, but not limited to, those concerning food safety, litter, noise, solid waste, traffic, and the protection of public health and safety." Any special occasion event that involves the service of alcoholic beverages shall also comply with all applicable State and local laws, regulations, resolutions, and ordinance's.

## Physical Improvements

In regard to physical improvements, the legislation notes that no new permanent structures – including but not limited to buildings and parking – may be constructed or erected on preserved farmland for the purposes of holding special occasion events, and any improvements to existing structures must be limited to the minimum required for the protection of health and safety. Furthermore, no permanent structure constructed fewer than five years prior to date of an application to the grantee (i.e. the entity to which the development rights of a preserved farm were conveyed) to hold a special event may be used.

Temporary structures and temporary parking are permitted. The installation of structures such as tents, canopies, umbrellas, tables, and chairs must conform to all applicable provisions of the State Uniform Construction Code and the Uniform Fire Code. Furthermore, the use of tents, canopies, umbrellas, tables, chairs, and other temporary structures shall be limited from April 1 to November 30 of each year. Additional on-site areas required to provide temporary parking must comply with the standards for on-farm direct marketing facilities, activities, and events as regulated by the “Right to Farm Act.”

No public utilities, including gas or sewer lines, may be extended to the preserved farmland for the purpose of holding a special event. However, electric and water serve may be extended to preserved farmland for the purpose of holding a special occasion event.

Occupied areas for special occasion events shall be no more than the lesser of ten acres or ten percent of the preserved farmland area.

Retail food establishments are also prohibited from operating on a commercial farm on preserved farmland in support of a special occasion event. However, temporary retail food establishments are permitted.