

**TOWNSHIP OF CHESTERFIELD
ORDINANCE NO. 2024-24**

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE
TOWNSHIP CODE WITH THE CREATION OF CHAPTER 167
ENTITLED “SPECIAL OCCASION EVENTS ON PRESERVED
FARMLAND”**

BE IT ORDAINED by the Township Committee of the Township of Chesterfield, County of Burlington, State of New Jersey that the Chesterfield Township Code is here by amended, revised and/or supplemented with the addition of Chapter 167, entitled “Special Occasion Events on Preserved Farmland” to read as follows:

CHAPTER 167 Special Occasion Events on Preserved Farmland

§ 167-1 Findings.

The Township Committee finds that over 2,800 farms comprising over 247,000 acres of farmland have been preserved in New Jersey since the inception of the State’s farmland preservation program, including a substantial portion of farmland located in Chesterfield Township. The original intent of the farmland preservation program was to prevent suburban sprawl and the conversion of agriculturally suitable land to other purposes, and to keep agriculture as an economically viable industry within the State and the Township maintains the position that keeping agriculture as a sustainable industry in the State ensures residents have continued access to fresh food with low environmental impact.

Furthermore, the Township Committee finds that the growing interest in agritourism, i.e., activities that attract the public to working farms for enjoyment or education of visitors and generate supplementary income for the farmer, has provided farmers with supplemental revenue and enhanced opportunities to market the State’s agricultural and horticultural products. With proper oversight, special occasion events on preserved farmland can have minimal impact on land's viability for farming and provide for new business opportunities for farmers in the State and within Chesterfield Township without displacing agricultural or horticultural production as the first priority use of preserved farmland or disrupting neighborhoods that surround preserved farms.

§ 167-2 Purpose.

It is the purpose of this chapter to establish the proper permitting process and regulations for the holding of special occasion events on preserved farmland located in Chesterfield Township consistent with N.J.S.A. 4:1C-32.15 through N.J.S.A. 4:1C-32.21.

§ 167-3 Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a

different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

APPLICANT

The owner, and in cases where the owner is not also the operator of the farm and the operator is the person seeking to hold the special occasion event, then the operator of the commercial farm who applies pursuant to Section 167-5 of this Chapter for approval to hold a special occasion event within the Township of Chesterfield.

BOARD

The Burlington County Agriculture Development Board established pursuant to section 7 of P.L.1983, c.32, N.J.S.A. 4:1C-14.

COMMERCIAL FARM

A farm as further defined in section 3 of P.L.1983, c.31, N.J.S.A. 4:1C-3, except that "commercial farm" shall not include a farm that qualifies for farmland assessment pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48, N.J.S.A. 54:4-23.1 et seq., based entirely on a woodland management plan or a forest stewardship plan pursuant to section 3 of P.L.1964, c.48, N.J.S.A. 54:4-23.3.

COMMITTEE

the State Agriculture Development Committee established pursuant to section 4 of P.L.1983, c.31, N.J.S.A. 4:1C-4.

EXCEPTION AREA

A portion of the applicant's landholdings that is excluded from the premises and, although identified in the deed of easement, is unencumbered by the farmland preservation deed restrictions set forth in the subject property's deed of easement.

GRANTEE

The entity to which the development rights of a preserved farm were conveyed pursuant to the provisions of section 24 of P.L.1983, c.32, N.J.S.A. 4:1C-31, section 5 of P.L.1988, c.4 N.J.S.A. 4:1C-31.1, section 1 of P.L.1989, c.28, N.J.S.A. 4:1C-38, section 1 of P.L.1999, c.180, N.J.S.A. 4:1C-43.1, sections 37 through 40 of P.L.1999, c.152 N.J.S.A. 13:8C-37 through C.13:8C40, or any other State law enacted for farmland preservation purposes, including transfer of development rights demonstration, N.J.S.A. 40:55D-113 et seq. "Grantee" shall include all entities which lawfully succeed to the rights and responsibilities of a grantee, including, but not limited to, the grantee's successors and assigns.

NONPROFIT ENTITY

A corporation organized pursuant to the "New Jersey Nonprofit Corporation Act," N.J.S.A. 15A:1-1 et seq. or a corporation organized pursuant to Title 16 of the New Jersey Revised Statutes.

OCCUPIED AREA

Any area supporting the activities and infrastructure associated with a special occasion event including, but not limited to: an area for parking, vendors, tables, equipment, infrastructure, or sanitary facilities; an existing building; or a temporary or portable structure.

OWNER

The record owner of the preserved farmland.

PERMITTEE

The owner, and if applicable, the operator of the commercial farm to whom permission to hold special occasion events has been issued by the grantee.

PRESERVED FARMLAND

Land on which a development easement was conveyed to, or retained by, the State Agriculture Development Committee, a county agriculture development board, a county, a municipality, or a qualifying tax exempt nonprofit organization pursuant to the provisions of section 24 of P.L.1983, c.32, N.J.S.A. 4:1C-31, section 5 of P.L.1988, c.4 N.J.S.A. 4:1C-31.1, section 1 of P.L.1989, c.28, N.J.S.A. 4:1C-38, section 1 of P.L.1999, c.180, N.J.S.A. 4:1C-43.1, sections 37 through 40 of P.L.1999, c.152 N.J.S.A. 13:8C-37 through C.13:8C40, or any other State law enacted for farmland preservation purposes, including transfer of development rights demonstration, N.J.S.A. 40:55D-113 et seq.

SPECIAL OCCASION EVENT

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 event" shall not include:(1) an activity which is eligible to receive right to farm benefits pursuant to the "Right to Farm Act," P.L.1983, c.31, N.J.S.A. 4:1C-1 et seq.; (2) a recreational use permitted pursuant to a farmland preservation deed of easement; or (3) a wedding held for: (a) a spouse, parent, child, grandparent, grandchild, sibling, niece, nephew, or cousin of the owner of the commercial farm; or (b) the owner, operator, or an employee of the commercial farm.

TOWNSHIP

The Township of Chesterfield, Burlington County, New Jersey.

WINERY

A commercial farm where the owner or operator of the commercial farm has been issued and is operating in compliance with a plenary winery license or farm winery license pursuant to N.J.S.A. 33:1-10.

§ 167-4 Special Occasion Event; Preserved Farmland; Compliance.

- A. Notwithstanding any law, or any rule or regulation adopted pursuant thereto, to the contrary, a person may hold a special occasion event on preserved farmland, provided that the grantee determines the preserved farm complies with the terms of the Farmland Preservation Program and/or applicable Transfer of Development Rights (“TDR”) deed of easement recorded against the preserved farmland, the person complies with the requirements set forth in P.L.2023, c.9, N.J.S.A. 4:1C-32.15 et seq., and the special occasion event is held in compliance with the requirements of this Chapter and the rules and regulations adopted by the Board, Committee and Township pursuant to section 6 of P.L.2023, c.9, N.J.S.A. 4:1C-32.20.
- B. The owner or operator of a commercial farm located on preserved farmland that produces agricultural or horticultural products worth \$10,000 or more annually may hold special occasion events on the farm. The special occasion event shall comply with the following requirements:
- (1) A special occasion event shall have a maximum duration of two (2) consecutive calendar days if the event is marketed as a single event. An event shall be considered a single special occasion event, even if the event lasts for more than one (1) day, if the event:
(a) is marketed as a single event; (b) occurs only on consecutive days; and, (c) does not last for more than two (2) days.
 - (2) A special occasion event shall not interfere with the use of the preserved farmland for agricultural or horticultural production. The special occasion event shall have minimal effects on the occupied area and shall be designed to protect the agricultural resources of the land and ensure that the land can be readily returned to productive agricultural or horticultural use after the event.
 - (3) A special occasion event that involves the service of alcoholic beverages shall comply with all applicable State and local laws, regulations, resolutions, and ordinances.
 - (4) 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 shall apply to the special occasion event and all activities related thereto.
 - (5) (a) No new permanent structures shall be constructed or erected on preserved farmland for the purpose of holding a special occasion event, and improvements to existing

structures shall be limited to the minimum required for the protection of health and safety. (b) No permanent structure constructed fewer than five (5) years prior to the date of application to the grantee to hold a special occasion event shall be used for the purpose of holding the special occasion event. (c) The installation and use of tents, canopies, umbrellas, tables, chairs, and other temporary structures on preserved farmland for the purpose of holding special occasion events shall be a permitted use provided that the tent, canopy, umbrella, table, chairs, or other temporary structure conforms to all applicable provisions of the State Uniform Construction Code and Uniform Fire Code, which have been adopted by the Commissioner of Community Affairs pursuant to P.L.1975, c.217 N.J.S.A. 52:27D-119, et seq. and P.L.1983, c.383, N.J.S.A. 52:27D-192 et seq., respectively. The permitted use of tents, canopies, umbrellas, tables, chairs, and other temporary structures allowed by this subparagraph shall be limited to the timeframe encompassing the first day of April through November 30 of each year. (d) No public utilities, including gas or sewer lines, shall be extended to the preserved farmland for the purpose of holding special occasion events, except that electric and water service may be extended to preserved farmland for the purpose of holding special occasion events.

(6) Parking at a special occasion event shall be provided through the use of existing parking areas on the farm and curtilage surrounding existing buildings to the extent possible. Additional on-site areas required to provide temporary parking shall comply with the standards for on-farm direct marketing facilities, activities, and events adopted by the committee pursuant to the "Right to Farm Act," P.L.1983, c.31, N.J.S.A. 4:1C-1 et seq.

(7) The occupied area associated with a special occasion event shall be no more than the lesser of ten (10) acres or ten percent (10%) of the preserved farmland.

§ 167-5 Approval Required; Application Process

- A. A special occasion event shall not be held on preserved farmland unless the applicant obtains approval to hold special occasion events, in writing from the grantee, prior to holding a special occasion event. Such approval shall be obtained after providing the grantee with a completed application in accordance with subsection (B) of this section. If the applicant is the operator, but not the owner, of the farm, then the operator shall submit to the grantee a notarized affidavit from the owner authorizing the application. Once approval is obtained from the grantee, a permittee shall be required to submit an application pursuant to subsection (B) of this section, not more than once annually, and an individual application shall not be required for each special occasion event.
- B. The applicant must complete and submit an application to the grantee in order to obtain the necessary approval required to hold a special occasion event on the preserved farmland with the Township. The application shall, at a minimum, allow the grantee to determine:
 - (1) that the commercial farm located on the preserved farmland produces agricultural or horticultural products worth \$10,000 or more annually, which application shall include an attestation that the commercial farm located on the preserved farmland produces

agricultural or horticultural products worth \$10,000 or more annually; (2) the number of special occasion events to be held on the commercial farm during the calendar year; (3) the maximum attendance of the special occasion events; (4) the acreage of the occupied area, as delineated on a map or aerial photograph, to be used for the special occasion event; and (5) whether the farm is in compliance with its farmland preservation deed of easement. The application shall also require the applicant to identify the locations of where tents and other temporary structures, sanitary facilities, parking and access and egress will be located for each event, as well as where music will be played, the number of expected guests and other information that may be of public concern that would be required of a similar event when conducted at a public park or another public venue.

- C. The application fee shall be fifty dollars (\$50.00).
- D. The grantee shall approve an application made pursuant to this section upon a finding that the special occasion events on the preserved farmland that are the subject of the application comply with the requirements of N.J.S.A. 4:1C-32.15 et seq. and any rules and regulations adopted by ~~the Board, Committee and Township~~ the grantee. The grantee shall have the information requested reviewed by various Chesterfield Township Departments in order to confirm the application's compliance. The grantee shall forward a copy of its approval to the Committee and to the Board.
- E. If the grantee does not respond to a written request to hold special occasion events within ninety (90) days following receipt of a request and fully completed application, then the request shall be deemed approved.
- F. If the grantee denies an application made pursuant to this section, the grantee shall provide a reason for the denial and an opportunity for the applicant to reapply with an amended application.

§ 167-6 Annual Certification Required.

An applicant shall annually certify to the grantee, in a form and manner to be prescribed by the grantee, information about the special occasion events held in the prior calendar year that were approved pursuant to this Chapter, including, but not limited to, the date, occasion, and approximate number of attendees of each event. The grantee shall forward a copy of the certification to the Committee and the Board.

§ 167-7 Prohibitions; Limitations.

- A. A commercial farm shall not hold more than one (1) special occasion event with over one hundred (100) guests per calendar day.
- B. A commercial farm may hold up to twenty-six (26) special occasion events each calendar year, of which only six (6) special occasion events may have two hundred fifty (250) guests or more in attendance at any time during the event.

- C. A special occasion event held by or for a nonprofit entity shall not count against the limitations on events provided by this subsection if the event has fewer than one hundred (100) guests and the permittee does not charge for and receives no fees or compensation for hosting the event, other than for reimbursement of out-of-pocket expenses. The maximum reimbursement to the permittee shall not exceed \$1,000.00.
- D. A retail food establishment other than a temporary retail food establishment, as those terms are defined in the State Sanitary Code adopted pursuant to section 7 of P.L.1947, c.177 N.J.S.A. 26:1A-7, shall not operate on a commercial farm in support of a special occasion event. The limitations of this subsection on the use of a retail food establishment shall not apply to a retail food establishment based at the commercial farm.

§ 167-8 Inspections.

- A. The grantee, committee and/or board shall have the right, without advance notice, to inspect a preserved farm on which special occasion events are held, upon presentation of appropriate credentials during normal business hours or during a special occasion event, in order to determine compliance with the provisions of P.L.2023, c.9, N.J.S.A. 4:1C-32.15 et seq. and this Chapter.
- B. A permittee engaged in conducting special occasion events on preserved farmland shall not be subjected to an inspection for any particular type of event authorized pursuant to P.L.2023, c.9, N.J.S.A. 4:1C-32.15 et seq. more than once per year without good cause demonstrated by the grantee, committee or board.

§ 167-9 Violations and Penalties; Notification; Hearing, Rights TDR Preserved Farms Only.

- A. A permittee who violates the provisions of this Chapter shall be liable to a penalty of up to \$500 for the first (1st) offense, up to \$1,000 for the second (2nd) offense, or up to \$2,000 for a third (3rd) and subsequent offense. Each day in which a violation occurs shall be considered a separate offense.
- B. In addition to the penalties established pursuant to subsection (A) of this section: (1) for a second (2nd) offense, the grantee, committee and/or board shall suspend the permittee from holding special occasion events for a period of up to six (6) months; (2) for a third (3rd) offense, the grantee, committee and/or board shall suspend the permittee from holding special occasion events for a period of six (6) months up to one (1) year; and (3) for a fourth (4th) or subsequent offense, the grantee, committee and/or board shall suspend the permittee from holding special occasion events for a period of at least one (1) year, or permanently suspend the owner or operator of the commercial farm from holding special occasion events.
- C. No penalty pursuant to subsection (A) of this section or penalty established in subsection (B) of this section shall be imposed pursuant to this section until after the permittee has

been notified of the alleged violation by certified mail or personal service. The notice shall include: (1) a reference to the section of this Chapter, and/or relevant statute, regulation, order, or condition alleged to have been violated; (2) a concise statement of the facts alleged to constitute a violation; (3) a statement of the amount of the penalty that may be imposed and the duration of the suspension that may be imposed, if any; and (4) a statement of the right of the permittee to a hearing.

- D. The permittee served with notice pursuant to subsection (C) of this section shall have twenty (20) calendar days after the receipt of the notice to request in writing a hearing before the Township. The Township Committee shall then conduct a hearing and shall provide an opportunity for testimony from the municipality in which the preserved farmland is located. After the hearing, if the Township Committee finds that a violation has occurred, the Township Committee may issue a final order assessing the amount of the civil administrative penalty set forth in the notice and impose the suspension, if any.
- E. If no hearing is requested, then the notice shall become a final order twenty (20) days after the date upon which the notice was served. The Township shall notify, in writing, the committee and the board when it suspends a permittee from holding special occasion events pursuant to subsection (B) of this section.

NOW, THEREFORE, BE IT FURTHER ORDAINED that:

- 1. All ordinances or portions of ordinances which are inconsistent with this Ordinance shall be repealed as to their inconsistencies only.
- 2. If any provision or paragraph of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions of this Ordinance, except so far as the provisions or paragraphs so declared invalid shall be separable from the remainder or any portion thereof.
- 3. This Ordinance will take effect after publication and passage according to law.

CHESTREFIELD TOWNSHIP COMMITTEE

Introduced: October 10, 2024

Adopted:

Effective Date:

RECORD OF VOTE AND CERTIFICATION ON NEXT PAGE.

RECORD OF VOTE 2024-23													
INTRODUCTION							ADOPTION						
TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC	TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC
B. Blazic	X						B. Blazic						
S. Dhopte	X				X		S. Dhopte						
R. Hughes				X			R. Hughes						
D. Koetas-Dale	X					X	D. Koetas-Dale						
M. Litt	X						M. Litt						
X – Indicates Vote NV – Not Voting AB – Absent ORD – Motion SEC - Seconded													

I hereby certify that the foregoing is a true and correct copy of Ordinance 2024-24 adopted at a meeting of the Mayor and Township Committee held on _____, 2024.

 Caryn Hoyer, RMC, Township Clerk