

[First Reprint]

ASSEMBLY, No. 4525

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED AUGUST 13, 2020

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:

Assemblywoman Murphy, Assemblyman DiMaio, Assemblywoman Lopez, Assemblymen Zwicker, Tully, Assemblywoman DiMaso, Assemblymen Wirths, Space, Moen, Assemblywoman Vainieri Huttle, Assemblyman Calabrese, Assemblywoman Downey, Senators Addiego, Oroho, O'Scanlon, Testa, Diegnan, Bateman, Corrado and Turner

SYNOPSIS

Concerns certain economic activity.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on September 17, 2020, with amendments.



(Sponsorship Updated As Of: 11/16/2020)

1 AN ACT concerning certain ¹**[temporary structures on commercial**
2 **farms]** economic activity and supplementing chapter 1 of Title
3 33 of the Revised Statutes¹.

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

7
8 1. a. Notwithstanding any law, rule, regulation, ordinance, or
9 best management practice to the contrary that sets forth a time
10 limitation for the erection of certain temporary structures on
11 commercial farms, an open or enclosed canopy or tent lawfully
12 erected during the coronavirus disease 2019 (COVID-19)
13 emergency on a commercial farm in accordance with the standards
14 for on-farm direct marketing facilities, activities, and events adopted
15 by the committee pursuant to P.L.1983, c.31 (C.4:1C-1 et seq.) may
16 remain in place until the resumption, pursuant to an Executive
17 Order issued by the Governor, of indoor dining without capacity
18 limitations or December 31, 2020, whichever is later.

19 A canopy or tent remaining in place pursuant to this section
20 shall:

21 (1) comply with all other standards for on-farm direct marketing
22 facilities, activities, and events adopted by the committee pursuant to
23 P.L.1983, c.31 (C.4:1C-1 et seq.); and

24 (2) be immediately removed on the date indoor dining resumes
25 without capacity restrictions pursuant to an Executive Order issued by
26 the Governor, or December 31, 2020, whichever is later.

27 b. As used in this section:

28 “Commercial farm” means the same as that term is defined in
29 section 3 of P.L.1983, c.31 (C.4:1C-3).

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

33
34 ¹2. a. As used in this section:

35 “Business or commercial entity” shall mean any retail business,
36 or a bar, restaurant, brewery, winery, or any other business entity
37 where food or alcoholic beverages, or both, are offered for sale and
38 consumption on the premises.

39 “Temporary space” shall mean any space on a sidewalk, on a
40 street or road, or in a parking lot, on which a business or
41 commercial entity has lawfully operated during the COVID-19
42 public health emergency or state of emergency in order to expand
43 their business or commercial premises.

44 “Temporary structure” shall mean and include an open or
45 enclosed canopy or tent, lawfully erected by a business or

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 AAP committee amendments adopted September 17, 2020.

1 commercial entity during the COVID-19 public health emergency
2 or state of emergency in order to expand that entity's business or
3 commercial premises.

4 b. Notwithstanding the provisions of any law, rule, regulation,
5 or ordinance to the contrary that sets forth a time limitation for the
6 erection and use of a temporary structure, or the use of a temporary
7 space, by a business or commercial entity, a temporary structure or
8 temporary space may remain in place until the resumption, pursuant
9 to an Executive Order issued by the Governor, of indoor occupancy
10 or dining without capacity limitations, subject to the provisions of
11 subsection c. of this section.

12 A temporary structure or temporary space subject to the
13 provisions of this section shall be subject to any ordinance of the
14 municipality in which the temporary structure or temporary space is
15 located that imposes safety requirements on the use of such
16 structures or spaces, including but not limited to exit signs, fire
17 extinguishers, and other such public safety requirements, but not
18 related to the duration of the erection of the temporary structure or
19 temporary space.

20 c. Notwithstanding the provisions of subsection b. of this
21 section, beginning on December 1, 2020, and until the resumption
22 of indoor occupancy or dining without capacity limitations pursuant
23 to an executive order issued by the Governor, the governing body of
24 a municipality, once every 90 days, may review the location of each
25 temporary structure or temporary space located in the municipality,
26 and may order the removal of a temporary structure or temporary
27 space if it is deemed to be a nuisance, interferes with a planned use
28 of the location by the municipality, or if a construction project
29 planned for the area in which the temporary structure or temporary
30 space is located has received approval to begin construction. If the
31 governing body orders the removal of a temporary structure or
32 temporary space pursuant to this subsection, it shall provide
33 reasonable notice of the decision to remove the temporary structure
34 or temporary space to the business or commercial entity, and shall
35 also provide assistance to the business or commercial entity in
36 relocating the temporary structure or temporary space.¹

37
38 ^{13.} Notwithstanding the provisions of Special Ruling 2020-10,
39 issued by the Director of the Division of Alcoholic Beverage
40 Control in the Department of Law and Public Safety on June 3,
41 2020, the term of a COVID-19 Expansion Permit issued pursuant to
42 that special ruling shall remain in effect until the date of expiration,
43 termination, or rescission of any executive or administrative order
44 issued by the Governor establishing coronavirus-related occupancy
45 or customer seating restrictions applicable to licensed premises.¹

46
47 ^{14.} a. The Director of the Division of Alcoholic Beverage
48 Control in the Department of Law and Public Safety may, subject to

1 rules and regulations, issue to the holder of a limited brewery
2 license, restricted brewery license, craft distillery license, plenary
3 winery license, farm winery license, or cidery and meadery license,
4 as established pursuant to R.S.33:1-10, a daily or annual permit to
5 sell any of the licensee's products at a seasonal farm market for
6 consumption off the premises of the seasonal farm market. The
7 director shall issue a separate permit for each seasonal farm market
8 at which the licensee's products are intended to be sold. The
9 director shall not issue a permit pursuant to this section for use in
10 connection with a roadside farm stand.

11 b. Subject to rules and regulations, a licensee issued a permit
12 pursuant to this section may:

13 (1) transport the licensee's products for the purpose of selling
14 them at a seasonal farm market; and

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

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

26 d. The director may establish a fee not to exceed \$25 for a daily
27 permit and not to exceed \$75 for an annual permit for the issuance
28 and renewal of a permit under this section.

29 e. As used in this section, "roadside farm stand" means a
30 location owned by a single farmer or producer at which the farmer
31 or producer sells agricultural products only from the farmer's or
32 producer's farm directly to consumers.¹

33

34 ¹[2. This] 5. Sections 1, 2, and 3 of this¹ act shall take effect
35 immediately ¹, and section 4 of this act shall take effect on the first
36 day of the second month next following enactment¹.