

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

AUSTIN, AHMAD. "Murphy signs bill allowing outdoor dining extensions Murphy signs bill allowing outdoor dining extensions." Press of Atlantic City, The (NJ), February 6, 2021

King, Rebecca. "OUTDOOR DINING AVAILABLE UNTIL LATE 2022." Record, The (Hackensack, NJ), February 6, 2021

"Murphy signs bill extending outdoor liquor permit deadline." Associated Press State Wire: New Jersey (NJ), February 5, 2021

Munoz, Daniel J.. "Murphy signs bill expanding outdoor dining as indoor restaurant restrictions are relaxed." NJBIZ (New Brunswick, NJ), February 5, 2021

RH/CL

P.L. 2021, CHAPTER 15, *approved February 5, 2021*
Senate, No. 3340 (*First Reprint*)

1 AN ACT creating opportunities for restaurants, bars, distilleries, and
2 breweries to adjust operations in response to the COVID-19
3 public health emergency through expanded outdoor dining; and
4 by permitting certain sales at seasonal farm markets, ¹and
5 supplementing Title 33 of the Revised Statutes¹.
6

7 **BE IT ENACTED** by the Senate and General Assembly of the State
8 of New Jersey:
9

10 1. As used in this act, P.L. , c. (pending before the
11 Legislature as this bill), and only for the purposes of this act:

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

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

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

18 “Outdoor space” means a patio or deck, whether covered or
19 uncovered, a yard, a walkway, or a parking lot, or a portion of any
20 such space, that is located on or adjacent to the business premises,
21 which space is owned, leased, or otherwise in the lawful control of
22 the owner or operator of the business premises.

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

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

30 2. a. Notwithstanding the provisions of any law to the
31 contrary, during the period that this section is in effect, the owner or
32 operator of a restaurant, bar, distillery, or brewery may use outdoor
33 spaces which they own or lease and which are located either on, or
34 adjacent to, their business premises, as an extension of their
35 business premises for the purpose of conducting sales of food and
36 beverages ¹[, including alcoholic beverages if so licensed and
37 permitted by Special Ruling No. 2020-10]¹.

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 floor amendments adopted January 11, 2021.

1 b. The owner or operator of a restaurant, bar, distillery, or
2 brewery desiring to utilize outdoor spaces as an extension of their
3 businesses shall file an application with the municipal zoning
4 officer that includes: (1) a plan, sketch, picture, or drawing that
5 depicts the design, dimensional boundaries, and placement of tents,
6 canopies, umbrellas, tables, chairs, and other fixtures of the outdoor
7 spaces; and (2) a plan for the control of litter, the removal and
8 storage of garbage, and the cleaning of fixtures and grounds. If a
9 business premises' parking lot is used for the service and sale of
10 either food or beverages, or both, ¹[including, but not limited to,
11 alcoholic beverages if so licensed,] ¹the restaurant, bar, distillery,
12 or brewery shall not encumber more than 75 percent of the lot's
13 total parking spaces for such service and sale, unless the parking lot
14 contains less than eight parking spaces, and shall maintain at least
15 one handicapped parking space in the parking lot.

16 c. A municipality may require that an applicant provide one or
17 more of the following: (1) written consent of the owner of the
18 premises, if other than the applicant, (2) an insurance certificate
19 naming the municipality as an additional insured, with general
20 liability on an occurrence with a limit of liability of at least
21 \$1,000,000, with respect to losses arising solely from the operation
22 of the outdoor dining facility, or (3) an indemnification agreement
23 with the municipality with respect to losses arising solely from the
24 operation of the outdoor dining facility.

25 d. (1) The zoning officer shall issue an approval to the
26 applicant within 15 business days of the application being submitted
27 and deemed complete provided that the applicant meets and abides
28 by all qualifications and requirements of this act, with the exception
29 that the zoning officer may deny an application based on current
30 violations of any other health, safety, fire, permitted use, or zoning
31 regulation, or upon any applicable law permitting the denial of a
32 zoning permit, that is not otherwise directly superseded by this
33 section or Special Ruling No. 2020-10. An application under this
34 section shall not be considered a variance under the "Municipal
35 Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).

36 (2) A municipality may deny, revoke, or temporarily suspend
37 the permit of any applicant or permittee that violates, or is not in
38 compliance with, any provision of this act or any provision of a law,
39 ordinance, or regulation related to health, safety, fire, permitted
40 use, zoning, or ¹the consumption or control of alcoholic beverages
41 not otherwise under the jurisdiction of the Division of Alcoholic
42 Beverage Control, and may also deny, revoke, or temporarily
43 suspend the permit of any applicant or permittee based on any
44 action taken against the applicant or permittee by the Division of
45 Alcoholic Beverage Control related to the division's enforcement of
46 any law or regulation related to the consumption or control of
47 alcoholic beverages under its jurisdiction.

1 (3) An appeal to any approval, denial, revocation, or suspension
2 may be filed ¹【consistent with section 59 of P.L.1975, c.291
3 (C.40:55D-72), and other applicable provisions of the “Municipal
4 Land Use Law,” P.L.1975, c.291 (C.40:55D-1 et seq.), and:

5 the commencement of the 20-day limitation period in section 59
6 of P.L.1975, c.291 (C.40:55D-72) shall begin on that date that the
7 appellant knew or should have known of the approval, denial,
8 revocation, or suspension, and

9 the deadline by which a decision on an appeal is to be rendered
10 under section 60 of P.L.1975, c.291 (C.40:55D-73) shall be 60
11 days. The governing body of a municipality may adjust, by
12 ordinance or resolution, any other deadlines under the “Municipal
13 Land Use Law,” P.L.1975, c.291 (C.40:55D-1 et seq.) with respect
14 to the filing of such appeal so as to allow compliance with this 60-
15 day limitation】 through the municipal clerk with the governing body
16 of the municipality. The governing body, or its designee, shall
17 conduct a hearing and render a decision within 30 days of the filing of
18 the appeal. The governing body may designate a municipal official or
19 an attorney licensed in the State of New Jersey to serve as a hearing
20 officer in place of the governing body for the purpose of conducting
21 said hearing and rendering said decision¹.

22 Nothing in this act shall be construed to restrict the right of any
23 party to obtain a review by any court of competent jurisdiction,
24 according to law.

25 e. A municipality shall require that any restaurant, bar,
26 distillery, or brewery operating pursuant to this section shall follow,
27 maintain, and enforce protocols promulgated by the Commissioner
28 of Health or Executive Order of the Governor in response to the
29 COVID-19 public health emergency, concerning social distancing
30 and use of personal protective equipment during the period those
31 protocols are in effect.

32
33 3. a. Notwithstanding the provisions of any law to the
34 contrary, during the period that this section is in effect, the owners
35 and operators of restaurants, bars, distilleries, and breweries may
36 use public sidewalks as an extension of their business premises for
37 the purpose of conducting sales of food and beverages ¹【, including
38 alcoholic beverages if so licensed and permitted by Special Ruling
39 2020-10】¹.

40 b. The owner or operator of a restaurant, bar, distillery, or
41 brewery desiring to utilize public sidewalks as an extension of their
42 businesses shall file an application with the municipal zoning
43 officer that includes: (1) a plan, sketch, picture, or drawing that
44 depicts the design, dimensional boundaries, and placement of tents,
45 canopies, umbrellas, tables, chairs, and other fixtures of the public
46 sidewalks; and (2) a plan for the control of litter, the removal and

1 storage of garbage, and the cleaning of fixtures and public
2 sidewalks.

3 c. A municipality may require that an applicant provide one or
4 more of the following: (1) written consent of the owner of the
5 premises, if other than the applicant, (2) an insurance certificate
6 naming the municipality as an additional insured, with general
7 liability on an occurrence with a limit of liability of at least
8 \$1,000,000, with respect to losses arising solely from the operation
9 of the outdoor dining facility located on public sidewalks, or (3) an
10 indemnification agreement with the municipality with respect to
11 losses arising solely from the operation of the outdoor dining
12 facility on public sidewalks.

13 d. (1) The zoning officer shall issue an approval to the
14 applicant within 15 business days of the application being submitted
15 and deemed complete provided that the applicant meets and abides
16 by all qualifications and requirements of this act, with the exception
17 that the zoning officer may deny an application based on current
18 violations of any other health, safety, fire, permitted use, or zoning
19 regulation, or upon any applicable law permitting the denial of a
20 zoning permit that is not otherwise directly superseded by this
21 section or Special Ruling No. 2020-10. An application under this
22 section shall not be considered a variance under the “Municipal
23 Land Use Law,” P.L.1975, c.291 (C.40:55D-1 et seq.).

24 (2) A municipality may deny, revoke, or temporarily suspend
25 the permit of any applicant or permittee that violates, or is not in
26 compliance with, any provision of this act or any provision of a law,
27 ordinance, or regulation related ¹to health, safety, fire, permitted
28 use, zoning, or¹ to the consumption or control of alcoholic
29 beverages not otherwise under the jurisdiction of the Division of
30 Alcoholic Beverage Control, and may also deny, revoke, or
31 temporarily suspend the permit of any applicant or permittee based
32 on any action taken against the applicant or permittee by the
33 Division of Alcoholic Beverage Control related to the division’s
34 enforcement of any law or regulation related to the consumption or
35 control of alcoholic beverages under its jurisdiction.

36 (3) An appeal to any approval, denial, revocation, or suspension
37 may be filed through the municipal clerk with the governing body
38 of the municipality. The governing body, or its designee, shall
39 conduct a hearing and render a decision within 30 days of the filing
40 of the appeal. The governing body may designate a municipal
41 official or an attorney licensed in the State of New Jersey to serve
42 as a hearing officer in place of the governing body for the purpose
43 of conducting said hearing and rendering said decision.

44 Nothing in this act shall be construed to restrict the right of any
45 party to obtain a review by any court of competent jurisdiction,
46 according to law.

47 e. Owners and operators of restaurants, bars, distilleries, or
48 breweries desiring to utilize ¹【outdoor spaces】public sidewalks¹ are

1 subject to the following conditions: (1) a walking path not less than
2 four feet wide must be maintained on the public sidewalk at all
3 times so as to not obstruct pedestrian traffic; (2) all fixtures must be
4 removed from public sidewalks at the conclusion of each day, if so
5 required by the municipality; and (3) the municipality reserves the
6 right to order the temporary suspension of outdoor dining and the
7 removal of all fixtures from public sidewalks due to road or utility
8 construction, predicted high winds or severe weather, predicted
9 snow or ice storms, the need to remove snow or ice from the
10 sidewalks, or any other public emergency that may arise.

11 f. Municipalities shall require that any restaurants, bars,
12 distilleries, or breweries operating pursuant to this section shall
13 follow, maintain, and enforce protocols promulgated by the
14 Commissioner of Health or Executive Order of the Governor in
15 response to the COVID-19 public health emergency, concerning
16 social distancing and use of personal protective equipment during
17 the period those protocols are in effect.

18

19 4. a. Notwithstanding the provisions of any other law to the
20 contrary, the expiration date of any COVID-19 Expansion Permit
21 issued by the Director of the Division of Alcoholic Beverage
22 Control pursuant to the provisions of Special Ruling No. 2020-10
23 shall be November 30, 2022 or the date on which indoor dining
24 resumes without capacity limitations pursuant to an executive order
25 issued by the Governor, whichever is later.

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

30 (1) failed to follow, maintain, and enforce protocols
31 promulgated by the Commissioner of Health or by Executive Order
32 of the Governor in response to the COVID-19 public health
33 emergency concerning social distancing and the use of personal
34 protective equipment; or

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

38 Any decision rendered, or action taken, by the Director of the
39 Division of Alcoholic Beverage Control as a result of an objection
40 filed by the governing body of the municipality pursuant to this
41 subsection shall be a final agency action subject to judicial review
42 in the Appellate Division of the Superior Court of New Jersey in
43 accordance with the Rules of Court.

44 c. Nothing in this act shall preclude or limit the authority
45 provided to the Director of the Division of Alcoholic Beverage
46 Control pursuant to the provisions of Title 33 of the Revised
47 Statutes or the exercise of such authority thereby.

1 5. A public sidewalk or an outdoor space shall be considered a
2 portion of the premises which is open to the public for the purposes
3 of section 5 of P.L.1999, c.90 (C.2C:33-27).

4
5 6. a. Notwithstanding any provision of this act to the contrary,
6 all other municipal ordinances pertaining to sanitation, property
7 maintenance, noise, business days and hours of operation, and days
8 and hours of service of alcoholic beverages shall apply, unless
9 specifically suspended or modified by the municipality or
10 specifically prohibited by the provisions of this section.

11 b. With respect to restaurants, bars, distilleries, and breweries
12 operating in outdoor spaces pursuant to section 2 of this act,
13 P.L. , c. (pending before the Legislature as this bill),
14 municipalities shall not prohibit or limit the days and hours of the
15 outdoor service of food and beverages, including alcoholic
16 beverages, except that municipalities may prohibit or limit
17 operations for the hours after 10:00 p.m. and between 12:00 a.m.
18 and 11:00 a.m. on Sundays through Wednesdays, and between
19 12:00 a.m. and 11:00 a.m. on Thursdays through Saturdays, with
20 the exception that a municipal ordinance prohibiting or limiting the
21 days and hours of indoor service of food and beverages, including
22 alcoholic beverages, which was in effect prior to March 1, 2020
23 may be applied to the outdoor service of food and beverages,
24 including alcoholic beverages, as a condition of the zoning approval
25 pursuant to section 2 of this act, P.L. , c. (pending before the
26 Legislature as this bill). This provision shall not be construed as
27 overruling or prohibiting the authority of a city of the first class to
28 impose more restrictive time restrictions or prohibit or limit the
29 days and hours of the outdoor service of food and beverages due to
30 increased positivity rate of COVID-19.

31 c. A municipality may either prohibit or limit the days and
32 hours of any live performances, including musical performances,
33 and the playing or projection of any content from a recording,
34 streaming service or television, cable or internet broadcasting
35 service in outdoor spaces or on public sidewalks as a condition of
36 the zoning approval pursuant to sections 2 and 3 of this act,
37 P.L. , c. (pending before the Legislature as this bill).

38 ¹[d. A municipality may deny, revoke, or temporarily suspend,
39 the outdoor dining activity of any establishment that violates, or is
40 not in compliance with, any provision of this act or any provision of
41 a law, ordinance, or regulation related to the consumption or control
42 of alcoholic beverages.

43 e. Notwithstanding the provisions of this section, a
44 municipality may by resolution opt to waive any or all requirements
45 of this section.]¹

46
47 7. Nothing in this act shall be interpreted or construed as
48 permitting or mandating the opening, expansion, or resumption of

1 unlimited operations of a restaurant, bar, or brewery that is closed,
2 whether permanently or temporarily, or operating subject to
3 limitations on its operations, service, or hours, as a result of
4 disciplinary or legal sanctions imposed by, or entering into a
5 settlement agreement with, a court of the State of New Jersey, a
6 municipal court, the New Jersey Department of Law and Public
7 Safety, the New Jersey Division of Alcoholic Beverage Control, or
8 a municipal governing body acting as a local alcoholic beverage
9 control board, as applicable.

10
11 8. Nothing in this act permits the use of State-owned right of way
12 for the purposes of outdoor dining. Permits for the use of the State
13 right of way will be issued upon application and approval of the New
14 Jersey Department of Transportation. For the purposes of locally-
15 owned roads that intersect the State highway system, setbacks from the
16 State right of way line will be 50 feet from April 1 to October 31, and
17 100 feet from November 1 to March 31.

18
19 9. a. As used in this section:

20 “Roadside farm stand” means a location owned by a single
21 farmer or producer at which the farmer or producer sells
22 agricultural products only from the farmer’s or producer’s farm
23 directly to consumers.

24 “Seasonal farm market” means a premises or facility utilized for
25 the primary purpose of selling predominately agricultural or
26 horticultural products, and which is annually closed to business
27 during an off-season for a period of not less than 90 continuous
28 days.

29 b. The Director of the Division of Alcoholic Beverage Control
30 may, in accordance with regulations or a special ruling issued
31 pursuant to this section, issue to the holder of a limited brewery
32 license, restricted brewery license, craft distillery license, plenary
33 winery license, farm winery license, or cidery and meadery license,
34 as established pursuant to R.S.33:1-10, a daily or annual permit to
35 sell any of the licensee’s products ‘in original containers’¹ at a
36 seasonal farm market for consumption off of the premises of the
37 seasonal farm market. The licensee shall obtain a separate permit
38 for each seasonal farm market at which the licensee intends to sell
39 its products. The director shall not issue a permit pursuant to this
40 section for use in connection with a roadside farm stand.

41 c. Subject to regulation or special ruling, a licensee issued a
42 permit pursuant to this section may:

43 (1) transport the licensee’s products in original containers for
44 the purpose of selling them at a seasonal farm market; and

45 (2) offer samples for sampling purposes to persons of the legal
46 age to consume alcoholic beverages in the amounts authorized
47 pursuant to R.S.33:1-10 during each day the seasonal farm market is
48 operating.

1 d. A daily permit shall be valid for the hours during which a
2 seasonal farm market is open within the 24-hour period for which
3 the daily permit is issued. An annual permit shall be valid for one
4 year from the date of issuance. The director may renew a permit,
5 provided the permit holder continues to hold a limited brewery
6 license, restricted brewery license, craft distillery license, plenary
7 winery license, farm winery license, or cidery and meadery license,
8 as applicable.

9 e. Notwithstanding any law or regulation to the contrary, the
10 director may establish a fee, in an amount determined by the
11 director, for the issuance and renewal of a permit under this section.

12 f. The Director of the Division of Alcoholic Beverage Control
13 shall issue a special ruling or adopt regulations necessary to
14 effectuate the purposes of this section. Regulations shall be
15 effective immediately upon filing with the Office of Administrative
16 Law for a period not to exceed 18 months, and may, thereafter, be
17 amended, adopted or readopted in accordance with the provisions of
18 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
19 1 et seq.).

20

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

26

27

28

29

30 Expands opportunities for restaurants, bars, distilleries, and
31 breweries to provide outdoor dining and permits certain sales at
32 seasonal farm markets in response to COVID-19 public health
33 emergency.

SENATE, No. 3340

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 7, 2021

Sponsored by:

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

Senator NELLIE POU

District 35 (Bergen and Passaic)

Senator VIN GOPAL

District 11 (Monmouth)

Senator NILSA I. CRUZ-PEREZ

District 5 (Camden and Gloucester)

Co-Sponsored by:

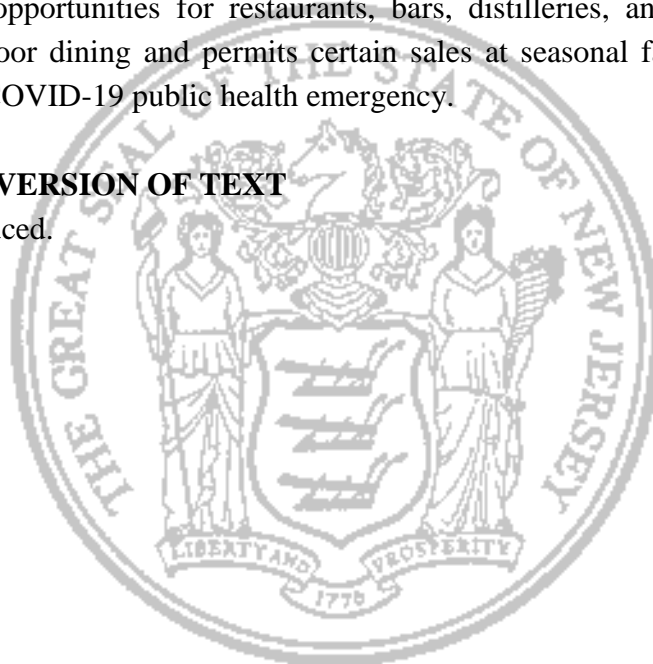
Senators Addiego, Bateman, Brown, A.M.Bucco, Corrado, Doherty, Holzapfel, T.Kean, Oroho, O'Scanlon, Pennacchio, Scutari, Singleton, Singer, B.Smith, Testa, Thompson and Turner

SYNOPSIS

Expands opportunities for restaurants, bars, distilleries, and breweries to provide outdoor dining and permits certain sales at seasonal farm markets in response to COVID-19 public health emergency.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/11/2021)

1 AN ACT creating opportunities for restaurants, bars, distilleries, and
2 breweries to adjust operations in response to the COVID-19
3 public health emergency through expanded outdoor dining; and
4 by permitting certain sales at seasonal farm markets.

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

8
9 1. As used in this act, P.L. , c. (pending before the
10 Legislature as this bill), and only for the purposes 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 of
21 the owner or operator of the business premises.

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

25 “Special Ruling No. 2020-10” means Special Ruling No. 2020-
26 10, issued by the acting director of the Division of Alcoholic
27 Beverage Control on June 3, 2020.

28
29 2. a. Notwithstanding the provisions of any law to the
30 contrary, during the period that this section is in effect, the owner or
31 operator of a restaurant, bar, distillery, or brewery may use outdoor
32 spaces which they own or lease and which are located either on, or
33 adjacent to, their business premises, as an extension of their
34 business premises for the purpose of conducting sales of food and
35 beverages, including alcoholic beverages if so licensed and
36 permitted by Special Ruling No. 2020-10.

37 b. The owner or operator of a restaurant, bar, distillery, or
38 brewery desiring to utilize outdoor spaces as an extension of their
39 businesses shall file an application with the municipal zoning
40 officer that includes: (1) a plan, sketch, picture, or drawing that
41 depicts the design, dimensional boundaries, and placement of tents,
42 canopies, umbrellas, tables, chairs, and other fixtures of the outdoor
43 spaces; and (2) a plan for the control of litter, the removal and
44 storage of garbage, and the cleaning of fixtures and grounds. If a
45 business premises’ parking lot is used for the service and sale of
46 either food or beverages, or both, including, but not limited to,
47 alcoholic beverages if so licensed, the restaurant, bar, distillery, or
48 brewery shall not encumber more than 75 percent of the lot’s total

1 parking spaces for such service and sale, unless the parking lot
2 contains less than eight parking spaces, and shall maintain at least
3 one handicapped parking space in the parking lot.

4 c. A municipality may require that an applicant provide one or
5 more of the following: (1) written consent of the owner of the
6 premises, if other than the applicant, (2) an insurance certificate
7 naming the municipality as an additional insured, with general
8 liability on an occurrence with a limit of liability of at least
9 \$1,000,000, with respect to losses arising solely from the operation
10 of the outdoor dining facility, or (3) an indemnification agreement
11 with the municipality with respect to losses arising solely from the
12 operation of the outdoor dining facility.

13 d. (1) The zoning officer shall issue an approval to the
14 applicant within 15 business days of the application being submitted
15 and deemed complete provided that the applicant meets and abides
16 by all qualifications and requirements of this act, with the exception
17 that the zoning officer may deny an application based on current
18 violations of any other health, safety, fire, permitted use, or zoning
19 regulation, or upon any applicable law permitting the denial of a
20 zoning permit, that is not otherwise directly superseded by this
21 section or Special Ruling No. 2020-10. An application under this
22 section shall not be considered a variance under the "Municipal
23 Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).

24 (2) A municipality may deny, revoke, or temporarily suspend
25 the permit of any applicant or permittee that violates, or is not in
26 compliance with, any provision of this act or any provision of a law,
27 ordinance, or regulation related to the consumption or control of
28 alcoholic beverages not otherwise under the jurisdiction of the
29 Division of Alcoholic Beverage Control, and may also deny,
30 revoke, or temporarily suspend the permit of any applicant or
31 permittee based on any action taken against the applicant or
32 permittee by the Division of Alcoholic Beverage Control related to
33 the division's enforcement of any law or regulation related to the
34 consumption or control of alcoholic beverages under its
35 jurisdiction.

36 (3) An appeal to any approval, denial, revocation, or suspension
37 may be filed consistent with section 59 of P.L.1975, c.291
38 (C.40:55D-72), and other applicable provisions of the "Municipal
39 Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.), and:

40 the commencement of the 20-day limitation period in section 59
41 of P.L.1975, c.291 (C.40:55D-72) shall begin on that date that the
42 appellant knew or should have known of the approval, denial,
43 revocation, or suspension, and

44 the deadline by which a decision on an appeal is to be rendered
45 under section 60 of P.L.1975, c.291 (C.40:55D-73) shall be 60
46 days. The governing body of a municipality may adjust, by
47 ordinance or resolution, any other deadlines under the "Municipal
48 Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) with respect

1 to the filing of such appeal so as to allow compliance with this 60-
2 day limitation.

3 Nothing in this act shall be construed to restrict the right of any
4 party to obtain a review by any court of competent jurisdiction,
5 according to law.

6 e. A municipality shall require that any restaurant, bar,
7 distillery, or brewery operating pursuant to this section shall follow,
8 maintain, and enforce protocols promulgated by the Commissioner
9 of Health or Executive Order of the Governor in response to the
10 COVID-19 public health emergency, concerning social distancing
11 and use of personal protective equipment during the period those
12 protocols are in effect.

13
14 3. a. Notwithstanding the provisions of any law to the
15 contrary, during the period that this section is in effect, the owners
16 and operators of restaurants, bars, distilleries, and breweries may
17 use public sidewalks as an extension of their business premises for
18 the purpose of conducting sales of food and beverages, including
19 alcoholic beverages if so licensed and permitted by Special Ruling
20 2020-10.

21 b. The owner or operator of a restaurant, bar, distillery, or
22 brewery desiring to utilize public sidewalks as an extension of their
23 businesses shall file an application with the municipal zoning
24 officer that includes: (1) a plan, sketch, picture, or drawing that
25 depicts the design, dimensional boundaries, and placement of tents,
26 canopies, umbrellas, tables, chairs, and other fixtures of the public
27 sidewalks; and (2) a plan for the control of litter, the removal and
28 storage of garbage, and the cleaning of fixtures and public
29 sidewalks.

30 c. A municipality may require that an applicant provide one or
31 more of the following: (1) written consent of the owner of the
32 premises, if other than the applicant, (2) an insurance certificate
33 naming the municipality as an additional insured, with general
34 liability on an occurrence with a limit of liability of at least
35 \$1,000,000, with respect to losses arising solely from the operation
36 of the outdoor dining facility located on public sidewalks, or (3) an
37 indemnification agreement with the municipality with respect to
38 losses arising solely from the operation of the outdoor dining
39 facility on public sidewalks.

40 d. (1) The zoning officer shall issue an approval to the
41 applicant within 15 business days of the application being submitted
42 and deemed complete provided that the applicant meets and abides
43 by all qualifications and requirements of this act, with the exception
44 that the zoning officer may deny an application based on current
45 violations of any other health, safety, fire, permitted use, or zoning
46 regulation, or upon any applicable law permitting the denial of a
47 zoning permit that is not otherwise directly superseded by this
48 section or Special Ruling No. 2020-10. An application under this

1 section shall not be considered a variance under the “Municipal
2 Land Use Law,” P.L.1975, c.291 (C.40:55D-1 et seq.).

3 (2) A municipality may deny, revoke, or temporarily suspend
4 the permit of any applicant or permittee that violates, or is not in
5 compliance with, any provision of this act or any provision of a law,
6 ordinance, or regulation related to the consumption or control of
7 alcoholic beverages not otherwise under the jurisdiction of the
8 Division of Alcoholic Beverage Control, and may also deny,
9 revoke, or temporarily suspend the permit of any applicant or
10 permittee based on any action taken against the applicant or
11 permittee by the Division of Alcoholic Beverage Control related to
12 the division’s enforcement of any law or regulation related to the
13 consumption or control of alcoholic beverages under its
14 jurisdiction.

15 (3) An appeal to any approval, denial, revocation, or suspension
16 may be filed through the municipal clerk with the governing body
17 of the municipality. The governing body, or its designee, shall
18 conduct a hearing and render a decision within 30 days of the filing
19 of the appeal. The governing body may designate a municipal
20 official or an attorney licensed in the State of New Jersey to serve
21 as a hearing officer in place of the governing body for the purpose
22 of conducting said hearing and rendering said decision.

23 Nothing in this act shall be construed to restrict the right of any
24 party to obtain a review by any court of competent jurisdiction,
25 according to law.

26 e. Owners and operators of restaurants, bars, distilleries, or
27 breweries desiring to utilize outdoor spaces are subject to the
28 following conditions: (1) a walking path not less than four feet
29 wide must be maintained on the public sidewalk at all times so as to
30 not obstruct pedestrian traffic; (2) all fixtures must be removed
31 from public sidewalks at the conclusion of each day, if so required
32 by the municipality; and (3) the municipality reserves the right to
33 order the temporary suspension of outdoor dining and the removal
34 of all fixtures from public sidewalks due to road or utility
35 construction, predicted high winds or severe weather, predicted
36 snow or ice storms, the need to remove snow or ice from the
37 sidewalks, or any other public emergency that may arise.

38 f. Municipalities shall require that any restaurants, bars,
39 distilleries, or breweries operating pursuant to this section shall
40 follow, maintain, and enforce protocols promulgated by the
41 Commissioner of Health or Executive Order of the Governor in
42 response to the COVID-19 public health emergency, concerning
43 social distancing and use of personal protective equipment during
44 the period those protocols are in effect.

45

46 4. a. Notwithstanding the provisions of any other law to the
47 contrary, the expiration date of any COVID-19 Expansion Permit
48 issued by the Director of the Division of Alcoholic Beverage

1 Control pursuant to the provisions of Special Ruling No. 2020-10
2 shall be November 30, 2022 or the date on which indoor dining
3 resumes without capacity limitations pursuant to an executive order
4 issued by the Governor, whichever is later.

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

9 (1) failed to follow, maintain, and enforce protocols
10 promulgated by the Commissioner of Health or by Executive Order
11 of the Governor in response to the COVID-19 public health
12 emergency concerning social distancing and the use of personal
13 protective equipment; or

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

17 Any decision rendered, or action taken, by the Director of the
18 Division of Alcoholic Beverage Control as a result of an objection
19 filed by the governing body of the municipality pursuant to this
20 subsection shall be a final agency action subject to judicial review
21 in the Appellate Division of the Superior Court of New Jersey in
22 accordance with the Rules of Court.

23 c. Nothing in this act shall preclude or limit the authority
24 provided to the Director of the Division of Alcoholic Beverage
25 Control pursuant to the provisions of Title 33 of the Revised
26 Statutes or the exercise of such authority thereby.

27
28 5. A public sidewalk or an outdoor space shall be considered a
29 portion of the premises which is open to the public for the purposes
30 of section 5 of P.L.1999, c.90 (C.2C:33-27).

31
32 6. a. Notwithstanding any provision of this act to the contrary,
33 all other municipal ordinances pertaining to sanitation, property
34 maintenance, noise, business days and hours of operation, and days
35 and hours of service of alcoholic beverages shall apply, unless
36 specifically suspended or modified by the municipality or
37 specifically prohibited by the provisions of this section.

38 b. With respect to restaurants, bars, distilleries, and breweries
39 operating in outdoor spaces pursuant to section 2 of this act,
40 P.L. , c. (pending before the Legislature as this bill),
41 municipalities shall not prohibit or limit the days and hours of the
42 outdoor service of food and beverages, including alcoholic
43 beverages, except that municipalities may prohibit or limit
44 operations for the hours after 10:00 p.m. and between 12:00 a.m.
45 and 11:00 a.m. on Sundays through Wednesdays, and between
46 12:00 a.m. and 11:00 a.m. on Thursdays through Saturdays, with
47 the exception that a municipal ordinance prohibiting or limiting the
48 days and hours of indoor service of food and beverages, including

1 alcoholic beverages, which was in effect prior to March 1, 2020
2 may be applied to the outdoor service of food and beverages,
3 including alcoholic beverages, as a condition of the zoning approval
4 pursuant to section 2 of this act, P.L. , c. (pending before the
5 Legislature as this bill). This provision shall not be construed as
6 overruling or prohibiting the authority of a city of the first class to
7 impose more restrictive time restrictions or prohibit or limit the
8 days and hours of the outdoor service of food and beverages due to
9 increased positivity rate of COVID-19.

10 c. A municipality may either prohibit or limit the days and
11 hours of any live performances, including musical performances,
12 and the playing or projection of any content from a recording,
13 streaming service or television, cable or internet broadcasting
14 service in outdoor spaces or on public sidewalks as a condition of
15 the zoning approval pursuant to sections 2 and 3 of this act,
16 P.L. , c. (pending before the Legislature as this bill).

17 d. A municipality may deny, revoke, or temporarily suspend,
18 the outdoor dining activity of any establishment that violates, or is
19 not in compliance with, any provision of this act or any provision of
20 a law, ordinance, or regulation related to the consumption or control
21 of alcoholic beverages.

22 e. Notwithstanding the provisions of this section, a
23 municipality may by resolution opt to waive any or all requirements
24 of this section.

25

26 7. Nothing in this act shall be interpreted or construed as
27 permitting or mandating the opening, expansion, or resumption of
28 unlimited operations of a restaurant, bar, or brewery that is closed,
29 whether permanently or temporarily, or operating subject to
30 limitations on its operations, service, or hours, as a result of
31 disciplinary or legal sanctions imposed by, or entering into a
32 settlement agreement with, a court of the State of New Jersey, a
33 municipal court, the New Jersey Department of Law and Public
34 Safety, the New Jersey Division of Alcoholic Beverage Control, or
35 a municipal governing body acting as a local alcoholic beverage
36 control board, as applicable.

37

38 8. Nothing in this act permits the use of State-owned right of way
39 for the purposes of outdoor dining. Permits for the use of the State
40 right of way will be issued upon application and approval of the New
41 Jersey Department of Transportation. For the purposes of locally-
42 owned roads that intersect the State highway system, setbacks from the
43 State right of way line will be 50 feet from April 1 to October 31, and
44 100 feet from November 1 to March 31.

45

46 9. a. As used in this section:

47 “Roadside farm stand” means a location owned by a single
48 farmer or producer at which the farmer or producer sells

1 agricultural products only from the farmer's or producer's farm
2 directly to consumers.

3 "Seasonal farm market" means a premises or facility utilized for
4 the primary purpose of selling predominately agricultural or
5 horticultural products, and which is annually closed to business
6 during an off-season for a period of not less than 90 continuous
7 days.

8 b. The Director of the Division of Alcoholic Beverage Control
9 may, in accordance with regulations or a special ruling issued
10 pursuant to this section, issue to the holder of a limited brewery
11 license, restricted brewery license, craft distillery license, plenary
12 winery license, farm winery license, or cidery and meadery license,
13 as established pursuant to R.S.33:1-10, a daily or annual permit to
14 sell any of the licensee's products at a seasonal farm market for
15 consumption off of the premises of the seasonal farm market. The
16 licensee shall obtain a separate permit for each seasonal farm
17 market at which the licensee intends to sell its products. The
18 director shall not issue a permit pursuant to this section for use in
19 connection with a roadside farm stand.

20 c. Subject to regulation or special ruling, a licensee issued a
21 permit pursuant to this section may:

22 (1) transport the licensee's products in original containers for
23 the purpose of selling them at a seasonal farm market; and

24 (2) offer samples for sampling purposes to persons of the legal
25 age to consume alcoholic beverages in the amounts authorized
26 pursuant to R.S.33:1-10 during each day the seasonal farm market is
27 operating.

28 d. A daily permit shall be valid for the hours during which a
29 seasonal farm market is open within the 24-hour period for which
30 the daily permit is issued. An annual permit shall be valid for one
31 year from the date of issuance. The director may renew a permit,
32 provided the permit holder continues to hold a limited brewery
33 license, restricted brewery license, craft distillery license, plenary
34 winery license, farm winery license, or cidery and meadery license,
35 as applicable.

36 e. Notwithstanding any law or regulation to the contrary, the
37 director may establish a fee, in an amount determined by the
38 director, for the issuance and renewal of a permit under this section.

39 f. The Director of the Division of Alcoholic Beverage Control
40 shall issue a special ruling or adopt regulations necessary to
41 effectuate the purposes of this section. Regulations shall be
42 effective immediately upon filing with the Office of Administrative
43 Law for a period not to exceed 18 months, and may, thereafter, be
44 amended, adopted or readopted in accordance with the provisions of
45 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
46 1 et seq.).

1 10. This act shall take effect on the 30th day following
2 enactment and sections 1 through 8 shall expire on November 30,
3 2022 or on the date of the resumption, pursuant to an executive
4 order issued by the Governor, of indoor dining without capacity
5 limitations, whichever is later.

6

7

8

STATEMENT

9

10 This bill would create opportunities for restaurants, bars,
11 distilleries, breweries, and farms to adjust operations in response to the
12 COVID-19 public health emergency until November 30, 2022.

13 The bill would allow the owners and operators of restaurants, bars,
14 distilleries, or breweries to use outdoor spaces which they own or lease
15 and which are located on, or adjacent to, their business premises, as an
16 extension of their business premises for the purpose of conducting
17 sales of food and beverages, including alcoholic beverages if so
18 licensed. The bill defines “outdoor spaces” as including patios and
19 decks, both covered and uncovered, yards, walkways, and parking lots,
20 or a portion thereof. The bill would also allow the owners and
21 operators of those establishments to use public sidewalks, as defined in
22 the bill, as an extension of their business premises for that purpose, as
23 well.

24 The bill requires owners and operators of those establishments
25 seeking to utilize outdoor spaces or public sidewalks as extensions of
26 their business premises pursuant to the provisions of the bill to file an
27 application with the municipal zoning officer, including information
28 concerning the use of the outdoor spaces or public sidewalks, as
29 appropriate, pursuant to the requirements set forth in the bill.

30 The bill requires the Director of the Division of Alcoholic
31 Beverage Control in the Department of Law and Public Safety to
32 extend the provisions of Special Ruling 2020-10 issued by the
33 acting director of the Division of Alcoholic Beverage Control on
34 June 3, 2020 so that those provisions shall expire on November 30,
35 2022.

36 The bill also would allow the Director of the Division of Alcoholic
37 Beverage Control in the Department of Law and Public Safety to issue
38 to the holder of a limited brewery license, restricted brewery license,
39 craft distillery license, plenary winery license, farm winery license, or
40 cidery and meadery license, a daily or annual permit to sell any of the
41 licensee’s products at a seasonal farm market for consumption off the
42 premises of the seasonal farm market. The bill would require the
43 director to issue a separate permit for each seasonal farm market at
44 which the licensee’s products are intended to be sold. Creating these
45 permits will provide these businesses with additional opportunities to
46 sell their products and increased revenue from those sales.

S3340 SARLO, POU

10

1 The provisions of the bill, except for those related to daily and
2 annual permits for certain sales at seasonal farm markets, would
3 expire on November 30, 2022.

STATEMENT TO
SENATE, No. 3340

with Assembly Floor Amendments
(Proposed by Assemblyman FREIMAN)

ADOPTED: JANUARY 11, 2021

These floor amendments make the following changes to the bill:

in section 2, remove language in subsections a. and b. relating to Special Ruling 2020-10, in paragraph (2) of subsection d., provide uniform reference for the use of public sidewalks, and add language permitting a municipality to deny, revoke, or temporarily suspend the permit of any applicant or permittee that violates, or is not in compliance with, any provision of the bill or any provision of a law, ordinance, or regulation related to health, safety, fire, permitted use, or zoning, and in paragraph (3) of subsection d. to make the language concerning the appeal of a denial of a permit to mirror the language in paragraph (3) of subsection d of section 3;

in section 3, remove language in subsection a. relating to Special Ruling 2020-10, and in paragraph (2) of subsection d., add language permitting a municipality to deny, revoke, or temporarily suspend the permit of any applicant or permittee that violates, or is not in compliance with, any provision of the bill or any provision of a law, ordinance, or regulation related to health, safety, fire, permitted use, or zoning;

in section 6, remove subsections d. and e. which permit a municipality to deny, revoke, or temporarily suspend, the outdoor dining activity of any establishment that violates, or is not in compliance with the bill or with any provision of a law, ordinance, or regulation related to the consumption or control of alcoholic beverages, and permit a municipality to waive any or all of the section's requirements;

in section 9, clarify that a licensee's products sold at a seasonal farm market must be sold in original containers.

ASSEMBLY, No. 5246

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 7, 2021

Sponsored by:

Assemblyman ROY FREIMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblyman VINCENT MAZZEO

District 2 (Atlantic)

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

Co-Sponsored by:

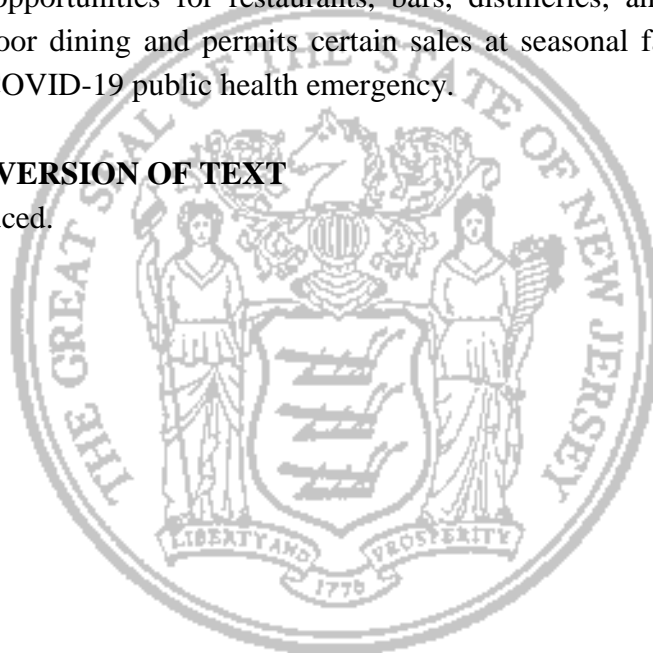
Assemblyman Tully, Assemblywoman Swain, Assemblymen Wirths, Space, Assemblywomen DiMaso, Vainieri Huttler, Chaparro, Lopez and Downey

SYNOPSIS

Expands opportunities for restaurants, bars, distilleries, and breweries to provide outdoor dining and permits certain sales at seasonal farm markets in response to COVID-19 public health emergency.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/11/2021)

1 AN ACT creating opportunities for restaurants, bars, distilleries, and
2 breweries to adjust operations in response to the COVID-19
3 public health emergency through expanded outdoor dining; and
4 by permitting certain sales at seasonal farm markets
5

6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:
8

9 1. As used in this act, P.L. , c. (pending before the
10 Legislature as this bill), and only for the purposes 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 of
21 the owner or operator of the business premises.

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

25 “Special Ruling No. 2020-10” means Special Ruling No. 2020-
26 10, issued by the acting director of the Division of Alcoholic
27 Beverage Control on June 3, 2020.
28

29 2. a. Notwithstanding the provisions of any law to the
30 contrary, during the period that this section is in effect, the owner or
31 operator of a restaurant, bar, distillery, or brewery may use outdoor
32 spaces which they own or lease and which are located either on, or
33 adjacent to, their business premises, as an extension of their
34 business premises for the purpose of conducting sales of food and
35 beverages, including alcoholic beverages if so licensed and
36 permitted by Special Ruling No. 2020-10.

37 b. The owner or operator of a restaurant, bar, distillery, or
38 brewery desiring to utilize outdoor spaces as an extension of their
39 businesses shall file an application with the municipal zoning
40 officer that includes: (1) a plan, sketch, picture, or drawing that
41 depicts the design, dimensional boundaries, and placement of tents,
42 canopies, umbrellas, tables, chairs, and other fixtures of the outdoor
43 spaces; and (2) a plan for the control of litter, the removal and
44 storage of garbage, and the cleaning of fixtures and grounds. If a
45 business premises’ parking lot is used for the service and sale of
46 either food or beverages, or both, including, but not limited to,
47 alcoholic beverages if so licensed, the restaurant, bar, distillery, or
48 brewery shall not encumber more than 75 percent of the lot’s total

1 parking spaces for such service and sale, unless the parking lot
2 contains less than eight parking spaces, and shall maintain at least
3 one handicapped parking space in the parking lot.

4 c. A municipality may require that an applicant provide one or
5 more of the following: (1) written consent of the owner of the
6 premises, if other than the applicant, (2) an insurance certificate
7 naming the municipality as an additional insured, with general
8 liability on an occurrence with a limit of liability of at least
9 \$1,000,000, with respect to losses arising solely from the operation
10 of the outdoor dining facility, or (3) an indemnification agreement
11 with the municipality with respect to losses arising solely from the
12 operation of the outdoor dining facility.

13 d. (1) The zoning officer shall issue an approval to the
14 applicant within 15 business days of the application being submitted
15 and deemed complete provided that the applicant meets and abides
16 by all qualifications and requirements of this act, with the exception
17 that the zoning officer may deny an application based on current
18 violations of any other health, safety, fire, permitted use, or zoning
19 regulation, or upon any applicable law permitting the denial of a
20 zoning permit, that is not otherwise directly superseded by this
21 section or Special Ruling No. 2020-10. An application under this
22 section shall not be considered a variance under the "Municipal
23 Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).

24 (2) A municipality may deny, revoke, or temporarily suspend
25 the permit of any applicant or permittee that violates, or is not in
26 compliance with, any provision of this act or any provision of a law,
27 ordinance, or regulation related to the consumption or control of
28 alcoholic beverages not otherwise under the jurisdiction of the
29 Division of Alcoholic Beverage Control, and may also deny,
30 revoke, or temporarily suspend the permit of any applicant or
31 permittee based on any action taken against the applicant or
32 permittee by the Division of Alcoholic Beverage Control related to
33 the division's enforcement of any law or regulation related to the
34 consumption or control of alcoholic beverages under its
35 jurisdiction.

36 (3) An appeal to any approval, denial, revocation, or suspension
37 may be filed through the municipal clerk with the governing body
38 of the municipality. The governing body, or its designee, shall
39 conduct a hearing and render a decision within 30 days of the filing
40 of the appeal. The governing body may designate a municipal
41 official or an attorney licensed in the State of New Jersey to serve
42 as a hearing officer in place of the governing body for the purpose
43 of conducting said hearing and rendering said decision.

44 Nothing in this act shall be construed to restrict the right of any
45 party to obtain a review by any court of competent jurisdiction,
46 according to law.

47 e. A municipality shall require that any restaurant, bar,
48 distillery, or brewery operating pursuant to this section shall follow,

1 maintain, and enforce protocols promulgated by the Commissioner
2 of Health or Executive Order of the Governor in response to the
3 COVID-19 public health emergency, concerning social distancing
4 and use of personal protective equipment during the period those
5 protocols are in effect.

6
7 3. a. Notwithstanding the provisions of any law to the
8 contrary, during the period that this section is in effect, the owners
9 and operators of restaurants, bars, distilleries, and breweries may
10 use public sidewalks as an extension of their business premises for
11 the purpose of conducting sales of food and beverages, including
12 alcoholic beverages if so licensed and permitted by Special Ruling
13 2020-10.

14 b. The owner or operator of a restaurant, bar, distillery, or
15 brewery desiring to utilize public sidewalks as an extension of their
16 businesses shall file an application with the municipal zoning
17 officer that includes: (1) a plan, sketch, picture, or drawing that
18 depicts the design, dimensional boundaries, and placement of tents,
19 canopies, umbrellas, tables, chairs, and other fixtures of the public
20 sidewalks; and (2) a plan for the control of litter, the removal and
21 storage of garbage, and the cleaning of fixtures and public
22 sidewalks.

23 c. A municipality may require that an applicant provide one or
24 more of the following: (1) written consent of the owner of the
25 premises, if other than the applicant, (2) an insurance certificate
26 naming the municipality as an additional insured, with general
27 liability on an occurrence with a limit of liability of at least
28 \$1,000,000, with respect to losses arising solely from the operation
29 of the outdoor dining facility located on public sidewalks, or (3) an
30 indemnification agreement with the municipality with respect to
31 losses arising solely from the operation of the outdoor dining
32 facility on public sidewalks.

33 d. (1) The zoning officer shall issue an approval to the
34 applicant within 15 business days of the application being submitted
35 and deemed complete provided that the applicant meets and abides
36 by all qualifications and requirements of this act, with the exception
37 that the zoning officer may deny an application based on current
38 violations of any other health, safety, fire, permitted use, or zoning
39 regulation, or upon any applicable law permitting the denial of a
40 zoning permit that is not otherwise directly superseded by this
41 section or Special Ruling No. 2020-10. An application under this
42 section shall not be considered a variance under the "Municipal
43 Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).

44 (2) A municipality may deny, revoke, or temporarily suspend
45 the permit of any applicant or permittee that violates, or is not in
46 compliance with, any provision of this act or any provision of a law,
47 ordinance, or regulation related to the consumption or control of
48 alcoholic beverages not otherwise under the jurisdiction of the

1 Division of Alcoholic Beverage Control, and may also deny,
2 revoke, or temporarily suspend the permit of any applicant or
3 permittee based on any action taken against the applicant or
4 permittee by the Division of Alcoholic Beverage Control related to
5 the division's enforcement of any law or regulation related to the
6 consumption or control of alcoholic beverages under its
7 jurisdiction.

8 (3) An appeal to any approval, denial, revocation, or suspension
9 may be filed through the municipal clerk with the governing body
10 of the municipality. The governing body, or its designee, shall
11 conduct a hearing and render a decision within 30 days of the filing
12 of the appeal. The governing body may designate a municipal
13 official or an attorney licensed in the State of New Jersey to serve
14 as a hearing officer in place of the governing body for the purpose
15 of conducting said hearing and rendering said decision.

16 Nothing in this act shall be construed to restrict the right of any
17 party to obtain a review by any court of competent jurisdiction,
18 according to law.

19 e. Owners and operators of restaurants, bars, distilleries, or
20 breweries desiring to utilize outdoor spaces are subject to the
21 following conditions: (1) a walking path not less than four feet
22 wide must be maintained on the public sidewalk at all times so as to
23 not obstruct pedestrian traffic; (2) all fixtures must be removed
24 from public sidewalks at the conclusion of each day, if so required
25 by the municipality; and (3) the municipality reserves the right to
26 order the temporary suspension of outdoor dining and the removal
27 of all fixtures from public sidewalks due to road or utility
28 construction, predicted high winds or severe weather, predicted
29 snow or ice storms, the need to remove snow or ice from the
30 sidewalks, or any other public emergency that may arise.

31 f. Municipalities shall require that any restaurants, bars,
32 distilleries, or breweries operating pursuant to this section shall
33 follow, maintain, and enforce protocols promulgated by the
34 Commissioner of Health or Executive Order of the Governor in
35 response to the COVID-19 public health emergency, concerning
36 social distancing and use of personal protective equipment during
37 the period those protocols are in effect.

38

39 4. a. Notwithstanding the provisions of any other law to the
40 contrary, the expiration date of any COVID-19 Expansion Permit
41 issued by the Director of the Division of Alcoholic Beverage
42 Control pursuant to the provisions of Special Ruling No. 2020-10
43 shall be November 30, 2022 or the date on which indoor dining
44 resumes without capacity limitations pursuant to an executive order
45 issued by the Governor, whichever is later.

46 b. The governing body of a municipality may file with the
47 Division of Alcoholic Beverage Control an objection to the

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

22 5. A public sidewalk or an outdoor space shall be considered a
23 portion of the premises which is open to the public for the purposes
24 of section 5 of P.L.1999, c.90 (C.2C:33-27).

25

26 6. a. Notwithstanding any provision of this act to the contrary,
27 all other municipal ordinances pertaining to sanitation, property
28 maintenance, noise, business days and hours of operation, and days
29 and hours of service of alcoholic beverages shall apply, unless
30 specifically suspended or modified by the municipality or
31 specifically prohibited by the provisions of this section.

32 b. With respect to restaurants, bars, distilleries, and breweries
33 operating in outdoor spaces pursuant to section 2 of this act, P.L. ,

34 c. (pending before the Legislature as this bill), municipalities shall
35 not prohibit or limit the days and hours of the outdoor service of
36 food and beverages, including alcoholic beverages, except that
37 municipalities may prohibit or limit operations for the hours after
38 10:00 p.m. and between 12:00 a.m. and 11:00 a.m. on Sundays
39 through Wednesdays, and between 12:00 a.m. and 11:00 a.m. on
40 Thursdays through Saturdays, with the exception that a municipal
41 ordinance prohibiting or limiting the days and hours of indoor
42 service of food and beverages, including alcoholic beverages, which
43 was in effect prior to March 1, 2020 may be applied to the outdoor
44 service of food and beverages, including alcoholic beverages, as a
45 condition of the zoning approval pursuant to section 2 of this act,
46 P.L. , c. (pending before the Legislature as this bill). This
47 provision shall not be construed as overruling or prohibiting the
48 authority of a city of the first class to impose more restrictive time

1 restrictions or prohibit or limit the days and hours of the outdoor
2 service of food and beverages due to increased positivity rate of
3 COVID-19.

4 c. A municipality may either prohibit or limit the days and
5 hours of any live performances, including musical performances,
6 and the playing or projection of any content from a recording,
7 streaming service or television, cable or internet broadcasting
8 service in outdoor spaces or on public sidewalks as a condition of
9 the zoning approval pursuant to sections 2 and 3 of this act, P.L. ,
10 c. (pending before the Legislature as this bill).

11 d. A municipality may deny, revoke, or temporarily suspend,
12 the outdoor dining activity of any establishment that violates, or is
13 not in compliance with, any provision of this act or any provision of
14 a law, ordinance, or regulation related to the consumption or control
15 of alcoholic beverages.

16 e. Notwithstanding the provisions of this section, a municipality
17 may by resolution opt to waive any or all requirements of this
18 section.

19

20 7. Nothing in this act shall be interpreted or construed as
21 permitting or mandating the opening, expansion, or resumption of
22 unlimited operations of a restaurant, bar, or brewery that is closed,
23 whether permanently or temporarily, or operating subject to
24 limitations on its operations, service, or hours, as a result of
25 disciplinary or legal sanctions imposed by, or entering into a
26 settlement agreement with, a court of the State of New Jersey, a
27 municipal court, the New Jersey Department of Law and Public
28 Safety, the New Jersey Division of Alcoholic Beverage Control, or
29 a municipal governing body acting as a local alcoholic beverage
30 control board, as applicable.

31

32 8. Nothing in this act permits the use of State-owned right of way
33 for the purposes of outdoor dining. Permits for the use of the State
34 right of way will be issued upon application and approval of the New
35 Jersey Department of Transportation. For the purposes of locally-
36 owned roads that intersect the State highway system, setbacks from the
37 State right of way line will be 50 feet from April 1 to October 31, and
38 100 feet from November 1 to March 31.

39

40 9. a. As used in this section:

41 “Roadside farm stand” means a location owned by a single
42 farmer or producer at which the farmer or producer sells
43 agricultural products only from the farmer’s or producer’s farm
44 directly to consumers.

45 “Seasonal farm market” means a premises or facility utilized for
46 the primary purpose of selling predominately agricultural or
47 horticultural products, and which is annually closed to business

1 during an off-season for a period of not less than 90 continuous
2 days.

3 b. The Director of the Division of Alcoholic Beverage Control
4 may, in accordance with regulations or a special ruling issued
5 pursuant to this section, issue to the holder of a limited brewery
6 license, restricted brewery license, craft distillery license, plenary
7 winery license, farm winery license, or cidery and meadery license,
8 as established pursuant to R.S.33:1-10, a daily or annual permit to
9 sell any of the licensee's products at a seasonal farm market for
10 consumption off of the premises of the seasonal farm market. The
11 licensee shall obtain a separate permit for each seasonal farm
12 market at which the licensee intends to sell its products. The
13 director shall not issue a permit pursuant to this section for use in
14 connection with a roadside farm stand.

15 c. Subject to regulation or special ruling, a licensee issued a
16 permit pursuant to this section may:

17 (1) transport the licensee's products in original containers for
18 the purpose of selling them at a seasonal farm market; and

19 (2) offer samples for sampling purposes to persons of the legal
20 age to consume alcoholic beverages in the amounts authorized
21 pursuant to R.S.33:1-10 during each day the seasonal farm market is
22 operating.

23 d. A daily permit shall be valid for the hours during which a
24 seasonal farm market is open within the 24-hour period for which
25 the daily permit is issued. An annual permit shall be valid for one
26 year from the date of issuance. The director may renew a permit,
27 provided the permit holder continues to hold a limited brewery
28 license, restricted brewery license, craft distillery license, plenary
29 winery license, farm winery license, or cidery and meadery license,
30 as applicable.

31 e. Notwithstanding any law or regulation to the contrary, the
32 director may establish a fee, in an amount determined by the
33 director, for the issuance and renewal of a permit under this section.

34 f. The Director of the Division of Alcoholic Beverage Control
35 shall issue a special ruling or adopt regulations necessary to
36 effectuate the purposes of this section. Regulations shall be
37 effective immediately upon filing with the Office of Administrative
38 Law for a period not to exceed 18 months, and may, thereafter, be
39 amended, adopted or readopted in accordance with the provisions of
40 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
41 et seq.).

42
43 10. This act shall take effect on the 30th day following
44 enactment and sections 1 through 8 shall expire on November 30,
45 2022 or on the date of the resumption, pursuant to an executive
46 order issued by the Governor, of indoor dining without capacity
47 limitations, whichever is later.

STATEMENT

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This bill would create opportunities for restaurants, bars, distilleries, breweries, and farms to adjust operations in response to the COVID-19 public health emergency until November 30, 2022.

The bill would allow the owners and operators of restaurants, bars, distilleries, or breweries to use outdoor spaces which they own or lease and which are located on, or adjacent to, their business premises, as an extension of their business premises for the purpose of conducting sales of food and beverages, including alcoholic beverages if so licensed. The bill defines “outdoor spaces” as including patios and decks, both covered and uncovered, yards, walkways, and parking lots, or a portion thereof. The bill would also allow the owners and operators of those establishments to use public sidewalks, as defined in the bill, as an extension of their business premises for that purpose, as well.

The bill requires owners and operators of those establishments seeking to utilize outdoor spaces or public sidewalks as extensions of their business premises pursuant to the provisions of the bill to file an application with the municipal zoning officer, including information concerning the use of the outdoor spaces or public sidewalks, as appropriate, pursuant to the requirements set forth in the bill.

The bill requires the Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety to extend the provisions of Special Ruling 2020-10 issued by the acting director of the Division of Alcoholic Beverage Control on June 3, 2020 so that those provisions shall expire on November 30, 2022.

The bill also would allow the Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety to issue to the holder of a limited brewery license, restricted brewery license, craft distillery license, plenary winery license, farm winery license, or cidery and meadery license, a daily or annual permit to sell any of the licensee’s products at a seasonal farm market for consumption off the premises of the seasonal farm market. The bill would require the director to issue a separate permit for each seasonal farm market at which the licensee’s products are intended to be sold. Creating these permits will provide these businesses with additional opportunities to sell their products and increased revenue from those sales.

The provisions of the bill, except for those related to daily and annual permits for certain sales at seasonal farm markets, would expire on November 30, 2022.

Governor Murphy Signs Legislation to Expand Outdoor Dining

02/5/2021

Bill Also Allows Craft Alcoholic Beverage Sales at Farmers Markets

TRENTON – Governor Phil Murphy today signed legislation that will expand opportunities for outdoor dining in New Jersey.

The bill (S3340) sets forth a framework for municipalities to allow restaurants, bars, distilleries, and breweries to utilize outdoor spaces or public sidewalks as extensions of their business premises. Many municipalities across the state have been taking these steps since the Governor authorized outdoor dining in June 2020. The bill was sponsored by Senators Paul Sarlo, Vin Gopal, Nellie Pou and Nilsa Cruz-Perez, and Assembly representatives Roy Freiman, Vince Mazzeo, Anthony Verrelli and Eric Houghtaling.

“As we weather the devastating effects of the COVID-19 pandemic, we are continually trying to find new and innovative ways to aid our state’s business community while not sacrificing our public health,” **said Governor Phil Murphy**. “This bill will give our restaurants more certainty for the future so they can once again lean into the outdoor expansions we allowed this past summer to help recoup losses and strengthen their businesses and the jobs they support.”

The bill extends the effective period of permits issued under an ABC special ruling made last summer that allowed licensees to expand the premises where they can serve alcoholic beverages to include outdoor spaces. Restaurants will now be able to maintain the permit through November 30, 2022, or the date at which indoor dining returns to full capacity at restaurants – whichever is later. In a signing statement, Governor Murphy noted that this extension will be automatic for all permit holders. The bill also establishes protocols for municipalities to review and approve outdoor space expansion requests by restaurants without liquor licenses and those with liquor licenses that have not previously obtained expansion permits.

The legislation also authorizes the ABC to create a seasonal farm market permit to allow a holder of a limited brewery license, restricted brewery license, craft distillery license, plenary winery license, farm winery license, or cidery and meadery license to sell any of the licensee’s products in original containers at a seasonal farm market for off-premises consumption. The permit could be a daily or annual permit.

“This is timely, important and desperately needed by the restaurants, bars, distilleries and breweries that are struggling to survive the economic consequences of the coronavirus crisis,” **said Senator Paul Sarlo**, who chairs the Senate Budget Committee. “It’s about more than the Super Bowl. The months ahead will be pivotal for their ability to stay in business, keep their employees on the payroll and contribute to the economic viability of the communities they serve. This will allow for a measured expansion that will maintain the health and safety of workers and customers and allow the businesses to plan ahead with more certainty. They are key contributors to local communities throughout the state.”

“This common-sense measure will bring immediate help to our restaurants, bars and breweries by streamlining application procedures in order to serve more patrons outdoors,” **said Senator Vin Gopal**. “After suffering so much loss in the past year due to the pandemic, this will greatly enhance prospects for these businesses, especially as we approach the coming season on the Jersey Shore.”

“This law will help our small and local businesses in the food and beverage industry who are part of the life-blood of our communities, and who have suffered such a detrimental impact during the restricted bar and restaurant hours brought on by the pandemic,” **said Senator Nellie Pou**. “As we look towards the spring, we must do all we can to help these businesses survive and thrive in the months ahead.”

“Our restaurants, bars and breweries have been suffering an inordinate amount since the beginning of the COVID-19 pandemic,” **said Senator Nilsa Cruz-Perez**, one of the sponsors in the Senate. “It is clear that outdoor dining has been a huge asset for these businesses, and this will ensure they can rely on it in the year ahead, offering greater stability going forward.”

“Moving operations outdoors has been a lifeline for businesses to stay afloat amid COVID-19,” **said Assembly members Roy Freiman, Vince Mazzeo, Anthony Verrelli and Eric Houghtaling**, who sponsored the bill. “From outdoor dining in parking lots to shopping under canopies, businesses have found creative ways to serve their patrons during this public health crisis. While the struggles of restaurants and retailers have been largely documented, commercial farms and farmers markets have also suffered as a result of the coronavirus. All have needed to adapt and rise to this unprecedented challenge. This new law protects public health and enables local businesses and municipalities flexibility, while at the same time helps our economy continue to recover. By working together, we were able to find a helpful solution to a problem that was originally perceived to be insurmountable.”

“We appreciate the legislators and governor recognizing the importance of outdoor dining to the industry,” **said Marilou Halvorsen, President and CEO of the New Jersey Restaurant and Hospitality Association**. “As we move forward past the pandemic, this will allow our restaurants to continue to operate and offer more options for our guests.”

New Jersey restaurants have been hit hard by the pandemic and the administration has continually sought ways to help keep the state’s restaurant community afloat. This week, Governor Murphy expanded capacity limits for indoor dining from 25 percent to 35 percent, while also lifting the statewide mandated 10:00 p.m. closing time for indoor service.

In October, the New Jersey Economic Development Authority set aside \$35 million of its Small Business Emergency Assistance Grant Program to businesses classified as food service establishments. And in November, the NJEDA established the Sustain and Serve NJ Program, a grant program that will provide funding to organizations to purchase meals from restaurants that have been negatively impacted by the COVID-19 pandemic and distribute the meals at no cost to New Jersey residents.

For the signing statement, please click [here](#).

**GOVERNOR'S STATEMENT UPON SIGNING
SENATE BILL NO. 3340
(First Reprint)**

Today I am signing Senate Bill No. 3340 (First Reprint), which makes various revisions to current law intended to assist restaurants, bars, and other liquor license holders in dealing with the Coronavirus disease 2019 ("COVID-19") health emergency. This segment of our business community has been particularly hard-hit by the pandemic, and I am happy to bolster the framework for outdoor dining that I established in June 2020 when I signed Executive Order No. 150. I commend the sponsors for their commitment to working on these issues.

This bill accomplishes a number of things, including establishing protocols for municipal review and approval for the owners or operators of a restaurant, bar, distillery, or brewery to extend their business premises so they can sell food and beverages in adjacent outdoor spaces and on public sidewalks, and expressly permits "BYOB" in such spaces when allowed by municipal authorities. Over the last eight months, many municipalities have already allowed restaurants to expand their premises into public spaces, and I applaud their creativity in facilitating outdoor dining.

The bill also extends the expiration date of any COVID-19 Expansion Permit issued by the Director of the Division of Alcoholic Beverage Control ("ABC") pursuant to the provisions of Special Ruling No. 2020-10 until November 30, 2022 or the date on which indoor dining resumes without capacity limitations, whichever is later. The bill further addresses hours of operation and other local and regulatory concerns. Finally, the bill authorizes the ABC to issue seasonal farm market permits to allow holders of a limited brewery license, restricted brewery license, craft distillery license, plenary winery license, farm winery license, or cidery and meadery license to sell their products in original containers at a seasonal farm market for off-premises consumption.

Since the earliest months of the pandemic, my Administration has worked continuously to provide the hospitality industry with creative and constructive options that have allowed them to serve their customers during these difficult, socially-distanced times, including measures to increase the availability of outdoor dining. The investment in outdoor equipment can be quite substantial - tents, tables, outdoor heating, etc. - and fairness dictates that licensees be assured that they will be able to recoup those costs over a longer term of operation, through at least the end of November 2022.

I am proud that over 3,000 licensees have already been issued COVID-19 Expansion Permits pursuant to Special Ruling No. 2020-10, having received municipal approval as part of the process. Based on conversations with the prime sponsor, we share a common understanding that licensees who were previously issued COVID-19 Expansion Permits pursuant to ABC Special Ruling No. 2020-10 will automatically receive the extension without having to perform any additional administrative actions at the State or local level, and specifically will not be required to retroactively or prospectively submit to the outdoor dining review and approval process articulated under sections 2 and 3 of this bill with respect to their previously-issued COVID-19 expansion permits. We believe that it is important to cut red tape to the maximum extent possible to help these particularly hard-hit small businesses and community hubs overcome the substantial challenges they face due to the pandemic.

Moreover, it is my further understanding that, in codifying the outdoor dining review and approval process and extending the termination date of COVID-19 Expansion Permits, this legislation does not inject or obligate the ABC to play any role in the municipal review process with respect to enforcement of local health, safety, fire, permitted use, or zoning regulations or ordinances, nor does it divest the ABC of its authority to take action against licensees for conduct subject to the ABC's jurisdiction with respect to the COVID-19 Expansion Permits.

Given this understanding, I am pleased to sign this bill into law to help the hospitality industry manage the considerable challenges posed by the COVID-19 pandemic.

February 5, 2021

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

This Week in NJ: February 5th, 2021

02/5/2021



GOVERNOR MURPHY DECLARES STATE OF EMERGENCY IN RESPONSE TO WINTER STORM ORLENA

Governor Phil Murphy declared that New Jersey has entered a state of emergency in response to Winter Storm Orlena. Executive Order No. 218 declared a state of emergency across all 21 counties in New Jersey, allowing resources to be deployed throughout the state during the duration of the storm.

Parts of New Jersey experienced heavy snow, coastal flooding, and blizzard-like conditions. To prepare for the winter storm, the New Jersey State Police activated the State Emergency Operations Center in order to monitor the storm. The New Jersey Department of Transportation, New Jersey Turnpike Authority, and South Jersey Transportation Authority deployed over 3,900 plows and spreaders to keep roads and communities safe.

[READ MORE](#)

GOVERNOR MURPHY WELCOMES HOME NEW JERSEY NATIONAL GUARD MEMBERS RETURNING FROM MISSION TO WASHINGTON D.C.

Governor Murphy and Interim Adjutant General and Commissioner of the Department of Veterans and Military Affairs Colonel Lisa Hou welcomed home members of the New Jersey National Guard from their mission to Washington, D.C.




Over 500 National Guard members were sent to Washington, D.C. following the violent insurrection at the Capitol in order to assist with the peaceful transition of power.

[VIEW PHOTOS:](#)

GOVERNOR MURPHY SIGNS EXECUTIVE ORDER RAISING INDOOR CAPACITY LIMITS FROM 25 PERCENT TO 35 PERCENT FOR CERTAIN BUSINESSES

Governor Phil Murphy signed Executive Order No. 219, which increases indoor capacity limits from 25 percent to 35 percent for several businesses, including food and beverage establishments and entertainment and recreational businesses, effective Friday, February 5 at 8:00 a.m. The Executive Order also lifts the 10:00 p.m. curfew for in-person indoor restaurant service, however local officials may continue to regulate the hours of operation of indoor restaurant

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COVID-19 UPDATE

RESTAURANTS MAY EXPAND INDOOR DINING TO 35% CAPACITY

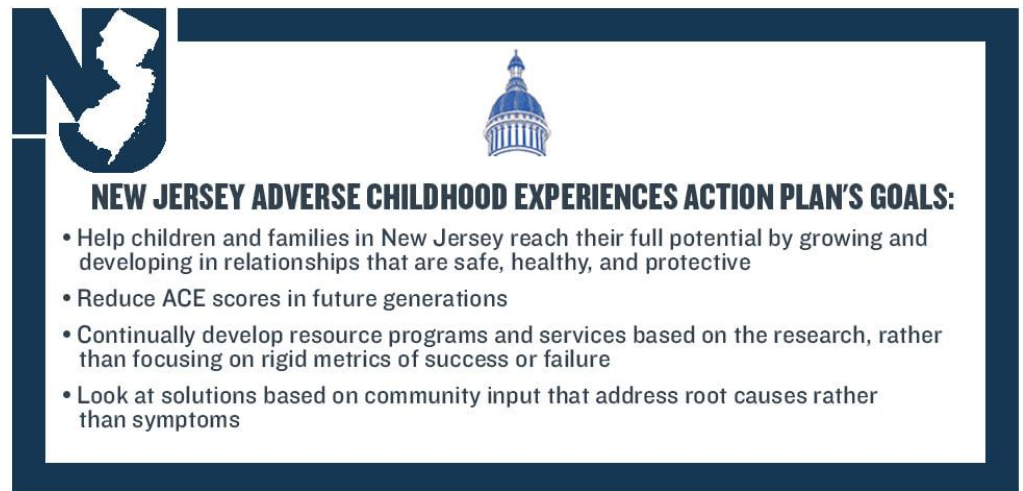
EFFECTIVE FRIDAY, FEBRUARY 5, 2021

service and indoor operations of other non-essential businesses after 8:00 p.m., as they have been able to since November 12. The prohibition on seating at indoor bar areas remains in effect.

“Since the beginning of the pandemic, my Administration has used science, data, and facts to guide our decision-making process,” **said Governor Murphy.** “The downward trend of COVID-19 cases in our hospitals, coupled with the state’s decreasing rate of transmission, allows us to confidently expand our indoor capacity limits without leading to undue further stress on our health care systems. I am incredibly grateful to the millions of New Jerseyans who have been vigilant in practicing social distancing and wearing face coverings, and I urge everyone to continue their efforts to slow the spread of COVID-19.”

[READ MORE](#)

GOVERNOR MURPHY LAUNCHES NEW JERSEY'S FIRST ADVERSE CHILDHOOD EXPERIENCES ACTION PLAN TO PREVENT AND REDUCE CHILDHOOD TRAUMA AND ADVERSITY



NEW JERSEY ADVERSE CHILDHOOD EXPERIENCES ACTION PLAN'S GOALS:

- Help children and families in New Jersey reach their full potential by growing and developing in relationships that are safe, healthy, and protective
- Reduce ACE scores in future generations
- Continually develop resource programs and services based on the research, rather than focusing on rigid metrics of success or failure
- Look at solutions based on community input that address root causes rather than symptoms

Governor Phil Murphy,
Lieutenant Governor

Sheila Oliver, First Lady Tammy Murphy, and New Jersey Department of Children and Families Commissioner Christine Norbut Beyer launched New Jersey’s first Adverse Childhood Experiences Action Plan, a comprehensive statewide strategy to prevent and reduce childhood trauma and adversity. The action plan outlines several initiatives to identify, coordinate, and advance programs and services across state government to reduce and prevent adverse childhood experiences (ACEs) that negatively impact the developing brain and lead to lifelong social, physical, emotional, and economic challenges.

“Building a stronger and fairer New Jersey for our families has been a top priority of my Administration,” **said Governor Murphy.** “This statewide strategy creates groundbreaking solutions to deal with issues that plague our children, such as the compounded effects of adverse childhood experiences. With this plan, New Jersey will become a leader in tackling adverse childhood experiences and break the cycle of trauma before it manifests into negative health outcomes.”

“The socio-economic fallout of this pandemic is tremendous and will mean more adverse conditions for children that can sometimes lead to homelessness and ensuing trauma,” **said Lt. Governor Sheila Oliver, who serves as Commissioner of the Department of Community Affairs.** “As Commissioner of the Department of Community

Affairs, we will be a partner in this Action Plan to help ensure that children and families live in good conditions with the supportive services they need – whether it be housing, healthcare, or behavioral.”

“The toxic stress of adverse childhood experiences is inextricably linked to New Jersey’s maternal and infant health crisis,” **said First Lady Tammy Murphy**. “Soon-to-be mothers who have suffered from adverse childhood experiences are at greater risk of having children with reduced birth weight, shorter gestational age, developmental challenges, and socio-emotional problems. Further, the adversities that lead to these health outcomes disproportionately impact people of color. Together, the New Jersey Adverse Childhood Experience Action Plan and the Nurture NJ Maternal and Infant Health Strategic Plan will effect positive change that will ripple through the lives of New Jersey families for generations to come.”

“Neutralizing childhood trauma is crucial to building strong families because we know from the research and the work we do that ACEs are a root cause for a lot of the physical, social, economic and familial health challenges we see when supporting New Jersey’s children and families,” **said New Jersey Department of Children and Families Commissioner Christine Norbut Beyer**. “To prevent and reduce child abuse, neglect and other maltreatment, we first need to disrupt the cycle of trauma and help children and adults to heal from adversity.”

“This Action Plan lays out a path of hard work and heart-work. We are more than our collective traumas; we are our potential for resilience and our capacity for strength,” **said Dave Ellis, Executive Director of the Office of Resilience**. “The need to mitigate the impacts of ACEs is especially salient given our collective exposure to COVID-19, racial injustice, and social unrest. Learning about oneself can be a great awakening and catalyst for courage, compassion and clarity. I look forward to raising awareness and setting New Jersey on a course towards healing.”

[READ MORE](#)

GOVERNOR MURPHY SIGNS LEGISLATION TO EXPAND OUTDOOR DINING

Governor Phil Murphy signed legislation that will expand opportunities for outdoor dining in New Jersey.

The bill (S3340) sets forth a framework for municipalities to allow restaurants, bars, distilleries, and breweries to utilize outdoor spaces or



public sidewalks as extensions of their business premises. Many municipalities across the state have been taking these steps since the Governor authorized outdoor dining in June 2020. The bill was sponsored by Senators Paul Sarlo, Vin Gopal, Nellie Pou and Nilsa Cruz-Perez, and Assembly representatives Roy Freiman, Vince Mazzeo, Anthony Verrelli and Eric Houghtaling.

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