

TOWNSHIP OF PEMBERTON

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING CHAPTER 64 OF THE CODE OF THE TOWNSHIP OF PEMBERTON, ENTITLED 'ALCOHOLIC BEVERAGES'

ORDINANCE NO. 8-2018

WHEREAS, the purpose of this ordinance is to update Chapter 64 of the Code of the Township of Pemberton which regulates the consumption and distribution of alcoholic beverages in the Township of Pemberton pursuant to the authority set forth in Title 33 of the Revised Statutes of New Jersey, and applicable regulations promulgated by the Director of the Division of Alcoholic Beverage Control applicable thereto.

NOW, THEREFORE, IT IS ORDAINED, by the Township Council of the Township of Pemberton, in the County of Burlington and State of New Jersey that Chapter 64 (entitled "Alcoholic Beverages") of the Township Code is hereby amended in its entirety.

ARTICLE I. Licenses and Hours

Section 64-1. Purpose.

This Ordinance is for the purpose of regulating the sale, consumption, and distribution of alcoholic beverages in the Township of Pemberton in accordance with the provisions of Title 33 of the Revised Statutes of New Jersey, as amended, and in accordance with the regulations issued and promulgated by the Director of the Division of Alcoholic Beverage Control applicable thereto, from time to time.

Section 64-2. Licensing Authority.

The Council of the Township of Pemberton shall constitute the authority for the issuance and administration of all licenses under this Ordinance, 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 the Director.

Section 64-3. License Required.

It shall be unlawful to sell or distribute alcoholic beverages in the Township of Pemberton without a license previously applied for and duly granted pursuant to the provisions of Title 33 of the Revised Statutes of New Jersey, as amended.

Section 64-4. Licenses and Fees.

- A. Plenary Retail Consumption License. The annual fee for a plenary retail consumption license shall be \$990.
- B. Club License. The annual fee for a club license is fixed at \$150.
- C. Hotel Plenary Retail Consumption License. The annual fee for licenses issued to persons operating hotels or motels containing one hundred (100) or more guest sleeping rooms shall be \$2,000.

- D. Plenary Retail Distribution License. The annual fee for a plenary retail distribution license shall be \$2,000.
- E. Restricted Brewery License. A Restricted Brewery License shall be issued by the Alcoholic Beverage Commission solely to a person or entity that identically owns a Plenary Retail Consumption License issued by the Township of Pemberton which is operated in conjunction with a restaurant regularly and principally used for the purpose of providing meals to customers and having kitchen facilities, subject to conditions, limitations, and approvals which may be required by applicable law and regulations, and the limitations on the number of said licenses pursuant to Section 64-6 of this Ordinance.

Section 64-5. Certain Licenses Prohibited.

The Township of Pemberton shall not issue any seasonal retail consumption license or any limited distribution license.

Section 64-6. Limitation on number of licenses.

- A. The number of licenses shall be limited as follows:
 - (1) No new plenary retail consumption license shall be issued unless and until the total number of such licenses existing in the Township of Pemberton is fewer than one (1) for each three thousand (3,000) residents of the Township as indicated by the most recent federal census except that a plenary retail consumption license may be issued to persons operating hotels or motels containing one hundred (100) or more guest sleeping rooms notwithstanding the population ratio as permitted by Title 33 of the Revised Statutes of New Jersey.
 - (2) Three (3) new plenary retail distribution licenses may be issued by the Township of Pemberton. The sale by the Township of a plenary retail distribution license shall be subject to public bidding, the establishment of a minimum bid by the Council, and duly advertised, except that the Mayor may negotiate, and the Council may approve, the private sale of a plenary retail distribution license to be used exclusively within a Redevelopment Area of the Township.
 - (3) The number of club licenses for the sale and consumption of alcoholic beverages shall be limited to five (5). Transfers of club licenses shall not be permitted.
- B. The provisions of this section shall not prevent the renewal of existing licenses by the holders of any plenary retail consumption licenses.

Section 64-7 Hours of Sale.

- A. No licensee shall sell, serve, deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage or permit the consumption of any alcoholic beverage on the licensed premises on New Year's Day when it is a weekday, between the hours of 4:00 a.m. and 12:00 noon; on other weekdays, between the hours of 4:00 a.m. and 7:00 a.m.; or on Sundays between the hours of 4:00 a.m. and 12:00 noon.
- B. During the hours that sales are hereinabove prohibited, the entire licensed premises shall also be closed, but this closing-of-premises requirement shall not apply to

hotels, to restaurants as defined in Title 33 of the Revised Statutes of New Jersey or to other establishments where the principal business is other than the sale of alcoholic beverages.

ARTICLE II. Consumption by Minors

Section 64-8. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

MINOR

Any person under the age of twenty-one (21).

Section 64-9. Prohibited Conduct.

It shall be unlawful for:

- A. A minor to enter any premises licensed for the retail sale of alcoholic beverages for the purpose of purchasing or having served or delivered to him or her any alcoholic beverage.
- B. A minor to consume any alcoholic beverage on premises licensed for the retail sale of alcoholic beverages, or to purchase, attempt to purchase or have another purchase for him or her any alcoholic beverage.
- C. Any person to misrepresent or misstate his or her age or the age of any other person for the purpose of inducing any licensee to sell, serve or deliver any alcoholic beverage to a minor.

Section 64-10. Posting of Signs.

It shall be the duty of any person who is the proprietor, manager, and licensee of any premises licensed for the retail sale of alcoholic beverages to post conspicuously in the licensed premises, a sign stating that persons must be twenty-one (21) years of age to purchase and/or consume alcoholic beverages.

ARTICLE III. Consumption in Public Places

Section 64-11. Consumption on Public Property.

No person shall consume, or offer to another for consumption, alcoholic beverages, in, on or upon any public street, sidewalk, right of way, park, playground or upon any land owned by the Township of Pemberton or by any other government entity which is located in the Township of Pemberton. This provision shall not apply to property owned by the United States or any component thereof.

Section 64-12. Consumption at Places Where Public Invited

No person shall consume, or offer to another for consumption, alcoholic beverages, in, on or upon any place to which the general public at large is invited; provided, however, that

nothing herein shall be construed to prohibit the consumption of alcoholic beverages within licensed premises.

Section 64-13. Consumption on Private Property.

No person shall consume, or offer to another for consumption, alcoholic beverages, in, on or upon any private property not his own without the express permission of the owner or other person having authority to grant such permission.

Section 64-10. Violations and penalties.

Any person who shall violate the provisions of this Article, upon conviction, be punished by a fine of not more than \$2,000 or be imprisoned for not more than 90 days, or both.

IT IS FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

IT IS FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

IT IS FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

PEMBERTON TOWNSHIP COUNCIL

**TOWNSHIP OF PEMBERTON
NOTICE OF PUBLIC HEARING
ORDINANCE NO. 8-2018**

**AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON
AMENDING CHAPTER 64 OF THE CODE OF THE
TOWNSHIP OF PEMBERTON, ENTITLED 'ALCOHOLIC
BEVERAGES'**

The foregoing Ordinance was introduced and passed on first reading by the governing body of Pemberton Township at a meeting held on June 6, 2018 and will be considered for final passage after a public hearing at a meeting of the said governing body to be held on June 20, 2018 at the Pemberton Township Municipal Building, 500 Pemberton-Browns Mills Road, Pemberton, New Jersey, at 6:00 p.m. prevailing time, at which time any interested member of the public may comment on said Ordinance. During the week prior to and up to and including the date of such meeting or further consideration, copies of said Ordinance in its entirety may be obtained from the Township Clerk.

ATTEST: _____


AMY P. COSNOSKI, RMC, TOWNSHIP CLERK

**TOWNSHIP OF PEMBERTON
NOTICE OF FINAL PASSAGE
ORDINANCE NO. 8-2018**

**AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON
AMENDING CHAPTER 64 OF THE CODE OF THE
TOWNSHIP OF PEMBERTON, ENTITLED 'ALCOHOLIC
BEVERAGES'**

Notice is hereby given that Ordinance No. 8-2018 as entitled above has been finally adopted on final reading by the governing body of Pemberton Township after a public hearing, at a meeting held on June 20, 2018. Said Ordinance shall take effect in accordance with law.

ATTEST: _____


AMY P. COSNOSKI, RMC, TOWNSHIP CLERK

ACKNOWLEDGEMENT OF APPROVAL BY MAYOR _____


David A. Patriarca

DATE June 22, 2018

ATTEST: _____


AMY P. COSNOSKI, RMC, TOWNSHIP CLERK