

TOWNSHIP OF UPPER DEERFIELD

ORDINANCE # 737

AMENDING CHAPTER 114 OF THE CODE OF THE TOWNSHIP OF UPPER DEERFIELD WITH RESPECT TO ALCOHOLIC BEVERAGES

WHEREAS, the voters of the Township of Upper Deerfield on November 4, 2014 passed a referendum that permitted 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 (N.J.S.A. 33:1-1 *et seq.*) to be permitted in this municipality; and

WHEREAS, the Township Committee of the Township of Upper Deerfield is desirous of making amendments to Chapter 114 of the Code of the Township of Upper Deerfield with respect to the licensing and sale of alcoholic beverages in the Township.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Upper Deerfield that Chapter 114 be amended to add Sections 114-4 through 114-14 to the Code of the Township of Upper Deerfield with respect to the licensing and sale of alcoholic beverages and shall hereafter read as follows:

Article II

Licensing and Sale of Alcoholic Beverages

114-4. Licensing

A. License required. It shall be unlawful to sell or distribute alcoholic beverages within Upper Deerfield Township, Cumberland County, New Jersey (hereafter called "Township"), without a license.

B. Issuing authority. The Township Committee of the Township shall constitute the authority for the administration of the issuance of licenses hereunder, and the Township Clerk is authorized and empowered to issue licenses and license renewals, for the sale and distribution of alcoholic beverages in the Township when such licenses shall have been approved.

114-5. Classes of licenses.

The classes of licenses to be issued hereunder by the Township are hereby fixed as follows:

- A. Plenary retail consumption license.
- B. Plenary retail distribution license.

114-6. Number of licenses.

The maximum number of plenary retail consumption licenses and plenary retail distribution licenses and to be granted and issued by the Township shall be as follows:

- A. Plenary retail consumption license: two.
- B. Plenary retail distribution license: one.

114-7. Fees.

- A. The annual fees for plenary retail consumption, plenary retail distribution shall be as established by \$2,500 per year.
- B. The respective fees for any such licenses shall be prorated according to the date of license, based on the annual fee.

114-8. Hours.

A. The holder of a plenary retail consumption license shall not sell, serve or deliver, or allow, permit or suffer the sale, service or delivery of, any alcoholic beverages, or allow, permit or suffer the consumption of any alcoholic beverage on the licensed premises between the following hours on the following days:

- (1) Between the hours of 1:00 a.m. and 11:00 a.m.
- (2) On New Year's Day between the hours of 2:00 a.m. and 11:00 a.m.

B. The holder of a plenary retail distribution license shall not sell, serve or deliver, or allow, permit or suffer the sale, service or delivery of, any alcoholic beverages, between the hours of 10:00 p.m. and 9:00 a.m. on any day.

C. All the designations herein set forth are intended to mean prevailing time. The entire licensed premises shall be closed during the hours in which sales, service, delivery and consumption of alcoholic beverages are prohibited, except that Restaurant table seating may be open for the sale and service of prepared meals between the hours of 6:00 a.m. and 11:00 a.m.

D. Pursuant to a resolution duly enacted, the Township Committee of the Township may permit the sale of alcoholic beverages during times and under conditions not otherwise permitted in Subsection A of this section. A waiver of the hours of sale may be granted in the sole discretion of the Township for special reasons and for good cause shown, such as but not limited to the fact that in certain years traditional holidays occur on days or dates during which the sale of alcoholic beverages is by this chapter limited or prohibited, or for certain special events that might warrant a change in the limitation of hours. Any resolution authorizing a change in the hours of sale or in the closing of licensed premises shall be duly adopted by a majority vote of the Township Committee. Any such resolution shall be duly advertised at least 10 days prior to the date fixed for its adoption so as to afford notice to interested parties who may wish to be heard.

114-9. License restrictions.

A. The holder of a plenary retail consumption license shall be entitled, subject to rules and regulations of the Township and of the State of New Jersey and the limitations set forth in this Article to sell alcoholic beverages for consumption on the licensed premises on which the licensee operates a Bona Fide Restaurant. The term "Bona Fide Restaurant" as used in this Article shall mean an 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 is incidental to such establishment, is conducted.

B. The holder of a plenary retail distribution license shall be entitled, subject to rules and regulations of the Township and of the State of New Jersey, to sell alcoholic beverages for consumption off the licensed premises but only in original containers.

114-10. Compliance with state regulations required.

All licenses under this Article shall comply at all times with all rules and regulations issued by the State Commissioner of Alcoholic Beverage Control (N.J.A.C. 13:2-1 et seq., as amended) and the statutes in such case made and provided (N.J.S.A. 33:1-1 et seq., as amended).

114-11. Suspension or revocation of license.

In addition to penalties provided herein, any license issued pursuant to this article may be suspended or revoked for violation of any provision of this Article or for violation of any provision of the Revised Statutes (N.J.S.A. 33:1-1 et seq., as amended) or any of the rules and regulations issued by the Commissioner of Alcoholic Beverage Control (N.J.A.C. 13:2-1 et seq., as amended).

114-12. Special Permits.

Nothing contained in this Article shall be construed to limit or prohibit the issuance and use of Special Permits as such are permitted by N.J.S.A. 33:1-74 and the municipal clerk shall be authorized to execute such documentation as may be required by state statute and state regulation.

114-13. BYOB

Nothing contained herein shall be construed to prohibit the owner or operator of a restaurant from allowing his/hers/its customers from bring their own beer and wine and consuming beer or wine in any unlicensed premises as is permitted by N.J.S.A. N.J. 2C:33-27.

114-14. Violations and Penalties.

A violation of any provision of the Article, or of any statute, or state rule or regulation shall be subject to the penalties set forth in the New Jersey Alcoholic Control Act, N.J.S.A. 33:1-1.

In all other respects, Chapter 114 shall remain as is and unaltered by the provisions hereof.

James Crilley, Chairman

Adopted February 18, 2016

Attested:

Roy J. Spoltore, Township Clerk

First Reading: February 4, 2016

Publication: February 9, 2016

Publication of Final Adoption: February 22, 2016