OPEN AIR DINING CHECKLIST

1. Application

2. Proof of insurance must be provided to the Zoning Bureau that includes the outdoor property and parking lot. City of Elizabeth must be listed as the Certificate Holder.

3. Proof of ownership or use authority must be provided to the Zoning Bureau before opening. "Affidavit"

4. A plan must be submitted to the Zoning Bureau as to how proper temperatures for potentially hazardous foods will be maintained along with how to minimize food contamination. "For Health Department"

5. Before opening a schematic diagram must be submitted to the Zoning Bureau outlining where tables will be placed along with spacing.

6. City of Elizabeth N.J Open Air Dining / Sidewalk Café Indemnification Agreement.

7. Proof of ownership or use authority must be provided to the Zoning Bureau before opening. "Affidavit"

8. Please not that a tent or canopy may only be used on private property and may not be used on the sidewalk. Tent permit required from:

   Fire Prevention Bureau
   411 Irvington Avenue, Suite 301
   Elizabeth, NJ 07208
   908-820-4040
APPLICATION FOR OPEN AIR DINING
License Period of April 1st to October 31st Only

APPLICANT

NAME: _____________________________________________

ADDRESS: ___________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

TELEPHONE: __________________________________________________________________

BUSINESS

{ } Restaurant   { } Coffee Shop   { } Luncheonette   { } Sandwich Shop   { } Class A Tavern / Rest.

Food and Beverage License No. _____________________________________________________________________

BUSINESS

TRADE NAME _____________________________________________

NAME: _____________________________________________

ADDRESS: ___________________________________________

________________________________________________________________________

________________________________________________________________________

TELEPHONE: __________________________________________________________________

PROPERTY OWNER (Written authorization if applicant is not the owner)

NAME: _____________________________________________

HOME ADDRESS: ___________________________________________

________________________________________________________________________

DAYTIME TELEPHONE: _______________________________ EMAIL: _______________________________

Granting this License requires compliance with all the applicable Ordinances of the City of Elizabeth and the Laws of the State of New Jersey covering such establishments. It is further agreed that this License will be surrendered to the City of Elizabeth on demand for just and valid case.

Name of Applicant: _____________________________________________

Signature: _____________________________________________

CASH { } CHECK { } Money Order { }

Rec. By _____ Date _____
The License Holder, ____________________________, covenants and agrees that it shall; at its own cost and expense, indemnify, defend, protect and hold harmless the City of Elizabeth, its officers, agents and employees, from any and all claims, causes of action, injuries, suits, demand, damages, losses, expenses, judgments or liability, including attorney fees and costs, arising out of, or which may arise out of, or in any way related to, and any injury to any person or property occasioned by any negligent or wrongful act or omission of the License Holder or any of its officers, employees, agents, representatives, guests, subcontractors, or person or entities contracting with the License Holder in connection with a Open Air Dining license issued by the City of Elizabeth to the License Holder for property located at ____________________________.

The License Holder shall obtain and provide to the City of Elizabeth a Certificate of Insurance, naming the City as an additional insured, in a form reasonable approved by the City Attorney. The policy of insurance shall be in effect at all times during the term of the License and shall include Commercial General Liability Insurance coverage in an amount not less than One Million Dollars ($1,000,000) per occurrence (combined single limit), including bodily injury, and Property Damage insurance coverage in an amount not less than $10,000.00 per occurrence (combined single limit). Coverage shall be in an occurrence form and in accordance with the limits and provisions specified herein and the City Ordinances on Open Air Dining as set forth in Section 7.54 of the Code of the City of Elizabeth. Claims – made policies are not acceptable. Such insurance shall not be canceled, nor shall the occurrence or aggregate limits set forth above be reduced, until the City of Elizabeth has received at least (30) days advanced written notice of such cancellation or charge. The License Holder shall be responsible for notifying the City of Elizabeth of any change to or cancellation of the policy. If any of the insurance coverages are cancelled or changed to less than the required amount under the City Ordinance the license may be suspended until all provisions of the Ordinance as in compliance.
SIDEWALK CAFÉ INFORMATION SHEET

LICENSE REQUIREMENTS

1. The sidewalk café shall be confined to the area directly in front of the existing retail food establishment. In those situations where the premises is located on a corner, both the front and side street area of the retail food establishment may be utilized, so long as it does not interfere with access to the building entrance or exit.

2. The sidewalk café shall not interfere with access to the building entrance or exit, any basement entrance, or fire hydrant, bus stop, public sign, parking meter or public alley way.

3. The sidewalk café shall allow for a minimum of eight (8) feet along Broad Street, and four (4) feet elsewhere, for pedestrian usable, unobstructed sidewalk traffic so as to maintain pedestrian access; except that café's in front of a bus stop or taxi stand shall maintain a minimum of eight (8) feet for pedestrian useable, unobstructed sidewalk traffic.

4. Any space dedicated to outdoor sidewalk dining shall be delineated via a “rope system” designed for that purpose.

5. The entire sidewalk area in front of the premises shall be kept clean and free of litter. Sidewalks including eighteen (18) inches into the street shall be maintained by sweeping or washed daily or more frequently. Trash receptacles shall be provided if the Health Officer determines it necessary.

6. The furniture to be used in the operation of the sidewalk café shall be made of durable material, such as sturdy vinyl/plastic, wrought iron or wood. Upholstered furniture is prohibited.

7. No permanent form of space delineation or construction for the sidewalk café will be permitted within the public right-of-way. Portable barriers or planters not less than three (3) feet nor more than four (4) feet in height shall be placed on the sidewalk to define the café area and the unobstructed passageway. The portable barriers or planters shall be removed when the café is not in operation.

8. The sidewalk café shall be at the same elevation as the sidewalk. Paint, carpet, platforms, or any other surface cover or treatment of any kind shall not be permitted in the area of the sidewalk café.

9. Signage including advertising signage for the sidewalk café is prohibited.

10. The sidewalk café shall provide only table service.

11. There shall be no preparation of food or beverages outdoors.
12. All dishes, utensils, containers, table cloths, napkins, cutlery and other items used in the operation or decoration of the sidewalk café shall be made of nondisposable and reusable materials.

13. The sidewalk café shall open no earlier than 8:00 A.M. and close no later than 10:00 P.M. daily, and shall only be open during operating hours of the eating and drinking establishment. No furniture or other items of the sidewalk café shall remain outside of the eating and drinking establishment for more than 15 minutes after 10:00 P.M. or after the close of operating hours of the eating and drinking establishment, whichever is earlier.

14. No music or any sound device shall be played at the sidewalk café or so that it may be heard in the outdoor area.

15. The License Holder shall maintain and repair any damage to the sidewalk area in front of the premises and sidewalk café area.

16. The License Holder shall maintain liability and property damage insurance for the sidewalk café at all times, and is required to provide proof of insurance by way of a certificate of insurance and policy endorsement naming the City of Elizabeth as an additional insured, by a company duly authorized to transact business under the laws of the State of New Jersey, prior to the license being issued. Liability insurance shall provide for payment of not less than One Million Dollars ($1,000,000.00) to satisfy all claims or damage by reason of bodily injuries to, or death of, any person as a direct or indirect result of the operation of the sidewalk café, or for injury to any person occurring on the premises occupied by such café, and further providing for the payment of not less than Ten Thousand Dollars ($10,000.00) to satisfy all claims for property damage occurring as a direct or indirect result of the operation of such café.

17. Prior to the license being issued, the Applicant shall execute and file an indemnification agreement, in the form prepared or approved by the City Attorney, in which it shall agree to forever defend, protect, indemnify and save harmless the City of Elizabeth, its officers, agents and employees, from and all claims, causes of action, injuries, losses, damages, expenses, attorney’s fees and costs arising out of or which may arise out of, or be alleged to arise out of the operation of the sidewalk café.

18. All property taxes and water and sewer charges must be current at the time an application for a sidewalk café is received by the City or review of the application will not take place.

19. The Health Officer may establish rules and regulations pursuant to this Chapter for the protection of the health, safety and welfare of the public, which rules and regulations shall be filed with the City Clerk and shall be available for public inspection.
ORDINANCE NO. 4567

AN ORDINANCE TO AMEND CHAPTER 7.54 "SIDEWALK CAFES", OF THE CODE OF THE CITY OF ELIZABETH, SPECIFICALLY RELATING TO LICENSE FEES AND FEE WAIVER FOR SPECIAL EVENTS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH:

SECTION 1. That Chapter 7.54.070 Fees The present fee shall be deleted and replaced with the following:

1-10 seats - One Hundred Dollars ($100.00)
11-25 seats - Two Hundred Dollars ($200.00)
Over 25 seats - Three Hundred Dollars ($300.00)

SECTION 2. That Chapter 7.54.070 Fees for Sidewalk Cafe shall be amended to include a fee waiver for special events as follows:

A request to waive fees for special events such as restaurant week or sidewalk sales must be submitted in writing, (30) thirty days in advance, to the Health Officer in the Department of Health and Human Services and shall be reviewed and approved by the Director of the aforesaid Department in accordance with the requirements of this Ordinance.

SECTION 3. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

SECTION 4. If any portion or clause of this ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this ordinance.

SECTION 5. The effective date of this ordinance shall be twenty (20) days after its final passage by City Council and approval by the Mayor at the time and in the manner provided by law.
[First Reprint]
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)
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:

SYNOPSIS
Expands opportunities for restaurants, bars, distilleries, and breweries to provide outdoor seating and micro-breweries to increase sales to seasonal farm markets in response to COVID-19 public health measures.

CURRENT VERSION OF BILL
As amended by the General Assembly January 14, 2021.

(Sponsorship Updated As Of: 1/11/2021)
AN ACT creating opportunities for restaurants, bars, distilleries, and
breweries to adjust operations in response to the COVID-19
public health emergency through expanded outdoor dining; and
by permitting certain sales at seasonal farm markets; 'and
supplementing Title 33 of the Revised Statutes'.

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

1. As used in this act, P.L. , c. (pending before the
Legislature as this bill), and only for the purposes of this act:
"Brewery" means a brewery operating under a brewery license
pursuant to R.S.33:1-10.
"Distillery" means a distillery that has been issued, and is in
compliance with, a distillery license pursuant to R.S.33:1-10.
"Food" means food that is cooked, prepared, sold, served, and
consumed on the business premises.
"Outdoor space" means a patio or deck, whether covered or
uncovered, a yard, a walkway, or a parking lot, or a portion of any
such space, that is located on or adjacent to the business premises,
which space is owned, leased, or otherwise in the lawful control of
the owner or operator of the business premises.
"Public sidewalk" means a sidewalk on the locally or county
owned public right-of-way which is adjacent to the business
premises, or a portion thereof.
"Special Ruling No. 2020-10" means Special Ruling No. 2020-
10, issued by the acting director of the Division of Alcoholic
Beverage Control on June 3, 2020.

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

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

EXPLANATION – Matter enclosed in bold-faced brackets [ ] 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:
'Assembly floor amendments adopted January 11, 2021.
business premises' parking lot is used for the service and sale of
either food or beverages, or both, 'including, but not limited to,
alcoholic beverages if so licensed,' the restaurant, bar, distillery,
or brewery shall not encumber more than 75 percent of the lot's
total parking spaces for such service and sale, unless the parking lot
contains less than eight parking spaces, and shall maintain at least
one handicapped parking space in the parking lot.

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

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

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

(3) An appeal to any approval, denial, revocation, or suspension
may be filed 'consistent with section 59 of P.L.1975, c.291
(C.40:55D-72), and other applicable provisions of the "Municipal
Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.), and:
the commencement of the 20-day limitation period in section 59
of P.L.1975, c.291 (C.40:55D-72) shall begin on that date that the
appellant knew or should have known of the approval, denial,
revocation, or suspension, and
the deadline by which a decision on an appeal is to be rendered under section 60 of P.L.1975, c.291 (C.40:55D-73) shall be 60 days. The governing body of a municipality may adjust, by ordinance or resolution, any other deadlines under the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) with respect to the filing of such appeal so as to allow compliance with this 60-day limitation through the municipal clerk with the governing body of the municipality. The governing body, or its designee, shall conduct a hearing and render a decision within 30 days of the filing of the appeal. The governing body may designate a municipal official or an attorney licensed in the State of New Jersey to serve as a hearing officer in place of the governing body for the purpose of conducting said hearing and rendering said decision.

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

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

3. a. Notwithstanding the provisions of any law to the contrary, during the period that this section is in effect, the owners and operators of restaurants, bars, distilleries, and breweries may use public sidewalks as an extension of their business premises for the purpose of conducting sales of food and beverages \[L\] including alcoholic beverages \[L\] if so licensed and permitted by Special Ruling 2020-101.

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

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

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

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

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

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

e. Owners and operators of restaurants, bars, distilleries, or
breweries desiring to utilize “outdoor spaces” public sidewalks’ are
subject to the following conditions: (1) a walking path not less than
four feet wide must be maintained on the public sidewalk at all
times so as to not obstruct pedestrian traffic; (2) all fixtures must be
removed from public sidewalks at the conclusion of each day, if so
required by the municipality; and (3) the municipality reserves the
right to order the temporary suspension of outdoor dining and the
removal of all fixtures from public sidewalks due to road or utility
construction, predicted high winds or severe weather, predicted
snow or ice storms, the need to remove snow or ice from the
sidewalks, or any other public emergency that may arise.
f. Municipalities shall require that any restaurants, bars, distilleries, or breweries operating pursuant to this section shall follow, maintain, and enforce protocols promulgated by the Commissioner of Health or Executive Order of the Governor in response to the COVID-19 public health emergency, concerning social distancing and use of personal protective equipment during the period those protocols are in effect.

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

   b. The governing body of a municipality may file with the Division of Alcoholic Beverage Control an objection to the continued operation under subsection a. of this section by any licensee or permittee the governing body finds to have:
      (1) failed to follow, maintain, and enforce protocols promulgated by the Commissioner of Health or by Executive Order of the Governor in response to the COVID-19 public health emergency concerning social distancing and the use of personal protective equipment; or
      (2) violated any other health, safety, fire, permitted use, or zoning regulations or ordinances not otherwise directly superseded by this section or Special Ruling No. 2020-10.

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

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

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

6. a. Notwithstanding any provision of this act to the contrary, all other municipal ordinances pertaining to sanitation, property maintenance, noise, business days and hours of operation, and days and hours of service of alcoholic beverages shall apply, unless specifically suspended or modified by the municipality or specifically prohibited by the provisions of this section.
b. With respect to restaurants, bars, distilleries, and breweries operating in outdoor spaces pursuant to section 2 of this act, municipalities shall not prohibit or limit the days and hours of the outdoor service of food and beverages, including alcoholic beverages, except that municipalities may prohibit or limit operations for the hours after 10:00 p.m. and between 12:00 a.m. and 11:00 a.m. on Sundays through Wednesdays, and between 12:00 a.m. and 11:00 a.m. on Thursdays through Saturdays, with the exception that a municipal ordinance prohibiting or limiting the days and hours of indoor service of food and beverages, including alcoholic beverages, which was in effect prior to March 1, 2020 may be applied to the outdoor service of food and beverages, including alcoholic beverages, as a condition of the zoning approval pursuant to section 2 of this act, P.L. , c. (pending before the Legislature as this bill). This provision shall not be construed as overruling or prohibiting the authority of a city of the first class to impose more restrictive time restrictions or prohibit or limit the days and hours of the outdoor service of food and beverages due to increased positivity rate of COVID-19.

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

7. Nothing in this act shall be interpreted or construed as permitting or mandating the opening, expansion, or resumption of unlimited operations of a restaurant, bar, or brewery that is closed, whether permanently or temporarily, or operating subject to limitations on its operations, service, or hours, as a result of disciplinary or legal sanctions imposed by, or entering into a settlement agreement with, a court of the State of New Jersey, a municipal court, the New Jersey Department of Law and Public Safety, the New Jersey Division of Alcoholic Beverage Control, or a municipal governing body acting as a local alcoholic beverage control board, as applicable.
8. Nothing in this act permits the use of State-owned right of way for the purposes of outdoor dining. Permits for the use of the State right of way will be issued upon application and approval of the New Jersey Department of Transportation. For the purposes of locally-owned roads that intersect the State highway system, setbacks from the State right of way line will be 50 feet from April 1 to October 31, and 100 feet from November 1 to March 31.

9. a. As used in this section:
   "Roadside farm stand" means a location owned by a single farmer or producer at which the farmer or producer sells agricultural products only from the farmer's or producer's farm directly to consumers.
   "Seasonal farm market" means a premises or facility utilized for the primary purpose of selling predominately agricultural or horticultural products, and which is annually closed to business during an off-season for a period of not less than 90 continuous days.

b. The Director of the Division of Alcoholic Beverage Control may, in accordance with regulations or a special ruling issued pursuant to this section, 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, as established pursuant to R.S.33:1-10, a daily or annual permit to sell any of the licensee's products 'in original containers' at a seasonal farm market for consumption off of the premises of the seasonal farm market. The licensee shall obtain a separate permit for each seasonal farm market at which the licensee intends to sell its products. The director shall not issue a permit pursuant to this section for use in connection with a roadside farm stand.

c. Subject to regulation or special ruling, a licensee issued a permit pursuant to this section may:
   (1) transport the licensee’s products in original containers for the purpose of selling them at a seasonal farm market; and
   (2) offer samples for sampling purposes to persons of the legal age to consume alcoholic beverages in the amounts authorized pursuant to R.S.33:1-10 during each day the seasonal farm market is operating.

d. A daily permit shall be valid for the hours during which a seasonal farm market is open within the 24-hour period for which the daily permit is issued. An annual permit shall be valid for one year from the date of issuance. The director may renew a permit, provided the permit holder continues to hold a limited brewery license, restricted brewery license, craft distillery license, plenary winery license, farm winery license, or cidery and meadery license, as applicable.
e. Notwithstanding any law or regulation to the contrary, the
director may establish a fee, in an amount determined by the
director, for the issuance and renewal of a permit under this section.
f. The Director of the Division of Alcoholic Beverage Control
shall issue a special ruling or adopt regulations necessary to
effectuate the purposes of this section. Regulations shall be
effective immediately upon filing with the Office of Administrative
Law for a period not to exceed 18 months, and may, thereafter, be
amended, adopted or readopted in accordance with the provisions of
the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
1 et seq.).

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