

CHAPTER 5. ALCOHOLIC BEVERAGES

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5-1. Adoption.

This Chapter is adopted in accordance with Title 33 of the Revised Statutes. (R.S. 33:11, et seq.)

5-2. Controlling Statutes and Regulations.

All applications for licenses under this Chapter, and all licenses issued thereunder and proceedings in connection therewith, shall be subject to the provisions of the aforesaid Title 33 and the said rules and regulations issued and promulgated by the Director of the Division of Alcoholic Beverages Control applicable thereto, and shall be subject to any other statutes of New Jersey or of the United States now existing or hereafter enacted affecting the subject of this Chapter.

5-3. Issuing Authority.

The Common Council, being the Governing Body of the Town, shall constitute the authority for the issuance and administration of all licenses under this Chapter and shall make such reports to the Director of the Division of Alcoholic Beverage Control as may be required by statute or the rules and regulations promulgated by said Director.

5-4. Sales Unlawful Without License.

It shall be unlawful to sell or distribute alcoholic beverage in the Town without a license previously applied for any and duly granted, pursuant to the provisions of said Title 33. (4-10-61)

5-5. Licenses and Licenses Fees.

(a) The fees for a Plenary Retail Consumption License shall be the sum of one thousand one hundred thirty-five (\$1,135.00) dollars. (1996)

(b) The fee for a Plenary Retail Distribution License shall be the sum of seven hundred thirteen (\$713.00) dollars. (1996)

(c) The fee for a Club License shall be one hundred fifty (\$150.00) dollars. (1996)

5-6. Certain License Prohibited.

The Town shall not issue any Seasonal Retail Consumption License or any Limited Distribution License. (4-10-61)

5-7. Limitation on Number of Licenses.

The number of licenses shall be limited as follows:

(a) Plenary Retail Consumption Licenses shall be limited to five (5).

(b) Plenary Retail Distribution Licenses shall be limited to one (1).

(c) Club Licenses may be granted from time to time on application, provided the Town Council is satisfied that said licensed club is a bona fide organization.

Plenary Retail Distribution Licenses shall not be issued to permit the sale of alcoholic beverages in or upon any premises in which any other mercantile business is carried on except that the holder of such a license may sell nonalcoholic beverages as accessory beverages, tobacco, and such items accessory to the preparing and serving of beverages as cherries, olives, onions, pretzels, corn curls, nuts, potato chips, cheese bits and other similar items. (4-10-61)

5-8. Hours of Sale.

(a) New Year's Day. No licensee shall sell, service, deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage, or permit consumption of alcoholic beverages on his licensed premises on New Year's Day when it is a weekday between the hours of 3:00 a.m. and 7:00 a.m.

No licensee shall sell, serve, deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage, or permit consumption of alcoholic beverages on the licensed premises on New Year's Day when it is a Sunday between the hours of 3:00 a.m. and 12:00 noon.

(b) No licensee shall sell, serve, deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage, or permit consumption of alcoholic beverages on the licensed premises on all Mondays, Tuesdays, Wednesdays, Thursdays, Fridays and Saturdays between the hours of 2:30 a.m. and 7:00 a.m., and on all other Sundays between the hours of 2:30 a.m. and 12:00 noon.

(c) The above-mentioned hours shall be construed to mean Eastern Standard Time or Eastern Daylight-Savings Time during such period when each may be in effect.

5-9. Service in Back Rooms Prohibited.

The sale of alcoholic beverages to persons in any back room or side room which is not open to general public use is prohibited except that in hotels guests may be served in their rooms or in private or public dining rooms, and provided further that this prohibition shall not apply to Club Licenses. (4-10-61)

5-10. Sales to Minors, etc. Prohibited.

No licensee shall sell, serve, deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage directly or indirectly for any person under the age of twenty-one (21) years, or to any

person actually or apparently intoxicated, or to any mentally defective person or habitual drunkards; nor shall any license allow, permit, or suffer the consumption of alcoholic beverages by any such person upon the licensed premises.

5-11. Purchase by or for Minors Prohibited.

(a) It shall be unlawful for any person under the age of twenty-one (21) years, to purchase, attempt to purchase, or induce another to purchase for him any alcoholic beverage.

(b) It shall be unlawful for any person to purchase or attempt to purchase alcoholic beverages for a person under the age of twenty-one (21) years, and it shall likewise be unlawful for any person to induce or attempt to induce any licensee or any employee of a licensee to sell, serve or deliver alcoholic beverages to a person under the age of twenty-one (21) years.

(c) It shall be unlawful for any person under the age of twenty-one (21) years to misrepresent or misstate his age for the purpose of inducing any licensee or any employee of a licensee to sell, serve or deliver any alcoholic beverage to him.

5-12. Sale and Purchase of Illicit Beverages Prohibited.

(a) It shall be unlawful for any person, excepting an officer or other person authorized by and acting pursuant to the instructions of such officer, so doing in the course of and for the purpose of enforcing the provisions of R.S. 33:1-1, et seq., the rules and regulations of the Director of the Division of Alcoholic Beverage Control or this ordinance, to knowingly purchase, receive or procure any illicit alcoholic beverage.

(b) It shall be unlawful for any person to knowingly possess, have custody of, order for sale or sell any illicit alcoholic beverage. (4-10-61)

5-13. Penalties.

Any person who shall violate any provisions of this Chapter shall, upon conviction thereof, be punished by a fine not exceeding Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for a term not exceeding ninety (90) days, or both. (4-10-61)