

# SENATE, No. 2522

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 4, 2020

**Sponsored by:**

**Senator PAUL A. SARLO**

**District 36 (Bergen and Passaic)**

**Senator STEPHEN M. SWEENEY**

**District 3 (Cumberland, Gloucester and Salem)**

**Co-Sponsored by:**

**Senators Oroho, O'Scanlon and T.Kean**

**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: 6/11/2020)**

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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6  
7 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.