

EATONTOWN CODE

CODE OF THE BOROUGH OF EATONTOWN, NEW JERSEY, v10 Includes Land Use, v2 Updated 12-15-2006 / PART II GENERAL LEGISLATION / Chapter 82, ALCOHOLIC BEVERAGES

Chapter 82, ALCOHOLIC BEVERAGES

[HISTORY: Adopted by the Borough Council of the Borough of Eatontown as indicated in article histories. Amendments noted where applicable.]

CODE OF THE BOROUGH OF EATONTOWN, NEW JERSEY, v10 Includes Land Use, v2 Updated 12-15-2006 / PART II GENERAL LEGISLATION / Chapter 82, ALCOHOLIC BEVERAGES / ARTICLE I, Manufacturing and Sale [Adopted 7-23-1969 as Ch. 4, Art. I, of the 1969 Code]

ARTICLE I, Manufacturing and Sale [Adopted 7-23-1969 as Ch. 4, Art. I, of the 1969 Code]

CODE OF THE BOROUGH OF EATONTOWN, NEW JERSEY, v10 Includes Land Use, v2 Updated 12-15-2006 / PART II GENERAL LEGISLATION / Chapter 82, ALCOHOLIC BEVERAGES / ARTICLE I, Manufacturing and Sale [Adopted 7-23-1969 as Ch. 4, Art. I, of the 1969 Code] / § 82-1. Regulations.

§ 82-1. Regulations.

No person, firm or corporation shall manufacture, sell, distribute, bottle, blend, rectify, mix, process, store or transport any alcoholic beverage or import, own, possess, keep or store any alcoholic beverage with intent to manufacture, sell, distribute or bottle same or own, possess, keep or store any implement or paraphernalia for the manufacture, sale, distribution, bottling or transportation of alcoholic beverages with intent to use the same in the manufacture, sale, bottling or transportation thereof or aid or abet others in the manufacture, sale, bottling or transportation thereof, in the Borough of Eatontown, without first obtaining a license therefor pursuant to an Act of the Legislature of the State of New Jersey entitled "An Act Concerning Alcoholic Beverages," passed December 6, 1933, as supplemented and amended, and pursuant to the rules, regulations, ordinances and resolutions of the State Commissioner of Alcoholic Beverage Control and of the governing body of the Borough of Eatontown applicable thereto.

CODE OF THE BOROUGH OF EATONTOWN, NEW JERSEY, v10 Includes Land Use, v2 Updated 12-15-2006 / PART II GENERAL LEGISLATION / Chapter 82, ALCOHOLIC BEVERAGES / ARTICLE I, Manufacturing and Sale [Adopted 7-23-1969 as Ch. 4, Art. I, of the 1969 Code] / § 82-2. Violations and penalties.

§ 82-2. Violations and penalties.

Any person, firm or corporation violating any of the provisions of this article shall, upon conviction, be subject to a fine for each offense of not less than \$25 and not more than \$500.

CODE OF THE BOROUGH OF EATONTOWN, NEW JERSEY, v10 Includes Land Use, v2 Updated 12-15-2006 / PART II GENERAL LEGISLATION / Chapter 82,

EATONTOWN CODE

ALCOHOLIC BEVERAGES / ARTICLE I, Manufacturing and Sale [Adopted 7-23-1969 as Ch. 4, Art. I, of the 1969 Code] / § 82-3. Further penalties.

§ 82-3. Further penalties.

In addition thereto, any individual or any officer of a firm or corporation violating any of the provisions of this article may, in the discretion of the Recorder, be imprisoned for not less than five days and not more than six months.

CODE OF THE BOROUGH OF EATONTOWN, NEW JERSEY, v10 Includes Land Use, v2 Updated 12-15-2006 / PART II GENERAL LEGISLATION / Chapter 82, ALCOHOLIC BEVERAGES / ARTICLE I, Manufacturing and Sale [Adopted 7-23-1969 as Ch. 4, Art. I, of the 1969 Code] / § 82-4. Effective date.

§ 82-4. Effective date.

This article shall take effect after its passage, approval by the State Commissioner of Alcoholic Beverage Control and publication according to law.

CODE OF THE BOROUGH OF EATONTOWN, NEW JERSEY, v10 Includes Land Use, v2 Updated 12-15-2006 / PART II GENERAL LEGISLATION / Chapter 82, ALCOHOLIC BEVERAGES / ARTICLE II, Sale and Transportation [Adopted 7-23-1969 as Ch. 4, Art. II, of the 1969 Code]

ARTICLE II, Sale and Transportation [Adopted 7-23-1969 as Ch. 4, Art. II, of the 1969 Code]

CODE OF THE BOROUGH OF EATONTOWN, NEW JERSEY, v10 Includes Land Use, v2 Updated 12-15-2006 / PART II GENERAL LEGISLATION / Chapter 82, ALCOHOLIC BEVERAGES / ARTICLE II, Sale and Transportation [Adopted 7-23-1969 as Ch. 4, Art. II, of the 1969 Code] / § 82-5. Purpose.

§ 82-5. Purpose.

This article is for the purpose of regulating the sale and transportation of alcoholic beverages in the Borough of Eatontown in the County of Monmouth in accordance with the provisions of the laws of the State of New Jersey and in accordance with the rules and regulations applicable thereto issued or to be promulgated by the State Commissioner of Alcoholic Beverage Control.

CODE OF THE BOROUGH OF EATONTOWN, NEW JERSEY, v10 Includes Land Use, v2 Updated 12-15-2006 / PART II GENERAL LEGISLATION / Chapter 82, ALCOHOLIC BEVERAGES / ARTICLE II, Sale and Transportation [Adopted 7-23-1969 as Ch. 4, Art. II, of the 1969 Code] / § 82-6. Definitions.

§ 82-6. Definitions.

As used in this article, the following term shall have the meaning indicated:

LICENSEE -- Includes any person or persons or corporation or corporations who shall be the

EATONTOWN CODE

holder of any license issued by the Borough of Eatontown to sell alcoholic beverages.

CODE OF THE BOROUGH OF EATONTOWN, NEW JERSEY, v10 Includes Land Use, v2 Updated 12-15-2006 / PART II GENERAL LEGISLATION / Chapter 82, ALCOHOLIC BEVERAGES / ARTICLE II, Sale and Transportation [Adopted 7-23-1969 as Ch. 4, Art. II, of the 1969 Code] / § 82-7. Hours. [Amended 7-27-1977 by Ord. No. 19-77; 8-9-1978 by Ord. No. 8-78]

§ 82-7. Hours. [Amended 7-27-1977 by Ord. No. 19-77; 8-9-1978 by Ord. No. 8-78]

No licensee shall sell, serve or deliver, or allow, permit or suffer the sale, service or delivery of, any alcoholic beverage or allow the consumption of any alcoholic beverage on licensed premises on weekdays between the hours of 2:00 a.m. and 7:00 a.m. or on Sundays between the hours of 2:00 a.m. and 10:00 a.m., except New Year's Day each year as hereinafter provided.

- A. No licensee shall sell, serve or deliver, or allow, permit or suffer the sale, service or delivery of, any alcoholic beverage or allow the consumption of any alcoholic beverage on licensed premises on New Year's Day when it is a weekday between the hours of 5:00 a.m. and 7:00 a.m. or, when New Year's Day is on Sunday, between the hours of 5:00 a.m. and 12:00 noon.
- B. During the hours that sales are hereinabove prohibited, the entire licensed premises shall be closed; provided, however, that this closing-of-premises requirement shall not apply to bona fide hotels, restaurants as defined in N.J.S.A. 33:1-1, Subsection t, clubs and other establishments where the principal business or activity is other than the sale of alcoholic beverages.

CODE OF THE BOROUGH OF EATONTOWN, NEW JERSEY, v10 Includes Land Use, v2 Updated 12-15-2006 / PART II GENERAL LEGISLATION / Chapter 82, ALCOHOLIC BEVERAGES / ARTICLE II, Sale and Transportation [Adopted 7-23-1969 as Ch. 4, Art. II, of the 1969 Code] / § 82-8. Violations and penalties.

§ 82-8. Violations and penalties.

Any person or persons, corporation or corporations who or which shall violate this article shall, upon conviction, be subject to a fine not exceeding \$200 or imprisonment in the county jail for not exceeding 90 days, or both such fine and imprisonment, at the discretion of the Magistrate before whom said matter shall be heard.

CODE OF THE BOROUGH OF EATONTOWN, NEW JERSEY, v10 Includes Land Use, v2 Updated 12-15-2006 / PART II GENERAL LEGISLATION / Chapter 82, ALCOHOLIC BEVERAGES / ARTICLE III, License to Sell Limited [Adopted 7-23-1969 as Ch. 4, Art. III, of the 1969 Code]

ARTICLE III, License to Sell Limited [Adopted 7-23-1969 as Ch. 4, Art. III, of the 1969 Code]

CODE OF THE BOROUGH OF EATONTOWN, NEW JERSEY, v10 Includes Land Use, v2 Updated 12-15-2006 / PART II GENERAL LEGISLATION / Chapter 82, ALCOHOLIC BEVERAGES / ARTICLE III, License to Sell Limited [Adopted 7-23-1969 as Ch. 4, Art. III, of the 1969 Code] / § 82-9. Number of licenses

EATONTOWN CODE

granted.

§ 82-9. Number of licenses granted.

Retail alcoholic beverage licenses to sell alcoholic beverages shall be granted in the Borough of Eatontown as set forth as follows:

- A. The maximum number of plenary retail consumption licenses shall be calculated, determined and limited, all in accordance with state statutes, and specifically N.J.S.A. 33:1-12.14.
- B. The maximum number of plenary retail distribution licenses shall be calculated, determined and limited in accordance with state statutes, and specifically N.J.S.A. 33:1-12.14.
- C. The maximum number of club licenses shall be three.
- D. There shall be no seasonal retail consumption license.
- E. There shall be no limited retail distribution license.

CODE OF THE BOROUGH OF EATONTOWN, NEW JERSEY, v10 Includes Land Use, v2 Updated 12-15-2006 / PART II GENERAL LEGISLATION / Chapter 82, ALCOHOLIC BEVERAGES / ARTICLE IV, License Fees [Adopted 7-23-1969 as Ch. 4, Art. IV, of the 1969 Code; amended in its entirety 8-6-2003 by Ord. No. 22-2003EN]

ARTICLE IV, License Fees [Adopted 7-23-1969 as Ch. 4, Art. IV, of the 1969 Code; amended in its entirety 8-6-2003 by Ord. No. 22-2003EN⁽¹⁾]

CODE OF THE BOROUGH OF EATONTOWN, NEW JERSEY, v10 Includes Land Use, v2 Updated 12-15-2006 / PART II GENERAL LEGISLATION / Chapter 82, ALCOHOLIC BEVERAGES / ARTICLE IV, License Fees [Adopted 7-23-1969 as Ch. 4, Art. IV, of the 1969 Code; amended in its entirety 8-6-2003 by Ord. No. 22-2003EN] / § 82-10. Fees.

§ 82-10. Fees.

The annual license fees to sell alcoholic beverages in the Borough of Eatontown shall be as follows:

- A. For a plenary retail consumption license: an annual fee of \$2,500.
- B. For a new plenary retail consumption license issued to a hotel or motel with no fewer than 100 guest sleeping rooms pursuant to N.J.S.A. 33:1-12.20: an annual fee of \$2,500.
- C. For a plenary distribution license: an annual fee of \$2,500.
- D. For a club license: an annual fee of \$188.

CODE OF THE BOROUGH OF EATONTOWN, NEW JERSEY, v10 Includes Land Use, v2 Updated 12-15-2006 / PART II GENERAL LEGISLATION / Chapter 82, ALCOHOLIC BEVERAGES / ARTICLE IV, License Fees [Adopted 7-23-1969 as Ch. 4, Art. IV, of the 1969 Code; amended in its entirety 8-6-2003 by Ord. No. 22-2003EN] / § 82-11. Seasonal license prohibited.

EATONTOWN CODE

§ 82-11. Seasonal license prohibited.

There shall be no seasonal retail consumption license.

CODE OF THE BOROUGH OF EATONTOWN, NEW JERSEY, v10 Includes Land Use, v2 Updated 12-15-2006 / PART II GENERAL LEGISLATION / Chapter 82, ALCOHOLIC BEVERAGES / ARTICLE V, Use by Minors [Adopted 7-23-1969 as Ch. 4, Art. V, of the 1969 Code]

ARTICLE V, Use by Minors [Adopted 7-23-1969 as Ch. 4, Art. V, of the 1969 Code]

CODE OF THE BOROUGH OF EATONTOWN, NEW JERSEY, v10 Includes Land Use, v2 Updated 12-15-2006 / PART II GENERAL LEGISLATION / Chapter 82, ALCOHOLIC BEVERAGES / ARTICLE V, Use by Minors [Adopted 7-23-1969 as Ch. 4, Art. V, of the 1969 Code] / § 82-12. Restrictions on sales.

§ 82-12. Restrictions on sales.

It shall be unlawful for a minor 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.

CODE OF THE BOROUGH OF EATONTOWN, NEW JERSEY, v10 Includes Land Use, v2 Updated 12-15-2006 / PART II GENERAL LEGISLATION / Chapter 82, ALCOHOLIC BEVERAGES / ARTICLE V, Use by Minors [Adopted 7-23-1969 as Ch. 4, Art. V, of the 1969 Code] / § 82-13. Consumption by minors prohibited. [Amended 4-28-1993 by Ord. No. 12-93]

§ 82-13. Consumption by minors prohibited. [Amended 4-28-1993 by Ord. No. 12-93]

No person under the legal age for purchasing alcoholic beverages shall purchase, attempt to purchase or have another purchase for him or her any alcoholic beverage. No person under the legal age for purchasing alcoholic beverages shall order, be served with, have in his or her possession or consume any alcoholic beverages on any public or private street or in any public or private place in the Borough of Eatontown, in the County of Monmouth. No person shall invite, induce or knowingly allow any person under the legal age for purchasing alcoholic beverages to be served with, have in his or her possession or consume any alcoholic beverage on any public or private street or in any public or private place in the Borough of Eatontown, in the County of Monmouth.

CODE OF THE BOROUGH OF EATONTOWN, NEW JERSEY, v10 Includes Land Use, v2 Updated 12-15-2006 / PART II GENERAL LEGISLATION / Chapter 82, ALCOHOLIC BEVERAGES / ARTICLE V, Use by Minors [Adopted 7-23-1969 as Ch. 4, Art. V, of the 1969 Code] / § 82-14. Misstating age prohibited.

§ 82-14. Misstating age prohibited.

It shall be unlawful for a person to misrepresent or misstate his or her age or the age of any other

EATONTOWN CODE

person for the purpose of inducing any retail licensee or employee of a retail licensee to sell, serve or deliver any alcoholic beverage.

CODE OF THE BOROUGH OF EATONTOWN, NEW JERSEY, v10 Includes Land Use, v2 Updated 12-15-2006 / PART II GENERAL LEGISLATION / Chapter 82, ALCOHOLIC BEVERAGES / ARTICLE V, Use by Minors [Adopted 7-23-1969 as Ch. 4, Art. V, of the 1969 Code] / § 82-15. Possession or consumption on private property prohibited. [Added 11-8-2000 by Ord. No. 22-2000EN]

§ 82-15. Possession or consumption on private property prohibited. [Added 11-8-2000 by Ord. No. 22-2000^{EN(2)}]

It is hereby unlawful for any person under the legal age to, without legal authority, knowingly possess or knowingly consume an alcoholic beverage on private property.

CODE OF THE BOROUGH OF EATONTOWN, NEW JERSEY, v10 Includes Land Use, v2 Updated 12-15-2006 / PART II GENERAL LEGISLATION / Chapter 82, ALCOHOLIC BEVERAGES / ARTICLE V, Use by Minors [Adopted 7-23-1969 as Ch. 4, Art. V, of the 1969 Code] / § 82-16. Violations and penalties. [Added 11-8-2000 by Ord. No. 22-2000EN]

§ 82-16. Violations and penalties. [Added 11-8-2000 by Ord. No. 22-2000^{EN(3)}]

- A. Any person found guilty of violating the terms of this article shall be subject to a fine of \$250 for the first offense and a fine of \$350 for any subsequent offense. In addition, the court may, upon a finding of guilty, in addition to the fine authorized for this offense, suspend or postpone for six months the driving privileges of the defendant. Upon the conviction of any person and the suspension or postponement of that person's drivers license, the court shall forward a report to the Division of Motor Vehicles stating the first and last day of the suspension or postponement period imposed by the court pursuant to this section. If a person at the time of the imposition of a sentence is less than 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 17 years. If the defendant at the time of the imposition of the sentence has a valid drivers license issued by this state, the court shall immediately collect the license and forward it to the Division of Motor Vehicles along with the report. If for any reason the license cannot be collected, the court shall include in the report the complete name, address, date of birth, eye color and sex of the person, as well as the first and last date of the license suspension period imposed by the court.
- B. The court shall 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. The defendant shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of the written notice shall not be a defense to a subsequent charge of a violation of N.J.S.A. 39:3-40.
- C. If the person convicted under this article is not a New Jersey resident, the court shall suspend or postpone, as appropriate, the nonresident driving privilege of the person based on the age of the person and submit to the Division the required report. The court shall not collect the license of a nonresident convicted under this article. Upon receipt of a report by the court, the Division shall notify the appropriate officials in the licensing jurisdiction of the suspension or

EATONTOWN CODE

postponement.

CODE OF THE BOROUGH OF EATONTOWN, NEW JERSEY, v10 Includes Land Use, v2 Updated 12-15-2006 / PART II GENERAL LEGISLATION / Chapter 82, ALCOHOLIC BEVERAGES / ARTICLE V, Use by Minors [Adopted 7-23-1969 as Ch. 4, Art. V, of the 1969 Code] / § 82-17. Exceptions. [Added 11-8-2000 by Ord. No. 22-2000]

§ 82-17. Exceptions. [Added 11-8-2000 by Ord. No. 22-2000]

- A. This article shall not prohibit an underage person 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 attained the legal age to purchase and consume alcoholic beverages.
- B. This article shall not prohibit the possession of alcoholic beverages by any underage person while actually engaged in the performance of employment by a person who has licensed under Title 33 of the revised statutes, or while actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a county vocational school or post-secondary educational institution; however, this article shall not be construed to preclude the imposition of a penalty under this section, N.J.S.A. 33:1-81, or any other section of law against a person who is convicted of unlawful alcoholic beverage activity on or at premises licensed for the sale of alcoholic beverages.

CODE OF THE BOROUGH OF EATONTOWN, NEW JERSEY, v10 Includes Land Use, v2 Updated 12-15-2006 / PART II GENERAL LEGISLATION / Chapter 82, ALCOHOLIC BEVERAGES / ARTICLE V, Use by Minors [Adopted 7-23-1969 as Ch. 4, Art. V, of the 1969 Code] / § 82-18. Definitions. [Added 11-8-2000 by Ord. No. 22-2000]

§ 82-18. Definitions. [Added 11-8-2000 by Ord. No. 22-2000]

As used in this article, the following terms shall have the meanings indicated.

GUARDIAN -- A person who has qualified as a guardian of the underage person pursuant to a testamentary or court appointment.

RELATIVE -- The underage person's grandparent, aunt or uncle, sibling, or any other person related by blood or affinity.

CODE OF THE BOROUGH OF EATONTOWN, NEW JERSEY, v10 Includes Land Use, v2 Updated 12-15-2006 / PART II GENERAL LEGISLATION / Chapter 82, ALCOHOLIC BEVERAGES / ARTICLE VI, Consumption, Sale or Possession on Public Property [Adopted 6-10-1981 by Ord. No. 7-81]

ARTICLE VI, Consumption, Sale or Possession on Public Property [Adopted 6-10-1981 by Ord. No. 7-81]

CODE OF THE BOROUGH OF EATONTOWN, NEW JERSEY, v10 Includes Land

EATONTOWN CODE

Use, v2 Updated 12-15-2006 / PART II GENERAL LEGISLATION / Chapter 82, ALCOHOLIC BEVERAGES / ARTICLE VI, Consumption, Sale or Possession on Public Property [Adopted 6-10-1981 by Ord. No. 7-81] / § 82-19. Consumption and sale restricted.

§ 82-19. Consumption and sale restricted.

It shall be unlawful for any person to consume, transfer, sell or distribute any alcoholic beverages on lands within the Borough of Eatontown, either publicly owned or property to which the public is invited, whether used separately or in conjunction with commercial activities, hereinafter referred to as "restricted properties." It shall further be unlawful for any person to possess any alcoholic beverage in open containers on such restricted properties.

CODE OF THE BOROUGH OF EATONTOWN, NEW JERSEY, v10 Includes Land Use, v2 Updated 12-15-2006 / PART II GENERAL LEGISLATION / Chapter 82, ALCOHOLIC BEVERAGES / ARTICLE VI, Consumption, Sale or Possession on Public Property [Adopted 6-10-1981 by Ord. No. 7-81] / § 82-20. Nonapplicability. [Amended 4-28-1993 by Ord. No. 12-93]

§ 82-20. Nonapplicability. [Amended 4-28-1993 by Ord. No. 12-93]

No provision of this article shall limit a parent or legal guardian from serving alcoholic beverages to his or her own children within his or her own place of residency. No provision of this article shall limit the use of alcohol in religious ceremonies by persons under the legal age for purchasing alcoholic beverages. This article shall not apply to an organization or group which obtains approval to use any restricted properties in the Borough of Eatontown from the Borough Council, Recreation Commission or other municipal authority for a specific function or affair or to any member of said organization or group who consumes, transfers, distributes or possesses any alcoholic beverage during the course of such approved function or affair. Neither shall this article apply to any person, organization or group which, after obtaining municipal approval as aforesaid, sells any alcoholic beverage on restricted properties pursuant to a special permit issued for a specific function or affair by the appropriate issuing authority, or to any person who purchases, consumes, distributes, transfers or possesses any alcoholic beverage on restricted properties during the course of such approved function or affair.

CODE OF THE BOROUGH OF EATONTOWN, NEW JERSEY, v10 Includes Land Use, v2 Updated 12-15-2006 / PART II GENERAL LEGISLATION / Chapter 82, ALCOHOLIC BEVERAGES / ARTICLE VI, Consumption, Sale or Possession on Public Property [Adopted 6-10-1981 by Ord. No. 7-81] / § 82-21. Violations and penalties.

§ 82-21. Violations and penalties.

Any person who shall be convicted of a violation of any of the provisions of this article shall be fined in an amount not to exceed \$500 for each violation thereof or may be imprisoned in the county jail for any term not exceeding 90 days, or both.

EATONTOWN CODE

Endnotes

1 (Popup - Popup)

Editor's Note: This ordinance also provided that the fees shall apply to all licenses issued and renewed on or after July 1, 2003. If an applicant submitted a license fee for a new license, renewal of license or transfer of a license prior to the adoption of this ordinance, but on or after July 1, 2003, the applicant shall immediately pay any outstanding part of the total increase fee. A license can be revoked or suspended if the increase portion of the fee is not paid by October 1, 2003.

2 (Popup - Popup)

Editor's Note: This ordinance also deleted former § 4-18, Penalty for violations.

3 (Popup - Popup)

Editor's Note: This ordinance also deleted former § 4-19, Effective date.