§2 - C.4:1C-3.1

P.L.2015, CHAPTER 75, approved July 31, 2015
Assembly, No. 1294 (First Reprint)

AN ACT concerning apiary activities and the right to farm, and amending and supplementing P.L.1983, c.31.

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

1. Section 3 of P.L.1983, c.31 (C.4:1C-3) is amended to read as follows:

3. As used in this act:

"Board" or "county board" means a county agriculture development board established pursuant to section 7 of P.L.1983, c.32 (C.4:1C-14).

"Commercial farm" means (1) a farm management unit of no less than five acres producing agricultural or horticultural products worth $2,500 or more annually, and satisfying the eligibility criteria for differential property taxation pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), [or]

(2) a farm management unit less than five acres, producing agricultural or horticultural products worth $50,000 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), or (3) a farm management unit that is a beekeeping operation producing honey or other agricultural or horticultural apiary-related products, or providing crop pollination services, worth $2,500 or more annually.

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

"Farm management unit" means a parcel or parcels of land, whether contiguous or noncontiguous, together with agricultural or horticultural buildings, structures and facilities, producing agricultural or horticultural products, and operated as a single enterprise.

"Farm market" means a facility used for the wholesale or retail marketing of the agricultural output of a commercial farm, and products that contribute to farm income, except that if a farm market is used for retail marketing at least 51% of the annual gross sales of the retail farm market shall be generated from sales of agricultural output of the commercial farm, or at least 51% of the

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:

1Assembly AAN committee amendments adopted June 12, 2014.
sales area shall be devoted to the sale of agricultural output of the
commercial farm, and except that if a retail farm market is located
on land less than five acres in area, the land on which the farm
market is located shall produce annually agricultural or horticultural
products worth at least $2,500.
(cf: P.L.1998, c.48, s.1)

2. (New section) Notwithstanding the provisions of section 3
of P.L.1983, c.31 (C.4:1C-3), or any rules or regulations adopted
pursuant thereto, to the contrary, a farm management unit that
qualifies as a commercial farm for the purposes of the "Right to
Farm Act," P.L.1983, c.31 (C.4:1C-1 et seq.), because it is
a beekeeping operation producing honey or other agricultural or
horticultural apiary-related products, or providing crop pollination
services, worth $2,500 or more annually, shall be
entitled to the protections provided to any other commercial farm
under that act but not for agricultural or horticultural activities that
are not apiary-related activities, unless the farm management unit
also qualifies as a commercial farm pursuant to section 3 of
P.L.1983, c.31 (C.4:1C-3) for reasons other than as a beekeeping
operation as described in that section.

3. This act shall take effect immediately.

Extends Right to Farm Act protections to commercial
beekeepers, with some restrictions.
1 AN ACT concerning the regulation of apiary activities, and
2 supplementing Titles 4 and 40 of the Revised Statutes.
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4 BE IT ENACTED by the Senate and General Assembly of the State
5 of New Jersey:
6
7 1. a. Except as otherwise provided in subsections b. and c. of this section, no municipality may:
8    (1) adopt an ordinance, resolution, rule, or regulation concerning the breeding or keeping of honey bees or any activities related thereto, including, but not limited to, the use of honey bees for pollination, the reproduction and sale of honey bees, or the production of honey or other apiary products from such bees; or
9    (2) establish any restriction or requirement that would result in the prohibition of the breeding or keeping of honey bees, the use of honey bees for pollination, or any activities related thereto, in the municipality.
10 b. The State shall regulate apiary activities in the State pursuant to R.S.4:6-1 through R.S.4:6-18, sections 8 and 9 of P.L.1977, c.159 (C.4:6-19 and C.4:6-20), P.L.2007, c.271 (C.4:6-21 et seq.), section 2 of P.L. , c. (C. ) (pending before the Legislature as this bill), and any applicable laws. However, the Department of Agriculture may delegate to a municipality the regulatory authority to monitor and enforce the apiary standards established pursuant to subsection b. of section 2 of P.L. , c. (C. ) (pending before the Legislature as this bill), if the municipality adopts by reference those standards by ordinance. Upon adoption of such an ordinance, the municipality may delegate to the municipality the authority to monitor and enforce the apiary standards adopted by ordinance. Upon adoption of such an ordinance, the municipality shall assume responsibility to monitor apiary activities in the municipality and enforce compliance with the standards adopted pursuant to subsection b. of section 2 of P.L. , c. (C. ) (pending before the Legislature as this bill). A municipality may, at any time, repeal any such ordinance, and upon the municipality doing so, the Department of Agriculture shall immediately redelegate all authority and associated duties and responsibilities previously delegated to the municipality pursuant to this subsection.
11 c. If a municipality that has assumed responsibility pursuant to subsection b. of this section finds that there is a condition or circumstance in the municipality that is not resolved by the

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standards adopted pursuant to subsection b. of section 2 of P.L. , c. (C. ) (pending before the Legislature as this bill), the municipality shall request guidance thereon from the Department of Agriculture. The department shall provide the guidance no later than 90 days after the request is received by the department. Upon expiration of the 90-day period and if the standards adopted pursuant to section 2 of P.L. , c. (C. ) (pending before the Legislature as this bill) do not sufficiently address the condition or circumstance, the municipality, after consulting with the department, the New Jersey League of Municipalities, the New Jersey Beekeepers Association, and the Mid-Atlantic Apiculture Research and Extension Consortium, or successor organizations with similar purposes, may adopt by ordinance a standard to address the condition or circumstance, provided that the standard reflects consideration of population density, the density and intensity of development, type of land use, and honey bee biology and behavior.1

2. a. The Department of Agriculture shall regulate the breeding and keeping of honey bees and any activities related thereto, including, but not limited to, the use of honey bees for pollination, the reproduction and sale of honey bees, and the production of honey and other apiary products from such bees, and may delegate its monitoring and enforcement authority to a municipality pursuant to subsection b. of section 1 of P.L. , c. (C. ) (pending before the Legislature as this bill).

b. Pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), the Department of Agriculture shall adopt any rules and regulations necessary for the implementation of P.L. , c. (C. ) (pending before the Legislature as this bill), including but not limited to:

(1) apiary standards for the breeding and keeping of honey bees, the use of honey bees for pollination, the reproduction and sale of honey bees, and the production of honey and other apiary products from such bees; and

(2) standards of administrative procedure for a municipality to monitor and enforce the rules and regulations adopted pursuant to this subsection. The standards shall include provisions for the preparation and submittal to the department by the municipality of periodic reports on the results of monitoring and enforcement activities undertaken by the municipality.

1c. When developing the standards adopted pursuant to subsection b. of this section, the Department of Agriculture shall consult with the New Jersey League of Municipalities, the New Jersey Beekeepers Association, and the Mid-Atlantic Apiculture Research and Extension Consortium, or successor organizations with similar purposes. The standards shall reflect consideration of:
(1) the population densities in rural, suburban, and urban areas of the State;
(2) the densities and intensities of development and differing land uses in communities throughout the State; and
(3) any other characteristics of various regions of the State that the department determines to be significant to the regulation of apiary activities in the State.

3. This act shall take effect immediately.

Establishes exclusive State regulatory authority over apiary activities and allows for delegation of monitoring and enforcement authority to municipalities.
AN ACT concerning man-made bee hives, and supplementing Title 4 of the Revised Statutes.

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

1. a. Any person who intentionally destroys a man-made native bee hive shall be liable to a civil penalty of up to $500 for each offense.
   b. Any penalty imposed pursuant to subsection a. of this section shall be collected in a civil action by a summary proceeding under the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) or in any case before a court of competent jurisdiction wherein injunctive relief has been requested. The Superior Court and municipal court shall have jurisdiction to enforce the "Penalty Enforcement Law of 1999" in connection with this act. If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense. Penalties recovered for violations of this section shall be remitted to the Department of Agriculture and expended on programs to manage or revive honey bee or native bee populations in the State.
   c. As used in this section:
      “Man-made native bee hive” means a tube or other apparatus in which bees may nest, and which is installed to attract native bees other than honeybees.
      “Native bee” means a bee of a species that is native to the State and does not produce honey, but provides for the pollination of crops or plants, or other agricultural, environmental, or horticultural benefits.

2. This act shall take effect immediately.

Establishes penalty for destruction of man-made native bee hive.