

TOWNSHIP OF MAURICE RIVER

ORDINANCE NO. 679

**AN ORDINANCE OF MAURICE RIVER TOWNSHIP,
CUMBERLAND COUNTY, AMENDING REGULATING THE RETAIL SALE
OF ALCOHOLIC BEVERAGES AND ESTABLISHING LICENSING
REQUIREMENTS AND CONDITIONS FOR THE SALE OF ALCOHOL
BEVERAGES**

WHEREAS, during the general election conducted on November 7, 2017, the voters of Maurice River Township approved the retail sale of all kinds of alcoholic beverages, for consumption on the licensed premises by the glass or other open receptacle pursuant to Chapter one of the Title Intoxicating Liquors of the Revised Statutes of New Jersey; and

WHEREAS, this Ordinance establishes the licensing requirements for the issuance of retail consumption licenses and regulates the sale of alcoholic beverages within Maurice River Township.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Township Committee of the Township of Maurice River, County of Cumberland, State of New Jersey, does hereby amend the revised general ordinances of the Township of Maurice River by adding a new Chapter VIII, as follows:

Chapter VIII

Alcoholic Beverages

Section 8-1-Number of Licenses:

In accordance with the provisions of NJSA 33:1-12 and pursuant to the referendum approved by a majority of the voters of the Township of Maurice River during the general election conducted on November 7, 2017, the Township Committee shall be empowered to issue two (2) Retail Consumption Licenses for the sale of alcoholic beverages for the consumption on the licensed premises by the glass or other open receptacle, subject to the provisions of Title 33 of the New Jersey Statutes and the regulations promulgated by the Director of the Division of Alcoholic Beverage Control and this Ordinance.

Section 8-2 - Application Requirements:

In addition to any application form or information required by the New Jersey Division of Alcoholic Beverage Control, any applicant for a license or renewal thereof shall file with the Township Clerk true copies, in duplicate, of:

- a. Its Certificate of Incorporation or Articles of Partnership or other documents of formation and governance of the applicant;
- b. A list of its officers, directors or trustees with a specification of the duties of each;

- c. A list of shareholders or partners holding an interest of one percent (1%) or more, by name and address; and
- d. Such other information as may be deemed necessary, relevant or appropriate by the Township Clerk or the New Jersey State Police.

If any changes occur in the officers and directors of the licensee at any time during the year, the applicant shall amend the license application to show the changes within ten (10) days after their occurrence and shall furnish the changes in writing in triplicate to the Township Clerk.

Section 8-3 - License Fee:

The annual license fee for each license shall be One Thousand, Two Hundred Fifty (\$1,250.00) Dollars per year which fee shall increase annually by three percent (3%) rounded to the nearest whole dollar, until the maximum amount permitted by the New Jersey Division of Alcoholic Beverage Control regulation is reached. The license fee shall be payable upon the filing of the application for the license or for the renewal of a license.

Section 8-4 - Costs:

The applicant for a license shall be responsible for any fingerprinting costs and for any and all costs associated with required criminal background checks.

Section 8-5 - Definitions:

Clerk. Shall be the Municipal Clerk of Maurice River Township.

Governing Board or Body. The Township Committee of Maurice River Township.

Restaurant-Full Service. Any establishment regularly and principally used for the purpose of providing meals to the public, having an adequate kitchen and dining room equipped for the preparing, cooking and serving of food for its customers and in which no other business, except such as incidental to such establishment, is conducted. A full-service restaurant is distinguished from any other type of restaurant by the sale of alcoholic beverages. A full-service restaurant shall provide a full menu service and seating for not less than 75 persons. A full-service restaurant may also be utilized for banquets or catered events either in the main restaurant area, or in a separate space dedicated for that purpose. A full-service restaurant shall have a full-service kitchen and/or banquet facility designed to be principally for the providing of meals to the general public. A full-service restaurant may include a bar section with consumption on the premises only; however, the number of bar stools shall not exceed 15% of the total number of dining seats.

Banquet Facility. Any establishment, however designated, regularly and principally used for the purpose of providing meals for banquets and catered events, having an adequate kitchen and facilities for the preparing, cooking and serving of food for its patrons.

Additionally, the meanings of the words and terms defined by NJSA 33:1-1 et seq., and NJAC 13:2-1.1, et seq., shall apply.

Section 8-6 - Number of Licenses Permitted:

No new plenary retail consumption license shall be issued in the Township of Maurice River unless and until the number of licenses outstanding is less than that which is permitted by NJSA 33:1-12.14, or amendments thereto. Notwithstanding the foregoing, nothing in this article shall be deemed to prevent the issuance of a new license to a person who files application therefor within one (1) year following the expiration of the license renewal period if the State Commissioner shall have determined, in writing, that the applicant's failure to apply for a renewal of his license was due to circumstances beyond his control.

Section 8-7: Closing requirement during public emergencies or crime investigations.

No license shall sell, serve or deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage at retail or allow, permit or suffer the consumption of any alcoholic beverages on the licensed premises or allow, permit or suffer the retail licensed premises to be open during any period for which any duly constituted state, county or municipal law enforcement authority, because of a public emergency or investigation of crime, has ordered the licensed premises to be closed unless accepted by such authority to permit continuing conduct of business other than the sale of alcoholic beverages.

Section 8-8 - Term of license; proration of fee; renewal.

The license provided hereunder shall be for a term of one year from the first day of July 1 each year, and all fees shall be paid in advance upon presentation of the application. Fees for a partial year shall be prorated accordingly. Provided an issued license has not been suspended or revoked, and there have been no other violations or infractions of this Ordinance or the Act, the Licensee shall have the right to apply for a renewal of the License in accordance with the Act. So long as the New Jersey Secretary of State issues certificates of good standing, each applicant for renewal shall include a copy of a current certificate of good standing issued by the New Jersey Secretary of State.

Section 8-9 - Suspension or revocation of license:

A. Any license issued under this Ordinance may be suspended or revoked for violation of any of the provisions of this Ordinance or any of the provisions of said Act or said statutes heretofore mentioned or of any of the regulations and rules prescribed by said Director of Alcoholic Beverage Control.

B. Proceedings for suspension or revocation shall be in accordance with the provisions of said Act, by service of a five-day notice of charges proffered against the licensee, as provided in said Act, and by the affording of a reasonable opportunity for a hearing, and such suspension or revocation shall carry the penalties and prohibitions provided for in said Act.

C. Any license issued under this Ordinance shall be used a minimum of thirty (30) days per the licensing year in order to remain active. That is the full-service restaurant must be open

to the public a minimum of thirty (30) days during the licensing year during normal business hours. Failure to abide by this Section shall result in revocation of the license, however, as per applicable regulations.

Section 8-10 - License to be posted and displayed:

Before any licensee to whom a license has been issued shall start doing business for the period of time for which the license has been issued, the licensee shall enclose the license in a suitable frame having clear glass space and substantial backing, so that whole such license may be seen therein. The license thereupon shall be so posted and at all times displayed in a conspicuous place in the main or principal room where the licensee's business is being carried on so that all persons visiting such place of business may readily see the same.

It shall be unlawful for any person holding such license, servant, agent or employee to post license or permit the same to be posted upon premises other than the premise licensed or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee, his servant, agent or employee.

Section 8-11 - Restrictions on location and operation.

A. The plenary retail consumption license shall be issued for the sale of alcoholic beverages only in such facility or location meeting the following minimum criteria:

1. Full service restaurant having dining area seating for at least 75 persons.
2. The maximum number of seats in the bar of the full-service restaurant, if applicable, shall not exceed 15% of the dining room seating requirements. (However, no licensee is required to operate a bar on the licensed premises)
3. Licensed premises must be situated within a zoning district within which restaurants are permitted uses.
4. In the operation of the full-service restaurant, or banquet facility, no vending machines, juke boxes, arcades, pool tables or amusement devices shall be permitted.
5. In the operation of the full-service restaurant, or banquet facility, no food service or consumption of alcoholic beverages shall be permitted outside the licensed area.

Section 8-12 - Distance restriction.

No license shall be issued for the sale of alcoholic beverages within 200 feet of any church or public schoolhouse or private schoolhouse not conducted for pecuniary profit. Said 200 feet shall be measured in the normal way that a pedestrian would properly walk from the main entrance of said church or school to the main entrance of the premises sought to be licensed. The prohibition contained in this section shall not apply to the issuance or renewal of any license where no such church or schoolhouse was located within 200 feet of the licensed premises as aforesaid at the time of the issuance of the license, nor to the issuance or renewal, or both, of any license where such premises have been heretofore licensed for the sale of alcoholic beverages or intoxicating liquors, and such church or schoolhouse was constructed or established, or both, during the time said premises were licensed.

Section 8-13 - Hours of Operation:

A. A licensee shall sell, serve or deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverages or permit any consumption of alcoholic beverages on the licensed premises only during the following hours:

1. Monday through Saturday--11:00 a.m. until 11:00 p.m.
2. Sunday - 1:00 p.m. until 11:00 p.m.

B. During the hours that sales of alcoholic beverages are prohibited, the entire premises shall also be closed and no person other than the licensee and his bona fide employees shall be permitted to remain thereon with the exception that only food for consumption may be served. During said time, the bar area shall be closed and appropriately roped off or designated by appropriate notices or signage that the bar area is closed to patrons.

Section 8-14 - Service of beverages:

No licensee shall serve any alcoholic beverages or allow, permit or suffer service of any alcoholic beverages in any room or place on the licensed premises that is not open to invitees or customers generally.

Section 8-15 - Light and View Requirements:

All licensed premises in which is located a bar, bar area or service bar, shall provide sufficient lighting in the room in which the bar, bar area or service bar is physically located so a view of the interior of said room may be had from the public means of ingress and egress to said room. Further, the interior of said room in which the bar, bar area or service bar is located shall be arranged in such a manner that a clear view of the interior may be had from the public means of ingress and egress to said room.

Section 8-16 - Condition of Premises:

Licensees must at all times keep the licensed premises in a safe, clean and sanitary condition.

Section 8-17 - Unaccompanied persons under legal age excluded.

No plenary retail consumption licensee shall permit any person at the bar under the age of seventeen (17) years old without a parent or guardian being present. This section shall not apply to the dining area of any bona fide full-service restaurant, whose principal business is the service of food.

Section 8-18 - Consumption by persons under the age of 21 or persons under the influence of alcoholic beverages or drugs on premises.

No licensee shall sell, serve or deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage, directly or indirectly, to any person under the age of 21 years or to any persons who are actually or are apparently under the influence of alcoholic beverages or drugs or where said licensee knows or should have known said persons are under the influence of alcoholic beverages or drugs.

Section 8-19 - Prohibited Activities.

A. No licensee shall allow, permit or suffer in or upon the licensed premises any unlawful possession of or any unlawful activity pertaining to:

1. Narcotic drugs;
2. Controlled dangerous substances as defined by New Jersey Controlled Dangerous Substance Act (NJSA 24:21-1 et seq.);
3. Controlled dangerous substances as defined by the Comprehensive Drug Reform Act of 1987 (NJSA 2C:35-1 et seq.);
4. Any prescription legend drug in any form, which is not a narcotic drug or a controlled dangerous substance or analogs as so defined;
5. Drug paraphernalia as defined by NJSA 2C:36-1.
6. Use of marijuana, illegally.

B. No licensee shall allow, permit or suffer the licensed premises to be accessible to any premises upon which any illegal activity or enterprise is carried on or the licensed premises or business to be used in furtherance or aid of or accessible to any illegal activity or enterprise.

C. No licensee shall allow, permit or suffer in or upon the licensed premises the habitual presence of any known prostitute, gangster, racketeer, notorious criminal, or other person of ill repute.

Section 8-20 - Lotteries.

No licensee shall allow, permit or suffer in or upon the licensed premises any lottery to be conducted or any ticket or participation right in any lottery to be sold or offered for sale; nor shall any licensee possess, have custody of or allow, permit or suffer any such ticket or participation right in or upon the licensed premises.

Section 8-21 - Gambling.

A. No licensee shall engage in or allow, permit or suffer any pool selling, bookmaking or any unlawful game or gambling of any kind or any slot machine or device in the nature of a slot machine which may be used for playing for money or other valuable things.

B. No licensee shall engage in or allow, permit or suffer in or upon licensed premises any gambling paraphernalia including but not limited to any slip, ticket, book, record, document, memorandum or any other writing pertaining in any way to any lottery, pool selling, book making or unlawful game or gambling of any kind.

Section 8-22 - Intoxication of licensees or workers.

No licensee shall work in any capacity in or upon the licensed premises while actually or apparently under the influence of alcohol or drugs or allow, permit or suffer any person actually or apparently under the influence of alcohol or drugs to work in any capacity in or upon the licensed premises.

BE IT FURTHER ORDAINED AND ENACTED by the Township Committee of the Township of Maurice River, County of Cumberland and State of New Jersey that this Ordinance shall take effect immediately upon the adoption and publication of notice of adoption as prescribed by law.

ATTEST:

DENISE PETERSON
Township Clerk

PATRICIA GROSS, MAYOR

J. ROY OLIVER, DEPUTY MAYOR

KEN WHILDIN, COMMITTEEPERSON

First Reading	<u>November 15, 2018</u>
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