

**ASSEMBLY, No. 4525**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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INTRODUCED AUGUST 13, 2020

**Sponsored by:**

**Assemblyman ROY FREIMAN**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Assemblyman ANTHONY S. VERRELLI**

**District 15 (Hunterdon and Mercer)**

**Assemblyman ERIC HOUGHTALING**

**District 11 (Monmouth)**

**SYNOPSIS**

Removes time restrictions for certain temporary structures to remain on commercial farms during coronavirus disease 2019 (COVID-19) emergency.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 9/14/2020)**

1 AN ACT concerning certain temporary structures on commercial  
2 farms.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. a. Notwithstanding any law, rule, regulation, ordinance, or  
8 best management practice to the contrary that sets forth a time  
9 limitation for the erection of certain temporary structures on  
10 commercial farms, an open or enclosed canopy or tent lawfully  
11 erected during the coronavirus disease 2019 (COVID-19)  
12 emergency on a commercial farm in accordance with the standards  
13 for on-farm direct marketing facilities, activities, and events adopted  
14 by the committee pursuant to P.L.1983, c.31 (C.4:1C-1 et seq.) may  
15 remain in place until the resumption, pursuant to an Executive  
16 Order issued by the Governor, of indoor dining without capacity  
17 limitations or December 31, 2020, whichever is later.

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

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

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

26 b. As used in this section:

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

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

32  
33 2. This act shall take effect immediately.

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36 STATEMENT

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38 This bill would allow open or enclosed canopies or tents lawfully  
39 erected on commercial farms to remain in place during the COVID-  
40 19 emergency until indoor dining resumes in the State without  
41 capacity restrictions or December 31, 2020, whichever is later.

42 Recognizing that the State’s agricultural community plays an  
43 important role in the State’s economy and that farm markets  
44 represent a safer, outdoor venue during the COVID pandemic, this  
45 bill would allow tents which were erected on commercial farms as  
46 part of an on-farm direct marketing facility, i.e., farm market, to  
47 remain in place. Currently, temporary structures, including tents,  
48 allowed as part of on-farm direct marketing facilities are subject to

1 conditions on the length of time that the temporary structures may  
2 be left in place. This bill would remove those time restrictions for  
3 tents, provided that all other conditions are met.

4 Since March 2020, the State has been confronting the viral  
5 disease known as coronavirus 2019 disease (COVID-19), which has  
6 necessitated certain emergency measures to curtail its spread. As  
7 part of these measures, on March 16, 2020, Governor Murphy  
8 issued Executive Order No. 104, effectively closing all non-  
9 essential businesses in the State, due to the Public Health  
10 Emergency and State of Emergency previously declared by the  
11 Governor due to the COVID-19 pandemic. This order affected  
12 thousands of businesses and especially food establishments, as only  
13 take-out and delivery service was allowed. As part of the State's  
14 reopening plan, since June 15, 2020, food establishments have been  
15 able to offer outdoor dining service. Further, on June 26, 2020, the  
16 Governor signed Executive Order No. 157, which would have  
17 allowed indoor dining to resume on July 2, 2020, subject to a  
18 capacity limit of 25 percent. However, on June 29, 2020, Governor  
19 Murphy issued Executive Order No. 158 rescinded his decision to  
20 reopen indoor dining.