

**From:** DCA Codes Education Unit [DCA] <[Education.Unit@dca.nj.gov](mailto:Education.Unit@dca.nj.gov)>

**Sent:** Monday, March 7, 2022 10:53 AM

**To:** DCA Codes Education Unit [DCA] <[Education.Unit@dca.nj.gov](mailto:Education.Unit@dca.nj.gov)>

**Subject:** IMPORTANT MESSAGE FROM THE DIVISION OF CODES & STANDARDS

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Please be advised, P.L.2021, c.15 is still in effect until November 30, 2022, per Special Ruling No. 2020-10, issued by the Acting Director of the Division of Alcoholic Beverage Control within the Department of Law and Public Safety, Office of the Attorney General.

This legislation permits the owner or operator of a restaurant, bar, distillery, or brewery to utilize outdoor spaces as an extension of their businesses by means of filing 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. It further notes that if a business premises' parking lot is used for the service and sale of either food or beverages, or both, 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.

As a local UCC official, we understand these requirements are not under your purview and the allowance of outdoor dining and similar operations, as noted above, remains a zoning issue. We ask that you please share this information with your respective local zoning and planning officials. For reference, the legislation can be found at: [https://www.njleg.state.nj.us/Bills/2020/PL21/15\\_.HTM](https://www.njleg.state.nj.us/Bills/2020/PL21/15_.HTM) and Special Ruling No. 2020-10 can be found at: [Microsoft Word - SR 2020-10 Executed Temporary Extension Permits\\_final draft\\_June 3\\_revised\\_clean...\\_\(00000002\) \(nj.gov\)](#) and Administrative Order 2021-01 Extending Certain COVID-19 Expansion Permits can be found at: [AO-2021-01-Order-Extending-COVID-19-Permits-CLEAN-FINAL\\_GO-clean-j.pdf \(nj.gov\)](#).