

**BOROUGH OF PENNINGTON  
ORDINANCE #2010-6**

**ORDINANCE AUTHORIZING ISSUANCE OF  
CERTAIN LICENSES FOR THE CONSUMPTION  
AND DISTRIBUTION OF ALCOHOLIC BEVERAGES  
SUBJECT TO STATE AND LOCAL REGULATIONS**

**WHEREAS**, Borough Council of the Borough of Pennington seeks to amend the Code of the Borough of Pennington to repeal prohibitions against the issuance of licenses for plenary retail consumption and plenary retail distribution of alcoholic beverages;

**WHEREAS**, under the State statute governing licensing of the sale and distribution of alcoholic beverages, N.J.S.A. 33:1-1, et seq., no more than one plenary retail consumption license and no more than one plenary retail distribution license may be issued in Pennington Borough;

**WHEREAS**, the proposed amendments to the Borough Code also include provisions regulating the hours and operations of licensed premises;

**WHEREAS**, the ordinance further provides for annual fees payable to the Borough for the authorized licenses, established at \$2,500 for the plenary retail consumption license and \$2,500 for the plenary retail distribution license; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Pennington, as follows:

1. Section 63-1 of Article I of Chapter 63 of the Code of the Borough of Pennington (“Code”), prohibiting the issuance of certain alcoholic-beverage licenses, is hereby repealed.
2. Article I of Chapter 63 of the Code is hereby amended to provide the following provisions regulating licensing and sale of alcoholic beverages in the Borough, beginning with a new section 63-1:

**63-1 PURPOSE.**

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

**63-2 DEFINITIONS.**

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

**63-3 LICENSES.**

**63-3.1 Laws Applicable.**

All applications for licenses, all licenses issued and all proceedings under this chapter shall be in accordance with the act, rules and regulations referred to in section 63-1, and all other applicable laws of the State of New Jersey or the United States.

**63-3.2 Issuing Authority.**

All licenses required by this chapter shall be issued by the Mayor and Borough Council, which shall also administer the provisions of this chapter.

### **63-3.3 License Required.**

No person shall sell or distribute alcoholic beverages within the Borough without obtaining a license in accordance with applicable State statutes and regulations and the provisions of this chapter.

### **63-3.4 Types and Number of Authorized Licenses.**

New Jersey statutory law and this ordinance, as the same may be hereafter amended, shall control the issuance of licenses and the number of authorized licenses. Authorized licenses shall be limited to one plenary retail consumption license and one plenary retail distribution license.

### **63-3.5 Terms of Licenses.**

Licenses shall be effective for one year from July 1 to June 30 of the following year, inclusive.

### **63-3.6 License Fees.**

The annual fees for licenses for the sale or distribution of alcoholic beverages in the Borough shall be as set forth in the Schedule of Fees in Chapter 98 of this Code.

## **63-4 REGULATIONS OF LICENSE.**

### **63-4.1 Hours of Sale: Weekdays.**

No licensee shall sell, serve or deliver or allow, or permit the sale, service or delivery of any alcoholic beverage or permit the consumption of any alcoholic beverage on a licensed premises between 2:00 am and 9:00 am Monday through Saturday.

### **63-4.2 Hours of Sale: Sundays.**

No licensee shall sell, serve, deliver or allow, or permit the sale, service or delivery of any alcoholic beverage or permit the consumption of any alcoholic beverage on a licensed premises on a Sunday between the hours of 2:00 a.m. and 11:00 a.m.

### **63-4.3 Closing Provisions.**

During the hours that the sale of alcoholic beverages is prohibited, the licensed premises shall be closed except that part of the premises used for a restaurant or grill, which must be entirely separated and locked from the barroom of the premises and must have a separate entrance and exit. No person shall be admitted or permitted to remain in the closed portion of the premises except the licensee or bona fide employees of the licensee.

### **63-4.4 Maintenance of Premises.**

Licensed premises shall at all times be kept in a safe, clean and sanitary condition. All rooms, passageways, entrances, exits and stairways must be well lighted.

### **63-4.5 Rooms Open to the Public.**

No person shall be served in any room or place which is not open to the public generally, except private dining rooms. All places in which alcoholic beverages are sold or dispensed, excepting private dining rooms, shall at all hours be so arranged, and blinds open, so that a full view of the interior may be had from the public thoroughfare or from adjacent rooms to which the public is freely admitted. All such premises during business shall be lighted sufficiently so that a full view of the interior may be had by the public.

**63-5 INSPECTIONS AND SUPERVISION.**

Any officer, as defined in N.J.S.A. 33:1-1p, shall have full authority to inspect, investigate and supervise the licensed premises for the purpose of enforcing the provisions of these regulations, the Alcoholic Beverage Control Act or any rules or regulations promulgated thereunder.

**63-6 VIOLATIONS.**

Any person who shall knowingly aid or abet another in the violation of any provision of these regulations shall be punishable in the same manner as the violation aided or abetted. Any attempt to evade these regulations or any provisions thereof, either directly or indirectly, by acquiescence, collusion or connivance by or with any licensee, his agents, servants or employees, shall be considered a violation of these regulations.

**63-7 REPORTS.**

Whenever there shall be a conviction for violation of any provision of this chapter, the judge shall forthwith certify such conviction to the borough council. If the conviction is of a person other than a licensee, the judge shall indicate the name of the licensee upon whose premises the violation occurred.

**63-8 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 N.J.S.A 33:1-1 et. seq. or any other 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 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.

3. This ordinance shall take effect upon passage and publication as provided by law.

Introduced: March 1, 2010  
 Advertised: March 11, 2010  
 Public Hearing: April 5, 2010  
 Adoption: April 5, 2010  
 Final Publication: April 15, 2010

ATTEST:

APPROVED:

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Elizabeth Sterling, Borough Clerk

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Anthony Persichilli, Mayor