



# House of Representatives

General Assembly

**File No. 116**

January Session, 2021

Substitute House Bill No. 6610

*House of Representatives, March 23, 2021*

The Committee on Planning and Development reported through REP. MCCARTHY VAHEY, C. of the 133rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING THE PROVISION OF OUTDOOR FOOD AND BEVERAGE SERVICE BY RESTAURANTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective from passage*) (a) For the purposes of this section,  
2 "food establishment" means a food establishment that is licensed or  
3 permitted to operate pursuant to section 19a-36i of the general statutes,  
4 and "municipality" has the same meaning as provided in section 8-1a of  
5 the general statutes.

6 (b) Notwithstanding any provision of the general statutes, special act,  
7 municipal charter or ordinance, the zoning commission of each  
8 municipality shall allow any licensee or permittee of a food  
9 establishment operating in such municipality to engage in outdoor food  
10 and beverage service as an accessory use of such food establishment's  
11 permitted use until March 31, 2022. Such accessory use shall be allowed  
12 as of right, subject only to any required administrative site plan review  
13 to determine conformance with zoning requirements not contemplated

14 by this section.

15 (c) Any such licensee or permittee may engage in outdoor food and  
 16 beverage service (1) on public sidewalks and other pedestrian pathways  
 17 abutting the area permitted for principal use and on which vehicular  
 18 access is not allowed, (A) provided a pathway (i) constructed in  
 19 compliance with physical accessibility guidelines, as applicable, under  
 20 the federal Americans with Disabilities Act, 42 USC 12101, et seq, as  
 21 amended from time to time, and (ii) the length of the lot upon which the  
 22 area permitted for principal use is located, and not less than six feet in  
 23 width, not including any area on a street or highway, shall remain  
 24 unobstructed for pedestrian use, and (B) subject to reasonable  
 25 conditions imposed by the municipal official or agency that issues right-  
 26 of-way or obstruction permits; (2) on off-street parking spaces  
 27 associated with the permitted use, notwithstanding any municipal  
 28 ordinance establishing minimum requirements for off-street parking; (3)  
 29 on any lot, yard, court or open space abutting the area permitted for  
 30 principal use, provided (A) such lot, yard, court or open space is located  
 31 in a zoning district where the operation of food establishments is  
 32 permitted, and (B) the licensee or permittee obtains written  
 33 authorization to engage in such service from the owner of such lot, yard,  
 34 court or open space and provides a copy of such authorization to the  
 35 zoning commission; and (4) until nine o'clock p.m., or a time established  
 36 by the zoning regulations of the municipality, whichever is later.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

**PD** Joint Favorable Subst.

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*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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### **OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

### **Explanation**

The bill has no fiscal impact. It requires municipalities to allow restaurants to offer outdoor dining until March 31, 2022. This has no fiscal impact, as it is anticipated that municipalities can comply with this requirement with existing resources.

Executive Order No. 7MM, issued on May 12, 2020, currently allows outdoor activities as an accessory use to any location where food or beverages are served, subject to review and approval by local zoning officials. This executive order is set to expire on April 20, 2021.

### **The Out Years**

**State Impact:** None

**Municipal Impact:** None



**OLR Bill Analysis**

**sHB 6610**

***AN ACT CONCERNING THE PROVISION OF OUTDOOR FOOD AND BEVERAGE SERVICE BY RESTAURANTS.***

**SUMMARY**

The Office of Legislative Research does not analyze Special Acts.

**COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Substitute

Yea 26 Nay 0 (03/21/2021)