

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

Daniel Munoz, NorthJersey.com, 'NJ restaurants, bars can continue outdoor dining until 2024', Burlington County Times (online), 5 Aug 2022 A1

SOPHIE NIETO-MUNOZ; newjerseymonitor.com, 'New Jersey rules permitting outdoor dining extended to 2024 New Jersey rules permitting outdoor dining extended to 2024', Press of Atlantic City, The (online), 5 Aug 2022 5A

Matt Arco - For South Jersey Times, 'Outdoor tents for restaurants, bars can stay under new law', South Jersey Times (online), 5 Aug 2022 003

Matthew Fazelpoor, 'NJ extends outdoor dining accommodations', NJBIZ (online), 3 Aug 2022

end

P.L. 2022, CHAPTER 85, *approved August 3, 2022*
Senate, No. 2364 (*Second Reprint*)

1 AN ACT concerning the use of tents and other fixtures for outdoor
2 dining on certain property, and amending and supplementing
3 P.L. 2021, c.15.

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

7
8 1. Section 1 of P.L.2021, c.15 is amended to read as follows:

9 1. As used in this act, P.L.2021, c.15, and only for the purposes
10 of this act:

11 “Brewery” means a brewery operating under a brewery license
12 pursuant to R.S.33:1-10.

13 “Distillery” means a distillery that has been issued, and is in
14 compliance with, a distillery license pursuant to R.S.33:1-10.

15 “Food” means food that is cooked, prepared, sold, served, and
16 consumed on the business premises.

17 “Outdoor space” means a patio or deck, whether covered or
18 uncovered, a yard, a walkway, or a parking lot, or a portion of any
19 such space, that is located on or adjacent to the business premises,
20 which space is owned, leased, **[or]** otherwise in the lawful control
21 of the owner or operator of the business premises, or any space
22 which is designated by a municipality or county for outdoor dining
23 pursuant to P.L.2021, c.15.

24 “Public sidewalk” means a sidewalk on the locally or county
25 owned public right-of-way which is adjacent to the business
26 premises, or a portion thereof.

27 “Special Ruling No. 2020-10” means Special Ruling No. 2020-
28 10, issued by the acting director of the Division of Alcoholic
29 Beverage Control on June 3, 2020.

30 (cf: P.L.2021, c.15, s.1)

31

32 2. Section 4 of P.L.2021, c.15 is amended to read as follows:

33 4. a. Notwithstanding the provisions of any other law to the
34 contrary, the expiration date of any COVID-19 Expansion Permit
35 issued by the Director of the Division of Alcoholic Beverage
36 Control pursuant to the provisions of Special Ruling No. 2020-10
37 shall be November 30, **[2022]** 2024 **[or the date on which indoor**
38 **dining resumes without capacity limitations pursuant to an**
39 **executive order issued by the Governor, whichever is later]**.

40 b. The governing body of a municipality may file with the
41 Division of Alcoholic Beverage Control an objection to 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:

¹Senate SBA committee amendments adopted March 21, 2022.

²Assembly floor amendments adopted June 29, 2022.

1 continued operation under subsection a. of this section by any
2 licensee or permittee the governing body finds to have:

3 (1) failed to follow, maintain, and enforce protocols
4 promulgated by the Commissioner of Health or by Executive Order
5 of the Governor in response to the COVID-19 public health
6 emergency concerning social distancing and the use of personal
7 protective equipment; or

8 (2) violated any other health, safety, fire, permitted use, or
9 zoning regulations or ordinances not otherwise directly superseded
10 by this section or Special Ruling No. 2020-10.

11 Any decision rendered, or action taken, by the Director of the
12 Division of Alcoholic Beverage Control as a result of an objection
13 filed by the governing body of the municipality pursuant to this
14 subsection shall be a final agency action subject to judicial review
15 in the Appellate Division of the Superior Court of New Jersey in
16 accordance with the Rules of Court.

17 c. Nothing in this act shall preclude or limit the authority
18 provided to the Director of the Division of Alcoholic Beverage
19 Control pursuant to the provisions of Title 33 of the Revised
20 Statutes or the exercise of such authority thereby.

21 (cf: P.L.2021, c.15, s.4)

22

23 3. Section 10 of P.L.2021, c.15 is amended to read as follows:

24 10. This act shall take effect on the 30th day following
25 enactment and sections 1 through 8 shall expire ²at 11:59 p.m.² on
26 November 30, ~~2022~~ 2024 **[**or on the date of the resumption,
27 pursuant to an executive order issued by the Governor, of indoor
28 dining without capacity limitations, whichever is later**]**.

29 (cf: P.L.2021, c.15, s.10)

30

31 4. (New section) Notwithstanding any provision of law to the
32 contrary, while P.L.2021, c.15 is in effect, the installation and
33 continuous use of tents, canopies, umbrellas, tables, chairs, and
34 other fixtures on private property or public property or right of way
35 designated by a municipality pursuant to P.L.2021, c.15 and P.L. ,
36 c. (pending before the Legislature as this bill), shall be a
37 permitted use provided that the tent, canopy, umbrella, table, chairs,
38 or other fixture conforms to all applicable provisions of the State
39 Uniform Construction Code and ²**[Fire Prevention Subcode]**
40 Uniform Fire Code², which have been adopted by the
41 Commissioner of Community Affairs pursuant to P.L.1975, c.217
42 (C.52:27D-119, et seq.) ²and P.L.1983, c.383 (C.52:27D-192 et
43 seq.), respectively². The permitted use of tents, canopies,
44 umbrellas, tables, chairs, and other fixtures allowed by this section
45 shall be limited to the timeframe encompassing the first day of
46 April through the ²**[first day of December]** close of business on
47 November 30² for each year in which P.L.2021, c.15 is in

1 effect. Any administrative rule or regulation ², with the exception
2 of those applicable pursuant to the Uniform Construction Code and
3 Uniform Fire Code,² which limits the use of tents, canopies,
4 umbrellas, tables, chairs and other fixtures to 180 days or less
5 ¹during the time frame encompassing the first day of April through
6 the ²[first day of December¹] close of business on November 30²
7 shall be inapplicable during the time that P.L.2021, c.15 is in effect.
8 ¹Notwithstanding the foregoing, any administrative rule or
9 regulation which governs the use of tents, canopies, umbrellas,
10 tables, chairs, and other fixtures on private or public property or
11 right of way designated by a municipality pursuant to P.L.2021,
12 c.15 and P.L. , c. (pending before the Legislature as this bill) for
13 the time period encompassing the ²[second] first² day of December
14 through the last day of March shall not be impacted by P.L. ,
15 c. (pending before the Legislature as this bill).¹

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17 5. This act shall take effect immediately.

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22 Concerns use of tents and other fixtures for outdoor dining on
23 certain property.

SENATE, No. 2364

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED MARCH 21, 2022

Sponsored by:

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

Senator GORDON M. JOHNSON

District 37 (Bergen)

Co-Sponsored by:

Senators Oroho, O'Scanlon, Testa and Thompson

SYNOPSIS

Concerns use of tents and other fixtures for outdoor dining on certain property.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the use of tents and other fixtures for outdoor
2 dining on certain property, and amending and supplementing P.L.
3 2021, c.15.

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

7
8 1. Section 1 of P.L.2021, c.15 is amended to read as follows:

9 1. As used in this act, P.L.2021, c.15, and only for the purposes of
10 this act:

11 “Brewery” means a brewery operating under a brewery license
12 pursuant to R.S.33:1-10.

13 “Distillery” means a distillery that has been issued, and is in
14 compliance with, a distillery license pursuant to R.S.33:1-10.

15 “Food” means food that is cooked, prepared, sold, served, and
16 consumed on the business premises.

17 “Outdoor space” means a patio or deck, whether covered or
18 uncovered, a yard, a walkway, or a parking lot, or a portion of any
19 such space, that is located on or adjacent to the business premises,
20 which space is owned, leased, **[or]** otherwise in the lawful control of
21 the owner or operator of the business premises, or any space which
22 is designated by a municipality or county for outdoor dining pursuant
23 to P.L.2021, c.15.

24 “Public sidewalk” means a sidewalk on the locally or county
25 owned public right-of-way which is adjacent to the business
26 premises, or a portion thereof.

27 “Special Ruling No. 2020-10” means Special Ruling No. 2020-10,
28 issued by the acting director of the Division of Alcoholic Beverage
29 Control on June 3, 2020.

30 (cf: P.L.2021, c.15, s.1)

31

32 2. Section 4 of P.L.2021, c.15 is amended to read as follows:

33 4. a. Notwithstanding the provisions of any other law to the
34 contrary, the expiration date of any COVID-19 Expansion Permit
35 issued by the Director of the Division of Alcoholic Beverage Control
36 pursuant to the provisions of Special Ruling No. 2020-10 shall be
37 November 30, **[2022]** 2024 **[or the date on which indoor dining**
38 **resumes without capacity limitations pursuant to an executive order**
39 **issued by the Governor, whichever is later]**.

40 b. The governing body of a municipality may file with the
41 Division of Alcoholic Beverage Control an objection to the continued
42 operation under subsection a. of this section by any licensee or
43 permittee the governing body finds to have:

44 (1) failed to follow, maintain, and enforce protocols promulgated
45 by the Commissioner of Health or by Executive Order 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.

1 Governor in response to the COVID-19 public health emergency
2 concerning social distancing and the use of personal protective
3 equipment; or

4 (2) violated any other health, safety, fire, permitted use, or zoning
5 regulations or ordinances not otherwise directly superseded by this
6 section or Special Ruling No. 2020-10.

7 Any decision rendered, or action taken, by the Director of the
8 Division of Alcoholic Beverage Control as a result of an objection
9 filed by the governing body of the municipality pursuant to this
10 subsection shall be a final agency action subject to judicial review in
11 the Appellate Division of the Superior Court of New Jersey in
12 accordance with the Rules of Court.

13 c. Nothing in this act shall preclude or limit the authority
14 provided to the Director of the Division of Alcoholic Beverage
15 Control pursuant to the provisions of Title 33 of the Revised Statutes
16 or the exercise of such authority thereby.

17 (cf: P.L.2021, c.15, s.4)

18

19 3. Section 10 of P.L.2021, c.15 is amended to read as follows:

20 10. This act shall take effect on the 30th day following enactment
21 and sections 1 through 8 shall expire on November 30, **[2022]** 2024
22 **[or on the date of the resumption, pursuant to an executive order**
23 **issued by the Governor, of indoor dining without capacity**
24 **limitations, whichever is later]**.

25 (cf: 2021, c.15, s.10)

26

27 4. (New section) Notwithstanding any provision of law to the
28 contrary, while P.L.2021, c.15 is in effect, the installation and
29 continuous use of tents, canopies, umbrellas, tables, chairs, and other
30 fixtures on private property or public property or right of way
31 designated by a municipality pursuant to P.L.2021, c.15 and P.L. ,
32 c. (pending before the Legislature as this bill), shall be a permitted
33 use provided that the tent, canopy, umbrella, table, chairs, or other
34 fixture conforms to all applicable provisions of the State Uniform
35 Construction Code and Fire Prevention Subcode, which have been
36 adopted by the Commissioner of Community Affairs pursuant to
37 P.L.1975, c.217 (C.52:27D-119, et seq.). The permitted use of tents,
38 canopies, umbrellas, tables, chairs, and other fixtures allowed by this
39 section shall be limited to the timeframe encompassing the first day
40 of April through the first day of December for each year in which
41 P.L.2021, c.15 is in effect. Any administrative rule or regulation
42 which limits the use of tents, canopies, umbrellas, tables, chairs and
43 other fixtures to 180 days or less shall be inapplicable during the time
44 that P.L.2021, c.15 is in effect.

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46 5. This act shall take effect immediately.

STATEMENT

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This bill would expand the time period during which certain restaurants, bars, distilleries and breweries would be allowed to utilize tents, canopies, umbrellas, tables, chairs, and other fixtures on the properties on which their establishments are located. The law which currently allows these businesses to use tents, canopies, umbrellas, tables, chairs, and other fixtures to expand their capacity to serve clients would otherwise expire on November 30, 2022. This bill would extend that date until November 30, 2024.

Additionally, this bill allows the use of tents, canopies, umbrellas, tables, chairs, and other fixtures on these properties as long as the tent, canopy, umbrella, table, chairs, or other fixture conforms to all applicable fire safety and construction code provisions. The bill specifies that these tents, canopies, umbrellas, tables, chairs, and other fixtures will be deemed a permitted use for the time period encompassing the first day of April through the first day of December for each additional year in which P.L.2021, c.15 is in effect. Finally, this bill clarifies that any administrative rule or regulation which otherwise limits the use of tents or other fixtures to 180 days or less will be inapplicable during the time that P.L.2021, c.15 is in effect.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2364

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 21, 2022

The Senate Budget and Appropriates Committee reports favorably Senate Bill No. 2364, with committee amendments.

As amended, this bill expands the time period during which certain restaurants, bars, distilleries, and breweries would be allowed to utilize tents, canopies, umbrellas, tables, chairs, and other fixtures on the properties on which their establishments are located. The law that currently allows these businesses to use tents, canopies, umbrellas, tables, chairs, and other fixtures to expand their capacity to serve clients would otherwise expire on November 30, 2022. This bill extends that date until November 30, 2024.

Additionally, this bill allows the use of tents, canopies, umbrellas, tables, chairs, and other fixtures on these properties as long as the tent, canopy, umbrella, table, chairs, or other fixture conforms to all applicable fire safety and construction code provisions. The bill specifies that these tents, canopies, umbrellas, tables, chairs, and other fixtures will be deemed a permitted use for the time period encompassing the first day of April through the first day of December for each additional year in which P.L.2021, c.15 is in effect. This bill clarifies that any administrative rule or regulation which otherwise limits the use of tents or other fixtures to 180 days or less will be inapplicable during the time that P.L.2021, c.15 is in effect. The bill, as amended, further clarifies that any administrative rule or regulation which governs the use of tents, canopies, umbrellas, tables, chairs, and other fixtures during the winter, specifically the time period encompassing the second day of December through the last day of March, will not be impacted by the provisions of this bill.

COMMITTEE AMENDMENTS:

The committee amended this bill to clarify that any administrative rule or regulation that governs the use of tents, canopies, umbrellas, tables, chairs, and other fixtures on private or public property or right of way designated by a municipality, for the time period encompassing the second day of December through the last day of March, is not to be impacted by this bill.

FISCAL IMPACT:

Fiscal information for this bill is currently unavailable.

STATEMENT TO
[First Reprint]
SENATE, No. 2364

with Assembly Floor Amendments
(Proposed by Assemblyman FREIMAN)

ADOPTED: JUNE 29, 2022

These floor amendments: 1) change certain references in the bill from the Fire Prevention Subcode to the Uniform Fire Code; 2) clarify the continued applicability of the Uniform Construction Code and Uniform Fire Code during the time that P.L.2021, c.15, concerning the use of tents, canopies, umbrellas, tables, chairs, and other fixtures for outdoor dining, is in effect; 3) specify that certain of the bill's provisions are applicable through the close of business on November 30 of each year; and 4) specify that P.L.2021, c.15 is to expire at 11:59 p.m. on November 30, 2024. The amendments make Senate Bill No 2364 (1R) identical to Assembly Bill No. 3708 (2R).

ASSEMBLY, No. 3708

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MAY 2, 2022

Sponsored by:

Assemblyman ROY FREIMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblywoman GABRIELA M. MOSQUERA

District 4 (Camden and Gloucester)

Assemblyman P. CHRISTOPHER TULLY

District 38 (Bergen and Passaic)

Co-Sponsored by:

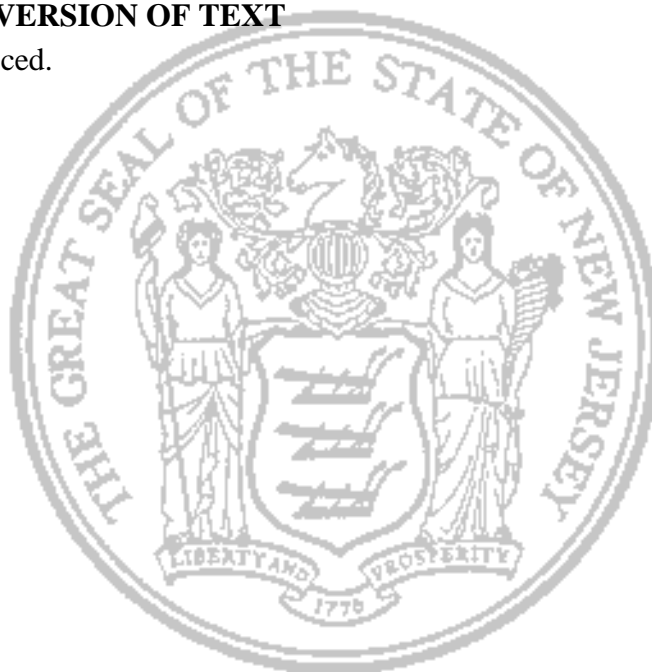
**Assemblywomen Piperno, Eulner, Assemblyman Danielsen and
Assemblywoman Reynolds-Jackson**

SYNOPSIS

Concerns use of tents and other fixtures for outdoor dining on certain property.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/19/2022)

A3708 FREIMAN, MOSQUERA

2

1 AN ACT concerning the use of tents and other fixtures for outdoor
2 dining on certain property, and amending and supplementing
3 P.L. 2021, c.15.

4

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

7

8 1. Section 1 of P.L.2021, c.15 is amended to read as follows:

9 1. As used in this act, P.L.2021, c.15, and only for the purposes
10 of this act:

11 “Brewery” means a brewery operating under a brewery license
12 pursuant to R.S.33:1-10.

13 “Distillery” means a distillery that has been issued, and is in
14 compliance with, a distillery license pursuant to R.S.33:1-10.

15 “Food” means food that is cooked, prepared, sold, served, and
16 consumed on the business premises.

17 “Outdoor space” means a patio or deck, whether covered or
18 uncovered, a yard, a walkway, or a parking lot, or a portion of any
19 such space, that is located on or adjacent to the business premises,
20 which space is owned, leased, **[or]** otherwise in the lawful control
21 of the owner or operator of the business premises, or any space
22 which is designated by a municipality or county for outdoor dining
23 pursuant to P.L.2021, c.15.

24 “Public sidewalk” means a sidewalk on the locally or county
25 owned public right-of-way which is adjacent to the business
26 premises, or a portion thereof.

27 “Special Ruling No. 2020-10” means Special Ruling No. 2020-
28 10, issued by the acting director of the Division of Alcoholic
29 Beverage Control on June 3, 2020.

30 (cf: P.L.2021, c.15, s.1)

31

32 2. Section 4 of P.L.2021, c.15 is amended to read as follows:

33 4. a. Notwithstanding the provisions of any other law to the
34 contrary, the expiration date of any COVID-19 Expansion Permit
35 issued by the Director of the Division of Alcoholic Beverage
36 Control pursuant to the provisions of Special Ruling No. 2020-10
37 shall be November 30, **[2022]** 2024 **[or the date on which indoor**
38 **dining resumes without capacity limitations pursuant to an**
39 **executive order issued by the Governor, whichever is later].**

40 b. The governing body of a municipality may file with the
41 Division of Alcoholic Beverage Control an objection to the
42 continued operation under subsection a. of this section by any
43 licensee or permittee the governing body finds to have:

44 (1) failed to follow, maintain, and enforce protocols
45 promulgated by the Commissioner of Health or by Executive Order

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.

1 of the Governor in response to the COVID-19 public health
2 emergency concerning social distancing and the use of personal
3 protective equipment; or

4 (2) violated any other health, safety, fire, permitted use, or
5 zoning regulations or ordinances not otherwise directly superseded
6 by this section or Special Ruling No. 2020-10.

7 Any decision rendered, or action taken, by the Director of the
8 Division of Alcoholic Beverage Control as a result of an objection
9 filed by the governing body of the municipality pursuant to this
10 subsection shall be a final agency action subject to judicial review
11 in the Appellate Division of the Superior Court of New Jersey in
12 accordance with the Rules of Court.

13 c. Nothing in this act shall preclude or limit the authority
14 provided to the Director of the Division of Alcoholic Beverage
15 Control pursuant to the provisions of Title 33 of the Revised
16 Statutes or the exercise of such authority thereby.

17 (cf: P.L.2021, c.15, s.4)

18

19 3. Section 10 of P.L.2021, c.15 is amended to read as follows:

20 10. This act shall take effect on the 30th day following
21 enactment and sections 1 through 8 shall expire on November 30,
22 **[2022]** 2024 **[or on the date of the resumption, pursuant to an**
23 **executive order issued by the Governor, of indoor dining without**
24 **capacity limitations, whichever is later]**.

25 (cf: 2021, c.15, s.10)

26

27 4. (New section) Notwithstanding any provision of law to the
28 contrary, while P.L.2021, c.15 is in effect, the installation and
29 continuous use of tents, canopies, umbrellas, tables, chairs, and
30 other fixtures on private property or public property or right of way
31 designated by a municipality pursuant to P.L.2021, c.15 and P.L. ,
32 c. (pending before the Legislature as this bill), shall be a
33 permitted use provided that the tent, canopy, umbrella, table, chairs,
34 or other fixture conforms to all applicable provisions of the State
35 Uniform Construction Code and Fire Prevention Subcode, which
36 have been adopted by the Commissioner of Community Affairs
37 pursuant to P.L.1975, c.217 (C.52:27D-119, et seq.). The permitted
38 use of tents, canopies, umbrellas, tables, chairs, and other fixtures
39 allowed by this section shall be limited to the timeframe
40 encompassing the first day of April through the first day of
41 December for each year in which P.L.2021, c.15 is in effect. Any
42 administrative rule or regulation which limits the use of tents,
43 canopies, umbrellas, tables, chairs and other fixtures to 180 days or
44 less shall be inapplicable during the time that P.L.2021, c.15 is in
45 effect.

46

47 5. This act shall take effect immediately.

STATEMENT

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3 This bill would expand the time period during which certain
4 restaurants, bars, distilleries and breweries would be allowed to
5 utilize tents, canopies, umbrellas, tables, chairs, and other fixtures
6 on the properties on which their establishments are located. The
7 law which currently allows these businesses to use tents, canopies,
8 umbrellas, tables, chairs, and other fixtures to expand their capacity
9 to serve clients would otherwise expire on November 30, 2022.
10 This bill would extend that date until November 30, 2024.

11 Additionally, this bill allows the use of tents, canopies,
12 umbrellas, tables, chairs, and other fixtures on these properties as
13 long as the tent, canopy, umbrella, table, chairs, or other fixture
14 conforms to all applicable fire safety and construction code
15 provisions. The bill specifies that these tents, canopies, umbrellas,
16 tables, chairs, and other fixtures will be deemed a permitted use for
17 the time period encompassing the first day of April through the first
18 day of December for each additional year in which P.L.2021, c.15 is
19 in effect. Finally, this bill clarifies that any administrative rule or
20 regulation which otherwise limits the use of tents or other fixtures
21 to 180 days or less will be inapplicable during the time that
22 P.L.2021, c.15 is in effect.

ASSEMBLY COMMERCE AND ECONOMIC DEVELOPMENT
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 3708

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 19, 2022

The Assembly Commerce and Economic Development Committee reports favorably and with committee amendments Assembly Bill No. 3708.

This bill, as amended, would expand the time period during which certain restaurants, bars, distilleries and breweries would be allowed to utilize tents, canopies, umbrellas, tables, chairs, and other fixtures on the properties on which their establishments are located. The law that currently allows these businesses to use tents, canopies, umbrellas, tables, chairs, and other fixtures to expand their capacity to serve clients would otherwise expire on November 30, 2022. This bill would extend that date until November 30, 2024.

Additionally, this bill allows the use of tents, canopies, umbrellas, tables, chairs, and other fixtures on these properties as long as the tent, canopy, umbrella, table, chairs, or other fixture conforms to all applicable fire safety and construction code provisions. The bill specifies that these tents, canopies, umbrellas, tables, chairs, and other fixtures will be deemed a permitted use for the time period encompassing the first day of April through the first day of December for each additional year in which P.L.2021, c.15 is in effect. This bill clarifies that any administrative rule or regulation which otherwise limits the use of tents or other fixtures to 180 days or less will be inapplicable during the time that P.L.2021, c.15 is in effect. The bill, as amended, further clarifies that any administrative rule or regulation which governs the use of tents, canopies, umbrellas, tables, chairs, and other fixtures during the winter, specifically the time period encompassing the second day of December through the last day of March, will not be impacted by the provisions of this bill.

As amended and reported, this bill is identical to Senate Bill No. 2364 (1R).

COMMITTEE AMENDMENTS:

The committee amended this bill to clarify that any administrative rule or regulation that governs the use of tents, canopies, umbrellas, tables, chairs, and other fixtures on private or public property or right

of way designated by a municipality, for the time period encompassing the second day of December through the last day of March, is not to be impacted by this bill.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 3708

with Assembly Floor Amendments
(Proposed by Assemblyman FREIMAN)

ADOPTED: MAY 26, 2022

These floor amendments: 1) change certain references in the bill from the Fire Prevention Subcode to the Uniform Fire Code; 2) clarify the continued applicability of the Uniform Construction Code and Uniform Fire Code during the time that P.L.2021, c.15, concerning the use of tents, canopies, umbrellas, tables, chairs, and other fixtures for outdoor dining, is in effect; 3) specify that certain of the bill's provisions are applicable through the close of business on November 30 of each year; and 4) specify that P.L.2021, c.15 is to expire at 11:59 p.m. on November 30, 2024.

Governor Murphy Signs Legislation Extending Permissions for Outdoor Dining to Support Restaurant Industry

08/3/2022

EAST RUTHERFORD – Governor Phil Murphy today signed a bill (S-2364) to extend expanded permissions for restaurants, bars, distilleries, and breweries to use fixtures and equipment enabling them to serve patrons outdoors in private areas, on sidewalks, and in other municipally-designated outdoor areas. The permissions were set to expire November 30, 2022 but will now be extended by two additional years to support the food and beverage industry, patrons, and local communities by facilitating opportunities to serve customers outdoors.

“My Administration worked in collaboration with the Legislature to support the restaurant industry and their customers by expanding outdoor dining during the COVID-19 pandemic. We continue that support today by extending these expanded permissions for food and beverage establishments throughout our state,” **said Governor Murphy**. “Supporting the success of our small businesses ultimately means supporting the success of our communities. Continuing this successful practice will not only benefit small business owners, but also the many patrons who have come to enjoy the atmosphere and opportunities outdoor dining offers.”

The Governor authorized municipalities to enable the expansion of outdoor dining during the COVID-19 pandemic to protect residents while supporting food and beverage establishments. Many business owners have continued to offer outdoor dining since beginning to offer outdoor seating during the summer of 2020.

Today’s legislation will authorize continued use of fixtures such as tents, canopies, umbrellas, tables, and chairs for outdoor dining until November 30, 2024, extending a law that was signed by the Governor in February of 2021. This represents another part of the Governor’s ongoing support for small businesses, which includes the additional \$50 million investment in the FY2023 budget for the Main Street Recovery Fund that has assisted many restaurants and other small businesses.

The Governor signed the bill at Vesta Wood-Fired, a local restaurant that received a grant from the New Jersey Economic Development Authority as part of our state’s small business emergency assistance program to support New Jersey businesses during the COVID-19 pandemic.

“The pandemic hit our state hard. To keep our communities safe and our economy running, our Democratic Congress passed the American Rescue Plan to deliver needed relief. That plan provided over \$10 billion for New Jersey which helped establishments like Vesta Wood-Fired in East Rutherford stay afloat,” **said U.S. Congressman Bill Pascrell, Jr.** “I commend Governor Murphy for taking action today to provide additional relief for New Jersey restaurants. In Congress, I helped pass the Relief for Restaurants and Other Hard-Hit Industries Act to provide an additional \$55 billion for small businesses impacted by COVID. I’ll continue to push the Senate to pass our bill, but in the meantime it is encouraging to know our small businesses have a staunch supporter like Governor Murphy here in the Garden State.”

“The legislation signed today by Governor Murphy further demonstrates his sustained commitment to supporting businesses throughout the state as they emerge from the pandemic and transition from surviving to thriving,” **said NJEDA Chief Executive Officer Tim Sullivan**. “Extending the ability of restaurants, bars, distilleries, and breweries to continue to serve additional patrons at their outside facilities will not only financially benefit these businesses, but will also help grow the economy as new positions are created to meet additional demand.”

“Outdoor dining was a vital lifeline for restaurants and bars that experienced severe financial hardship during the pandemic,” **said Senator Paul Sarlo**. “It allows local businesses to stay afloat, to keep their employees on the payroll, and to generate economic activity that brings life to communities throughout the state. Their hard times are not over, as they continue to face challenges during difficult times. We can now extend a practice that has proven to be successful for business owners and employees and very popular with patrons.”

“Outdoor dining was a real success during challenging times,” **said Senator Gordon Johnson**. “It offered safe dining conditions for people who were anxious to get back to their favorite restaurants and bars as we emerged from the coronavirus shutdown. There are still variants around and local businesses haven’t regained all their lost business – so this is a success story that should

continue.”

“Even with indoor dining back, residents still enjoy dining al fresco. Our businesses are on the road to recovery,” **said Assembly members Roy Freiman, Gabriela Mosquera, and Chris Tully.** “Every resource must be available to them while they get back on track. It worked well during the peak of the pandemic and now, many have found this to be an expanded opportunity for restaurateurs and certain businesses. It’s good for small business.”

“East Rutherford Mayor and Council are honored to have Governor Murphy announce the extension of the outdoor restaurant dining here at one of our fine dining establishments,” **said East Rutherford Mayor Jeffrey Lahullier.** “Our restaurant owners, and all restaurant owners who have struggled through this Pandemic commend the Governor’s Office and Senator Sarlo’s office for a job well done!”

“The decision to sign a bill that will extend permissions to allow those of us in hospitality industry to serve patrons outdoors for an additional two years is incredible news!” **said Luis de la Hoz, Chairman of the Board of Directors of the Statewide Hispanic Chamber of Commerce of New Jersey.** “Serving patrons outdoors allowed us to increase capacity up to 30% more, reduce waiting times, offer a different atmosphere, help reduce transmission of COVID-19, and help us recuperate losses due to the pandemic. Extending these permissions will help us get back on our feet after this arduous battle.”

“We are very excited and appreciative of all the hard work Governor Murphy, Senator Paul Sarlo, and other legislative sponsors have done to bring this to fruition,” **said Frank Giampa, Chef/Owner of Vesta Wood-Fired.** “This legislation extending outdoor dining is a great example of dynamic leadership navigating the people of New Jersey through the tough times of COVID to a better, more stable place. In these times of uncertainty, it’s reassuring to know we have leadership to take action on our behalf.” East Rutherford Mayor and Council are honored to have Governor Murphy announce the extension of the outdoor restaurant dining here at one of our fine dining establishments. Our restaurant owners, and all restaurant owners who have struggled through this Pandemic commend the Governor’s Office and Senator Sarlo’s office for a job well done!