

b. Plenary retail distribution licensees shall be permitted to sell alcoholic beverages during the following hours:

12:00 p.m. (noon) to 7:00 p.m.

3. New Year's Day. In addition to the hours of sale set forth above, on New Year's Day, plenary retail consumption and club licensees shall be permitted to sell or serve alcoholic beverages between the hours of two a.m. and four a.m.

B. Persons on Premises During Prohibited Hours. During the hours when the sale, service, delivery or consumption of alcoholic beverages is prohibited, the licensed premises shall be closed to the general public and the only persons permitted to remain on the premises shall be the licensee and bona fide employees of the licensee. This provision shall not apply to bona fide hotels or restaurants in the operation of their primary business, excluding the sale, service, delivery or consumption of alcoholic beverages.

C. Sales to Certain Persons Prohibited. 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 minor, nor permit the consumption of alcoholic beverages on any licensed premises by any of the above-named classes of persons or permit any such persons to congregate in or about the licensed premises. (Ord. 12-1996 § 1; Ord. 14-1995 § 1; prior code § 10-4)

#### **5.08.050 Minors.**

A. Definition. For the purposes of this section, "minor" shall mean any person under the legal age.

B. Presence. No minor shall be allowed in any premises where alcoholic beverages are sold or served for consumption on the premises, unless accompanied by an adult.

C. Purchase of Alcoholic Beverages by a Minor. No minor shall purchase, attempt to purchase or have another purchase for him/her any alcoholic beverage on any premises licensed for the sale of alcoholic beverages.

D. Purchase of Alcoholic Beverages for a Minor. No person shall purchase or attempt to purchase

alcoholic beverages for a minor. It is unlawful for any person to induce or attempt to induce any licensee or any employee of a licensee to sell, serve or deliver alcoholic beverages to a minor.

E. Misstating Age. No person shall misrepresent his/her age or the age of another person for the purpose of inducing any licensee or his/her employee to serve or to permit a person under the legal age to remain on any premises in violation of subsection B of this section.

F. Presumption. Any adult who accompanies a minor into premises in which alcoholic beverages are served and who permits the minor to possess or consume alcoholic beverages shall be presumed to have misrepresented the age of the minor.

G. Possession. No minor shall possess, serve, sell or consume any alcoholic beverage in any public place within the city. (Prior code § 10-5)

#### **5.08.055 Consumption of alcoholic beverages by underage persons on private property.**

A. Definitions.

"Guardian" means a person who is qualified as a guardian of the underage person pursuant to testamentary or court appointment.

"Relative" means the underage person's grandparent, aunt or uncle, sibling, or any other person related by blood or affinity.

B. Prohibition Against the Possession and Consumption of Alcoholic Beverages by Underage Persons. It is unlawful for any person under the legal age who, without legal authority, knowingly possesses or knowingly consumes an alcoholic beverage on private property. However, an underage person shall not be prohibited from consuming or possessing an alcoholic beverage in connection with a religious observance, ceremony or rite or consuming or possessing an alcoholic beverage in the presence of and with the permission of a parent, guardian or relative who has obtained the legal age to purchase and consume alcoholic beverages. Nor shall it be a violation of this section for an underage person to possess alcoholic beverages while such underage person is actually engaged in the



performance of employment by a person who is licensed N.J.S.A. 33 of the Revised Statutes, or while actively engaged in preparation of food while enrolled in a culinary arts or hotel management program at a county vocational school or post secondary educational institution.

C. Penalty. A violation of this section shall be punished by a fine of two hundred fifty dollars (\$250.00) for a first offense and three hundred fifty dollars (\$350.00) for any subsequent offense. Additionally, the court may suspend or postpone for six months the driving privilege of the defendant. If a person at the time of the imposition of a sentence is less than seventeen (17) years of age, the period of license postponement, including a suspension or postponement of the privilege of operating a motorized bicycle, shall commence on the day the sentence is imposed and shall run for a period of six months after the person reaches the age of seventeen (17) years. The court shall also inform the person orally and in writing that if the person is convicted of operating a motor vehicle during the period of license suspension or postponement, the person shall be subject to the penalties set forth in N.J.S.A. 39: 3-40. A person shall be required to acknowledge receipt of the written notice in writing. (Ord. 8-2001 §§ 1-3)

#### **5.08.060 Display of ordinance.**

All holders of plenary retail consumption licenses issued by the city shall cause at least one copy of the ordinance codified in this chapter to be exhibited in a conspicuous place in the licensed premises. (Prior code § 10-6)

#### **5.08.070 Revocation of licenses.**

Any license issued under this chapter may be suspended or revoked for violation of any of the provisions of this chapter, any provisions of any applicable statute or any of the rules or regulations of the State Director of Alcoholic Beverage Control. (Prior code § 10-7)

## **Chapter 5.12**

### **AMUSEMENT LICENSES**

#### **Sections:**

<b>5.12.010</b>	<b>Park defined.</b>
<b>5.12.020</b>	<b>License required.</b>
<b>5.12.030</b>	<b>Issuing authority.</b>
<b>5.12.040</b>	<b>License information.</b>
<b>5.12.050</b>	<b>License revocation.</b>
<b>5.12.060</b>	<b>Fees.</b>
<b>5.12.070</b>	<b>Traveling carnival license prohibited.</b>
<b>5.12.080</b>	<b>Exceptions.</b>

#### **5.12.010 Park defined.**

"Park" as used herein, shall be any place of amusement operated upon a lot or plot of ground in the open air, permanent in its nature, and operated by private enterprise for profit during this entire year or any part thereof, whether admission is charged to enter or not. (Prior code § 8-12.1)

#### **5.12.020 License required.**

No person shall operate any park, theater for plays or moving pictures, dancehall, show, exhibit, performance for gain or reward, play, concert of music, dancing, game, trick, juggling, sleight of hand, acrobatics, circus, theatricals, moving pictures or other amusement of any description or show any beast, bird menagerie or any curiosity of nature or art, without first obtaining a license for that purpose.

No person having the possession or care of any building or premises within the city shall permit any such amusement to be carried on upon his/her premises for any price, gain or reward without a license. (Prior code § 8-12.2)

#### **5.12.030 Issuing authority.**

The municipal clerk shall, if (s)he deems it proper to do so, issue an amusement license upon application, pursuant to the provisions of Section 5.04.020, and the payment in advance of the license fee. (Prior code § 8-12.3)