

CHAPTER VI

ALCOHOLIC BEVERAGE CONTROL

6-1 PURPOSE.

This chapter is enacted to regulate the sale and transportation of alcoholic beverages in the Borough of Surf City 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. (1969 Code § 8-1)

6-2 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. (1969 Code § 8-2)

6-3 LICENSES.

6-3.1 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 6-1, and all other applicable laws of the State of New Jersey or the United States. (1969 Code § 8-3.1)

6-3.2 Issuing Authority. All licenses required by this chapter shall be issued by the Borough Council, which shall

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also administer the provisions of this chapter. (1969 Code § 8-3.2)

6-3.3 License Required. No person shall sell or distribute alcoholic beverages within the Borough without obtaining a license in accordance with the act referred to in Section 6-1 and the provisions of this chapter. (New)

6-3.4 License Fees; Maximum Number. The annual fee of licenses for the sale or distribution of alcoholic beverages in the Borough shall be as follows:

| Class of License | Annual Fee | Number |
|---------------------------------------|------------|--------|
| Plenary Retail Consumption License | \$700.00 | 2 |

The provisions of this subsection with respect to the limitation on the number of licenses shall not apply to the renewal or transfer of licenses presently issued. The license fees shall be payable in accordance with the Revised Statutes of New Jersey and rules and regulations promulgated by the Commissioner of Alcoholic Beverage Control. (1969 Code § 8-3.3; New)

6-4 REGULATIONS OF LICENSES.

6-4.1 Hours of Sale. No licensee shall sell, serve, deliver, or allow, permit or suffer the sale, service or delivery of any alcoholic beverages on licensed premises on weekdays between the hours of 2:00 a.m. and 7:00 a.m. No licensee shall allow, permit or suffer any consumption of alcoholic beverages on the licensed premises on weekdays between the hours of 2:00 a.m. and 7:00 a.m. (1969 Code § 8-4)

6-4.2 Sundays. Provisions of subsection 6-4.1 shall not apply on Sundays. On Sundays, no licensee shall sell, serve, deliver, or allow, permit or suffer the sale, service or delivery of any alcoholic beverages on licensed premises between the

hours of 3:00 a.m. and 7:00 a.m. No licensee shall allow, permit or suffer any consumption of alcoholic beverages on the licensed premises on Sundays between the hours of 3:00 a.m. and 7:00 a.m. (1969 Code § 8-4)

6-4.3 Sales to Certain Persons. No licensee or employee of a licensee shall sell, serve or deliver, directly or indirectly, any alcoholic beverages to any habitual drunkard, intoxicated person or person under the legal age, or permit the consumption of alcoholic beverages on any licensed premises by any of the above-named persons. (New)

6-4.4 Closing Provisions. During the hours that the sale of alcoholic beverages is 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. (New)

6-4.5 Conduct on Premises. No licensee shall allow, permit or suffer in or upon the licensed premises any disturbance, lewdness, immoral activity, brawl or unnecessary noise, or allow, permit or suffer the licensed place of business to be conducted in such a manner as to become a nuisance. (1969 Code § 8-5.1)

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 provisions of any applicable statute or any of the rules or regulations of the State Director of Alcoholic Beverage Control.

Proceedings for the 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.

(1969 Code § 8-7)

6-6 PERSONS UNDER THE LEGAL AGE.

6-6.1 Sale of Alcoholic Beverages. No licensee shall sell, serve, deliver or allow, permit or suffer the service or delivery of any alcoholic beverage, directly or indirectly, to any person under the legal age. (New)

6-6.2 Entering Premises. It shall be unlawful for a person under the legal age 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. (Ord. #74-5, § 1)

6-6.3 Consumption; Purchase. It shall be unlawful for a person under the legal age 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. (New)

6-6.4 Misrepresentation of Age. It shall be unlawful in the Borough for any person under the legal age to:

- a. Misrepresent his age, by the use of false documents or another person's documents, or otherwise, in connection with the purchase, attempted purchase or consumption of alcoholic beverages.
- b. Misrepresent his age to any Police Officer in connection with the purchase, attempted purchase or consumption of alcoholic beverages.
- c. Have in his possession any altered or false document for the purpose of establishing the identification or age of such person.

- d. *False Identity.* It shall be unlawful for any person to permit the use of his documents or evidence of identification by another person under the legal age in connection with the purchase or attempted purchase of any alcoholic beverage.
(Ord. #74-5 § 1)

6-6.5 Violations and Penalties. Any person who shall violate any of the provisions of this section shall be deemed and adjudged to be a disorderly person, and upon conviction thereof and in accordance with N.J.S.A. 33:1-81, shall be punished by a fine of not less than five hundred (\$500.00) 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 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. (New)