

CHAPTER VI

ALCOHOLIC BEVERAGE CONTROL

6-1 PURPOSE.

This chapter is enacted to regulate the sale and transportation of alcoholic beverages in the Township of Rockaway in accordance with the provisions of an Act of Legislature of the State of New Jersey entitled, "An Act Concerning Alcoholic Beverages" (Chapter 436 of the Laws of 1933), its supplements and amendments, and also comprising R.S. 33:1-1, et seq., and in accordance with the rules and regulations of the State Director of Alcoholic Beverage Control.

6-2 DEFINITIONS.

For the purpose of this chapter, the words and phrases herein shall have the same meaning as in R.S. 33:1-1 et seq., and the rules and regulations of the Director of the Division of Alcoholic Beverage Control.

6-3 LICENSES.

6-3.1 Laws Applicable.

All applications for license, all licenses issued, and all proceedings under this chapter shall be in accordance with the Act, rules and regulations referred to in Section 6.1, and all other applicable laws of the State of New Jersey or of the United States.

6-3.2 Issuing Authority.

All licenses required by this chapter shall be issued by the Township Council.

6-3.3 License Required.

No person shall see or distribute alcoholic beverages within the Township without having obtained a license in accordance with the Act referred to in Section 6-1 and the provisions of this chapter, except in those cases provided by law where the licenses in question are issued by the Director of the State Division of Alcoholic Beverage Control.

6-3.4 License Fees; Maximum Number.

The annual license fees of licenses for the sale and distribution of alcoholic beverages in the Township shall be as follows:

<i>Class of License</i>	<i>Annual License Fees</i>
Plenary Retail Consumption	\$1,072.00
Seasonal Retail Distribution (Summer Season)	\$ 432.00
Plenary Retail Distribution	\$ 716.40
Club	\$ 123.60

(Code 1971 § 29-2; Ord. 5-29-84; Ord. 3-7-85; Ord. 94-25 § 1; Ord. #97-5 § 1; Ord. #06-44 § 1; Ord. #09-8 § 1)

6-4 REGULATIONS OF LICENSES.

6-4.1 Hours of Sale.

No alcoholic beverages shall be sold, delivered or served to or consumed in any licensed premises on any day between the hours of 2:00 a.m. and 7:00 a.m. except Sundays and New Year's Day each year as hereinafter provided.
(Code 1971 § 29-3; Ord. 8-7-79)

6-4.2 Sundays.

Provisions of subsection 6-4.1 shall not apply on Sundays. On Sundays, no alcoholic beverages may be sold, served, delivered to or consumed in the licensed premises between the hours of 2:00 a.m. and 11:00 a.m.
(Code 1971 § 29-3; Ord. 8-7-79)

6-4.3 New Year's Day.

Provisions of subsection 6-4.1 shall not apply on January 1. On that day alcoholic beverages may not be sold, served, delivered to or consumed in the licensed premises between the hours of 3:00 a.m. and 7:00 a.m. when it falls on a weekday. When January falls on a Sunday, no alcoholic beverages may be sold, served, delivered or consumed between the hours of 3:00 a.m. and 11:00 a.m.
(Code 1971 § 29-3; Ord. #8-7-79)

6-4.4 Distance Between Licensed Premises.

- a. No license, except club licenses, renewals and person-to-person transfer, shall be granted or transferred to premises subject to the following provisions:
 - 1. The distance between premises having a retail distribution license, including seasonal or plenary, shall be one thousand five hundred (1,500') feet from another premises with a retail distribution license.
 - 2. The distance between premises having a retail consumption license shall be one thousand five hundred (1,500') feet from other premises with a retail consumption license.
 - 3. The minimum distance between premises with different alcoholic beverage licenses (consumption versus distribution) shall be two hundred (200') feet.
The distance shall be measured in the normal way a pedestrian would walk from the nearest entrance of the licensed premises to the nearest entrance of the premises sought to be licensed.
- b. Notwithstanding the foregoing, within the R-B Zone, as described in the Municipal Land Use Ordinance and Zoning Map for the Township of Rockaway, the minimum distance between all alcoholic beverage licensed premises, regardless of the type of license, shall be two hundred (200') feet.

(Code 1971 § 29-4; Ord. #10-5-82; Ord. #98-16 § 1; Ord. #05-43 §1)

6-4.5 Closing Provisions.

During the hours that the sale of alcoholic beverages are prohibited, the entire licensed premises shall be closed and no person shall be admitted or permitted to remain thereon except the licensee or bona fide employees of the licensee.

6-5 ACTS PROHIBITED ON LICENSED PREMISES.

6-5.1 Sale to Certain Persons Prohibited.

No licensee or employer of a licensee shall sell, serve, deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage, directly or indirectly, to any person under the legal age to purchase alcoholic beverages

or to intoxicated persons or allow, permit or suffer the consumption of any alcoholic beverage by any such person in or upon the licensed premises.
(Code 1971 § 29-5; Ord. #7-3-73)

6-5.2 Illegal Uses of Licensed Premises.

The licensee shall not allow, permit or suffer the licensed premises or the licensed business to be used in furtherance or aid of or in connection with any illegal activity or enterprise resulting in a conviction in a criminal prosecution.
(Code 1971 § 29-6)

6-5.3 Gambling Prohibited.

- a. *Illegal Gambling.* No licensee shall engage in or allow, permit or suffer any illegal or unlawful game or gambling of any kind.

- b. *Slot Machines Restricted.* No licensee shall possess, allow, permit or suffer in or upon the licensed premises any slot machine or device in the nature of a slot machine which may be used for the purpose of playing for money or other valuable thing.

(Ord. 1971 §§ 29-8, 29-9)

6-5 REVOCATION OF LICENSE.

Any license issued under this chapter may be suspended or revoked for violation of any of the provisions of this chapter or any provision of any applicable statute or any of the rules or regulations of the State Director of Alcoholic Beverage Control.

Proceedings for suspension or revocation shall be in accordance with the provisions of N.J.S.A. 33-1-31 by service of a five (5) day notice of charges preferred against the licensee and affording a reasonable opportunity for hearing.

Suspension or revocation of a license shall be in addition to any other penalty which may be imposed for a violation of this chapter.
(Code 1971 § 29-11)

6-6 PERSONS UNDER THE LEGAL AGE.

6-7.1 Licensee Prohibited to Serve.

No licensee shall sell or serve alcoholic beverages to persons under the legal age.

6-7.2 Persons Under Legal Age Prohibited to Purchase, Consume or Purchase for Another.

It shall be unlawful for:

- a. A person under the legal age for purchasing alcoholic beverages 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; or
- b. A person under the legal age for purchasing alcoholic beverages to consume any alcoholic beverages on premises licensed for the retail sale of alcoholic beverages, or to purchase, attempt to purchase or have another purchase for him/her any alcoholic beverage; or
- c. Any person to enter any premises licensed for the retail sale of alcoholic beverages for the purposes of purchasing, or to purchase alcoholic beverages, for another person who does not because his/her age have the right to purchase and c consume alcoholic beverages.

Any person who shall violate any of the provisions of this subsection shall be deemed and adjudged to be a disorderly person, and upon conviction thereof, shall be punished by a fine of not less than one hundred (\$100.00) dollars. In addition, the Court shall suspend the person's license to operate a motor vehicle for six (6) months or prohibit the person from obtaining a license to operate a motor vehicle in this State for six (6) months beginning on the date he/she becomes eligible to obtain a license or on the date of conviction, whichever is later. In addition to the general penalty prescribed for an offense, the Court may require any person under the legal age to purchase alcoholic beverages who violates this act to participate in an alcohol education or treatment program authorized by the Department of Health for a period not to exceed the maximum period of confinement prescribed by law for the offense for which the individual has been convicted. (N.J.S.A. 33:1-81)