

ASSEMBLY, No. 4190

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 1, 2020

Sponsored by:

Assemblyman JOHN J. BURZICHELLI
District 3 (Cumberland, Gloucester and Salem)
Assemblyman GORDON M. JOHNSON
District 37 (Bergen)

Co-Sponsored by:

Assemblyman DePhillips, Assemblywoman Dunn, Assemblyman Peters,
Assemblywoman Murphy, Assemblymen Wirths, Space, Webber, Bergen,
DiMaio, Assemblywomen DiMaso, B.DeCroce, Chaparro, Assemblyman
Peterson, Assemblywoman Stanfield, Assemblymen Spearman, Thomson,
Giblin, Armato and Mazzeo

SYNOPSIS

Permits certain entertainment and retail activity during current public health emergency and state of emergency.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/18/2020)

1 AN ACT permitting certain entertainment and retail activity during
2 current public health emergency and state of emergency.

3

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

6

7 1. a. Notwithstanding the provisions of any law to the
8 contrary, during the period that this section is in effect, the
9 governing body of a municipality, by resolution, may designate one
10 or more days per week, from Thursday through Sunday, during
11 which any municipal street or road, or county street or road, that
12 traverses a business district of the municipality shall be closed to
13 vehicular traffic and shall be accessible by pedestrians only, so that
14 the owners or operators of restaurants, bars, and retail businesses
15 located on those county or municipal streets or roads may use the
16 streets or roads as an extension of their business premises and
17 conduct retail sales. For the purposes of this section, “retail sales”
18 shall include sales of food and alcoholic beverage for consumption
19 at tables owned by restaurants and bars and located for those days
20 on the closed streets, roads, or sidewalks, as determined by the
21 municipality. Municipalities shall require that any restaurants, bars
22 or retail businesses operating pursuant to this subsection shall
23 establish, maintain and enforce social distancing protocols and the
24 use of personal protective equipment by members of the public and
25 employees of participating business establishments.

26 A resolution adopted by the governing body of a municipality
27 pursuant to this subsection shall delineate the following
28 information:

29 (1) a detailed description of the municipality’s plan for the use
30 of the streets and roads to be closed, including, but not limited to,
31 the number of businesses, restaurants, and bars that intend to use
32 the closed roadways for retail sales, and the times of day that the
33 retail sales shall begin and end;

34 (2) the municipality’s plan for the closure of the municipal or
35 county streets and roads and the diversion of traffic to other
36 municipal or county streets or roads on the dates set forth in the
37 resolution adopted by the municipality; and

38 (3) measures to be taken by the municipal police department to
39 maintain the safety and security of municipal residents during the
40 closure of municipal and county roads and streets for the business
41 activity permitted in this subsection.

42 A municipality in which the provisions of section 14 of
43 P.L.1999, c.90 (C.40A:64-1) are in effect, that designates Sunday as
44 the day of the week that municipal or county streets or roads shall
45 be closed for the business activity authorized in subsection a. of this
46 section, shall be permitted, by resolution, to suspend the
47 requirements of section 14 of P.L.1999, c.90 (C.40A:64-1) in the
48 municipality on those days.

1 b. A resolution adopted pursuant to subsection a. of this section
2 shall not permit a restaurant, bar, or retail business to engage in the
3 practice newly enabled by the resolution unless and until the
4 restaurant, bar, or retail business enters into an agreement with the
5 governing body of the municipality and the governing body of the
6 county to indemnify, defend, and hold harmless the county and
7 municipality from any claims resulting from any actions or
8 inactions of the restaurant, bar or retail business, its staff, or its
9 customers during the dates specified in the resolution.

10 c. A municipality that has adopted a resolution pursuant to
11 subsection a. of this section shall transmit a copy of the resolution
12 by electronic mail to the county governing body, and to the clerk
13 and the police chief of each municipality located within 10 miles of
14 the municipality, not later than the seventh calendar day next
15 following the adoption of the resolution. The municipality shall
16 also provide a copy of the resolution by email or regular mail to
17 each business and residence located on the streets or roads to be
18 closed pursuant to subsection a. of this section.

19 d. A municipality may close a municipal street or road, or a
20 county street or road, pursuant to subsection a. of this section only
21 if the municipal police department determines that an alternative
22 traffic pattern exists for motor vehicles to move safely around the
23 closed streets or roads, that the closure of the county or municipal
24 streets or roads does not impede public safety or pedestrian safety
25 in the municipality, and that the closure of the county or municipal
26 streets or roads shall not result in truck or heavy equipment traffic
27 being diverted onto residential municipal or county streets and
28 roads on the dates, and during the periods of time, that the business
29 activity authorized in subsection a. of this section takes place.

30 e. The municipal police department shall enforce all State and
31 local traffic laws on any municipal or county street or road on the
32 dates, and during the periods of time, that the business activity
33 authorized in subsection a. of this section takes place.

34
35 2. The Director of the Division of Alcoholic Beverage Control
36 in the Department of Law and Public Safety shall issue a special
37 ruling pursuant to R.S.33:1-39 to entitle the holders of plenary retail
38 consumption licenses to extend their licensed premises to allow for
39 the sale and consumption of alcoholic beverages in outdoor places
40 in a manner that adheres to current social distancing practices. The
41 special ruling shall establish outdoor customer seating requirements
42 which shall be followed by plenary retail consumption licensees in
43 response to the COVID-19 pandemic.

44
45 3. This act shall take effect immediately and shall expire on:
46 (1) the date of expiration, termination, or rescission of any and all
47 executive or administrative orders issued by the Governor or
48 Commissioner of Health establishing coronavirus-related occupancy

1 or customer seating restrictions applicable to restaurants, bars, or
2 retail businesses; or (2) the first day of the seventh month following
3 the date on which the Governor declares that the state of emergency
4 has ended, whichever date occurs later.

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STATEMENT

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9 This bill is intended to increase economic activity in the State's
10 local business districts, which have been seriously impacted by
11 restrictions imposed to combat the COVID-19 pandemic.

12 This bill would permit the governing body of a municipality, by
13 resolution, to designate one or more days per week, from Thursday
14 through Sunday, during which any municipal street, road or
15 sidewalk, or county street, road, or sidewalk, that traverses a
16 business district of the municipality shall be closed to vehicular
17 traffic and shall be accessible by pedestrians only, so that the
18 owners or operators of restaurants, bars, and retail businesses
19 located on those county or municipal streets or roads may use the
20 streets or roads as an extension of their business premises and
21 conduct retail sales, including sales of food and alcoholic beverage
22 for consumption at tables owned by restaurants and bars and located
23 for those days on the closed streets roads or sidewalks. The bill
24 would require the Director of the Division of Alcoholic Beverage
25 Control in the Department of Law and Public Safety to issue a
26 special ruling pursuant to R.S.33:1-39 to entitle the holders of
27 plenary retail consumption licenses to extend their licensed
28 premises to allow for the sale and consumption of alcoholic
29 beverages in outdoor places in a manner that adheres to current
30 social distancing practices. The special ruling would establish
31 outdoor customer seating requirements which shall be followed by
32 plenary retail consumption licensees in response to the COVID-19
33 pandemic.

34 The bill directs municipalities to ensure that appropriate social
35 distancing protocols and the use of personal protective equipment
36 by members of the public and employees of participating business
37 establishments are required and enforced.

38 A municipality in which the provisions of section 14 of
39 P.L.1999, c.90 (C.40A:64-1) (the "blue laws" banning Sunday retail
40 sales) are in effect, that designates Sunday as the day of the week
41 that municipal or county streets or roads shall be closed for the
42 business activity authorized in the bill, would be permitted, by
43 resolution, to suspend those prohibitions in the municipality on
44 those days.

45 A restaurant, bar, or retail business would not be permitted to
46 participate in the business activity authorized under the bill unless
47 the restaurant, bar, or retail business enters into an agreement with
48 the municipal governing body and the county governing body to

1 indemnify, defend, and hold harmless the municipality and county
2 from any claims resulting from any actions or inactions of the
3 restaurant, bar or retail business, its staff, or its customers during
4 the dates specified in the resolution.

5 Under the bill, a municipality may close a municipal street or
6 road, or a county street or road, only if the municipal police
7 department determines that an alternative traffic pattern exists for
8 motor vehicles to move safely around the closed streets or roads,
9 that the closure of the county or municipal streets or roads does not
10 impede public safety or pedestrian safety in the municipality, and
11 that the closure of the county or municipal streets or roads shall not
12 result in truck traffic being diverted onto residential municipal or
13 county streets or roads.