AN ORDINANCE BY PRINCETON CONCERNING ALCOHOLIC BEVERAGES AND AMENDING THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974" AND THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968".

WHEREAS, the Borough of Princeton and Township of Princeton pursuant to the provisions of the New Jersey Municipal Consolidation Act, N.J.S.A. 40:43-66.35, consolidated as Princeton on January 1, 2013; and

WHEREAS, pursuant to N.J.S.A. 40:43-66.64, the Princeton Council on January 1, 2013 adopted a Resolution continuing in effect Ordinances of the former Borough of Princeton and the former Township of Princeton as a new Code for Princeton is prepared; and

WHEREAS, the Princeton Council's Code Subcommittee has reviewed and consolidated Chapter 4 of the "Code of the Borough of Princeton, New Jersey, 1974" and Chapter 3 and portions of Chapter 13 of the "Code of the Township of Princeton, New Jersey, 1968," which pertain to Alcoholic Beverages; and

WHEREAS, the Princeton Council wishes to adopt said Code revisions which will become a part of the new Princeton Code at a future date.

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

Section 1. Chapter 4 of the "Code of the Borough of Princeton, New Jersey, 1974," and Chapter 3 of the "Code of the Township of Princeton, New Jersey, 1968," both entitled "Alcoholic Beverages," are hereby repealed.

Section 2. Section 13-5 of Chapter 13 of the "Code of the Township of Princeton, New Jersey, 1968," entitled "Alcoholic Beverage Consumption," is hereby repealed.

Section 3. A new Chapter 3 of the "Code of the Township of Princeton, New Jersey,

1968," as set forth on Exhibit A attached hereto and made a part hereof is hereby adopted to regulate Alcoholic Beverages, and to replace the aforementioned portions of the "Code of the Borough of Princeton, New Jersey, 1974" and the "Code of the Township of Princeton, New Jersey, 1968".

Section 4. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are repealed.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 6. The provisions of this Ordinance and the attached Chapter 3 shall be applicable within Princeton upon final adoption and shall become a part of the new Princeton Code once completed and adopted.

This ordinance is part of the ongoing process of merging and harmonizing the code provisions of former Princeton Borough and former Princeton Township into a new code for the consolidated municipality of Princeton. It sets forth standards and regulations affecting alcoholic beverage licensing and alcoholic beverages generally.

The foregoing ordinance was introduced at a meeting of the Mayor and Council of Princeton held on July 13, 2015 and will be further considered for final passage after a public hearing thereon at a meeting of said Mayor and Council to be held at the Princeton Municipal Complex, 400 Witherspoon Street on August 10, 2015 which begins at 7:00 p.m.

Kathleen K. Brzezynski

Kathleen K. Brzezynski
Deputy Clerk

EXHIBIT A

CHAPTER 3. ALCOHOLIC BEVERAGES.

Article I. Licensing Requirements and Regulations.

Sec. 3-1. Compliance with chapter and state law.

It shall be unlawful to possess, sell, distribute or transport alcoholic beverages within the municipality of Princeton otherwise than as provided in this chapter, the provisions of Title 33 of the Revised Statutes of New Jersey, N.J.S.A. 33:1-1 et seq. (hereinafter referred to as Title 33), and the regulations promulgated thereunder by the Director of the Division of Alcoholic Beverage Control, as may be amended, and any other relevant laws, regulations or provisions of this Code.

Sec. 3-2. Licenses required.

No person shall sell or distribute alcoholic beverages in Princeton without first obtaining a license as required under this chapter. No license of any type shall be issued until the premises have been approved by the Health Officer or designee on behalf of the Council and Board of Health.

Sec. 3-3. Council designated licensing authority.

The Council shall constitute the authority for the administration of the issuance of licenses under this chapter.

Sec. 3-4. License types; maximum number of retail consumption and distribution licenses.

(a) The Council shall be authorized to issue the following types of licenses in Princeton: plenary retail consumption, plenary retail distribution and club licenses.

(b) Except as otherwise specifically permitted by law and consistent with N.J.S.A. 33:1-12.14 (as may be amended), no new plenary retail consumption license shall be issued in Princeton unless and until the combined total number of such licenses existing in Princeton is fewer than one for each 3,000 of its population and no new plenary distribution license shall be issued in Princeton unless and until the combined total number of such licenses existing in Princeton is fewer than one for each 7,500 of its population. Population for purposes of this section shall be based on the most recent estimates issued by the U.S Bureau of the Census. There shall be no such limit on club licenses.

Sec. 3-5. Plenary retail consumption license for nonprofit musical or theatrical corporations.

Any nonprofit corporation that conducts musical or theatrical performances or concerts on premises with a seating capacity of one thousand or more persons or more may, upon the approval of the Council and the Director of the Division of Alcoholic Beverage Control, obtain a plenary retail consumption license subject to the conditions and limitations provided in this section and state law. Such license shall authorize the sale of alcoholic beverages for consumption on the licensed premises only during performances and the hour immediately preceding and the hour immediately following performances, provided no alcoholic beverage shall be sold, served, delivered or consumed except during hours of sale otherwise permitted in this chapter. A license issued under this section shall not be counted in determining the number of licenses under section 3-4 above.

Sec. 3-6. License fees; licensing period.

All licenses shall be for a term of one year from July 1 each year, and fees therefor shall be paid prior to commencement of said term. The license fees as of July 1, 2006 are hereby continued and fixed as follows:

(a)	Plenary retail consumption license	$ 2,500.00
(b)	Plenary retail distribution license	$ 2,500.00
(c)	Club license	$ 188.00

The license fees for plenary retail consumption and plenary retail distribution licenses shall automatically increase each July 1 by twenty percent unless the then current license fee has reached the maximum amount allowed by N.J.S.A. 33:1-12.

Sec. 3-7. Suspension and revocation of licenses; penalties.

Any license issued pursuant to this chapter may be suspended or revoked for violation of any of the provisions of this chapter or for violation of any of the provisions of Title 33, in particular N.J.S.A. 33:1-31, or of the Alcoholic Beverage Tax Act, N.J.S.A. 54:41-1 et seq., or of any of the rules and regulations promulgated the Director of the Division of Alcoholic Beverage Control, as may be amended.

A licensee shall also be subject to such other penalties as may be authorized by law for violations of Title 33 or of any of the rules and regulations promulgated pursuant thereto.

Sec. 3-8. Sale and delivery to persons under legal age or intoxicated persons prohibited; consumption on licensed premises by persons under legal age or intoxicated persons prohibited.

No licensee under this chapter shall sell, serve, deliver or allow, permit or suffer the service, delivery or consumption of any alcoholic beverage on the licensed premises, directly or indirectly, to or by any person under the legal age to purchase or consume alcoholic beverages or to or by any person who is actually or apparently drunk or intoxicated.

Sec. 3-9. Certain persons not permitted on licensed premises.

No licensee under this chapter shall knowingly allow, permit or suffer in or upon the licensed premises any person the licensee believes may create a disturbance or a nuisance, or who may engage in any unlawful or improper conduct prohibited in this chapter.

Sec. 3-10. Certain conduct prohibited on licensed premises.

No licensee under this chapter shall allow, permit or suffer in or upon the licensed premises any unlawful or improper conduct, including but not limited to disturbances, lewdness, fighting and unnecessary or loud noises, or allow, permit or suffer the licensed place of business to be conducted in such manner as to become a nuisance.

Sec. 3-11. Lotteries and sale of lottery tickets prohibited on licensed premises; exception.

No licensee under this chapter shall allow, suffer or permit any lottery to be conducted, or any ticket or participation right in any lottery to be sold or offered for sale on or about the licensed premises except for the New Jersey State Lottery, or tickets or participation rights therein, being conducted pursuant to appropriate license under the State Lottery Law (N.J.S.A. 5:9-11) or other activity authorized by state law.

Sec. 3-12. Gambling and illegal games prohibited on licensed premises.

No licensee under this chapter shall engage in or allow, permit or suffer any pool-selling, bookmaking or any unlawful game or gambling of any kind, or any device or apparatus designed for any such purpose, on or about the licensed premises.

Sec. 3-13. Slot machines prohibited on licensed premises.

No licensee under this chapter shall possess, allow, permit or suffer, on or about the licensed premises, any slot machine or device in the nature of a slot machine which may be used for the propose of playing for money or other valuable thing.

Sec. 3-14. Compliance with state laws and rules relative to transportation of alcoholic beverages.

No licensee under this chapter shall receive, possess or sell any alcoholic beverages transported into this state in violation of Title 33 or of the rules governing the transportation of alcoholic beverages into the state promulgated by the Director of the Division of Alcoholic Beverage Control, as may be amended.

Sec. 3-15. Opening or consumption of alcoholic beverages prohibited on premises of retail distribution licensees.

No retail distribution licensee shall permit any alcoholic beverages sold by said licensee to be consumed on the licensed premises, nor shall the licensee permit their containers to be opened on the licensed premises.

Sec. 3-16. Hours when sales permitted.

(a) Plenary retail distribution licenses. No plenary retail distribution licensee shall sell or deliver or allow, permit or suffer the sale or delivery of any alcoholic beverage other than as specified below:

1. On all days of the week from 9:00 A.M. to 10:00 P.M., any alcoholic beverage may be sold.

2. In addition, retail distribution licensees may sell wine and malt alcoholic beverages only in original bottle or can containers during the same hours and on the same days plenary retail consumption licensees are permitted to make sales as set forth in paragraph (b) of this section.

(b) Plenary retail consumption licensees. No plenary retail consumption licensee shall sell, serve or deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage other than as specified below:

1. On all days of the week, alcoholic beverages may be sold midnight to 2:00 A.M. and 7:00 A.M. to midnight.

2. In addition to the hours permitted in subsection (b)1. above, on January 1 (New Year's Day), alcoholic beverages may also be sold 2:00 A.M. to 4:00 A.M..

(c) Club licensees. Club licensees may make sales of alcoholic beverages during the same hours plenary retail consumption licensees are permitted to make sales as set forth in subsection (b) of this section above and at no other time. Such sales may be made to club members or bona fide guests of club members and no other persons and only for on premises consumption.

Sec. 3-17. Cleanliness and lighting of licensed premises.

Premises licensed under this chapter shall at all times be kept in a safe, clean and sanitary condition. All rooms, passageways, entrances, exits and stairways shall be well lighted and ingress and egress thereto and therein shall be unobstructed. The Health Officer or designee shall, after the issuance of any license, have the right and power, at any time, to inspect the licensed premises for the purpose of seeing that they are in a sanitary condition, and the failure to maintain the premises in a proper sanitary condition shall be a proper ground for the suspension or revocation of the license.

Sec. 3-18. Maintenance of public peace, decency and good order on licensed premises.

The public peace, decency and good order shall be maintained at all times in and about any premises licensed under this chapter.

Sec. 3-19. Persons under legal age in places selling alcoholic beverages.

No person under the legal age to purchase or consume alcoholic beverages shall knowingly purchase, attempt to purchase, have another purchase for him or her, possess or consume any alcoholic beverages on any premises licensed under this chapter.

Sec. 3-20. Purchases for or on behalf of minors.

No person shall purchase any alcoholic beverages from any licensed premises for or on behalf of a person under the legal age to purchase or consume alcoholic beverages, except that person's parent or guardian if the parent or guardian is of the legal age to consume alcoholic beverages, as may be authorized by law or regulation.

Sec. 3-21. Alcoholic beverages to be served in rooms open to public; exception as to clubs.

No licensee under this chapter shall serve to any person alcoholic beverages in any room or place on the licensed premises which is not open to the public generally; except, that in hotels guests may be served in their rooms or in private dining rooms; provided further, that this regulation shall not apply to bona fide clubs holding club licenses under Title 33 and the regulations promulgated thereunder, as may be amended.

Sec. 3-22. View of rooms where alcoholic beverages sold to be unobstructed; exceptions as to clubs and hotels.

All premises licensed under this chapter, except clubs holding club licenses, and guest rooms and private dining rooms in hotels, shall be so arranged 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 shall be lighted sufficiently so that a full view of the interior thereof may be had at all hours from the public thoroughfare or from adjacent rooms to which the public is freely admitted.

Sec. 3-23. Display of "Fetal Alcohol Syndrome (FAS)" warning signs.

In accordance with N.J.S.A. 33:1-12a., all licensees under this chapter, except club licensees, who sell alcoholic beverages shall ensure that a warning notice prepared by the Department of Health and Senior Services is posted prominently in any service area as well as on a wall, towel dispenser or other appropriate location in any public rest room for women patrons on the licensed premises. The notice shall warn patrons that alcohol consumption during pregnancy has been determined to be harmful to the fetus and can cause birth defects, low birth weight and Fetal Alcohol Syndrome, which is one of the leading causes of intellectual disabilities.

Sec. 3-24. License transfer fees.

All applications for the transfer of plenary retail consumption and distribution licenses shall be accompanied by the following fees, which are established by Title 33 and the administrative rules promulgated thereunder, as may be amended:

(a) A filing fee of two hundred ($200.00) dollars; and

(b) For transfers of a license to other premises only, or applications for transfer of license to another person only, a fee of ten (10%) percent of the full annual license fee for said license; and

(c) For transfers of a license to other premises and other persons, a fee of twenty (20%) percent of the full annual license fee for said license.

Article II. Regulations of General Application.

Sec. 3-25. Alcoholic beverage consumption and possession in public places.

(a) Prohibitions. No person of legal age shall consume or possess in any opened container any alcoholic beverage in or upon any public or quasi-public place, including but not limited to any public street, alley, sidewalk, mall, park, playground, public conveyance, parking facility or in or around any public building. For the purposes of this section, a quasi-public area shall be defined as that portion of private lands which have been made open to the public for their use and enjoyment by the owner of said lands in connection with zoning approvals, dedication of said lands or similar means, and where the Council, upon written application from the owner of said lands, determines that the provisions of this section be made applicable thereto.

See N.J.S.A. 2C:33-15, which prohibits any person under the legal age to purchase or consume alcoholic beverages from knowingly possessing or consuming any alcoholic beverage in any public place or place of public assembly or in or on any motor vehicle within Princeton.

(b) Exceptions. Nothing herein shall be construed to prohibit the possession or consumption of alcoholic beverages within or upon premises duly licensed for the consumption of

alcoholic beverages, or the possession, distribution or consumption of alcoholic beverages in any public park, recreation area, public building, or other public area in connection with any organized function or social affair for which previous permission has been granted by the Council or as otherwise authorized by Title 33 or the administrative regulations promulgated thereunder, as may be amended.

Sec. 3-26. Penalties.

Any person violating this article shall be subject to the penalties set forth in section 1-6 of this Code.