

**CODE OF THE TOWNSHIP OF HAMPTON, NEW JERSEY, v33 Updated 12-01-2006  
/ PART II GENERAL LEGISLATION / Chapter 33, ALCOHOLIC BEVERAGES**

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**Chapter 33, ALCOHOLIC BEVERAGES**

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[HISTORY: Adopted by the Township Committee of the Township of Hampton as indicated in article histories. Amendments noted where applicable.]

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/ PART II GENERAL LEGISLATION / Chapter 33, ALCOHOLIC BEVERAGES /  
ARTICLE I, Licensing [Adopted 10-30-1973]**

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**ARTICLE I, Licensing [Adopted 10-30-1973]**

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/ PART II GENERAL LEGISLATION / Chapter 33, ALCOHOLIC BEVERAGES /  
ARTICLE I, Licensing [Adopted 10-30-1973] / § 33-1. Applications for licenses.**

**§ 33-1. Applications for licenses.**

All applications for licenses shall be in writing and conform to the official form promulgated by the Director of the Division of Alcoholic Beverage Control, and filed with the Township Clerk with evidence of payment of the Federal Tax Stamp and the annual license fee as hereinafter provided. The application shall be addressed to the Township Committee and filed with the Township Clerk. All questions shall be fully answered, and the application shall be made under oath and shall designate the place and type of license applied for.

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/ PART II GENERAL LEGISLATION / Chapter 33, ALCOHOLIC BEVERAGES /  
ARTICLE I, Licensing [Adopted 10-30-1973] / § 33-2. Investigations of applicants  
by Police Committee.**

**§ 33-2. Investigations of applicants by Police Committee.**

All applications for licenses shall be referred by the Township Clerk to the Police Committee, which shall investigate the character and fitness of the applicant and the premises proposed for

license, and shall report its recommendations to the Township Committee.

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ARTICLE I, Licensing [Adopted 10-30-1973] / § 33-3. Issuance of licenses.**

**§ 33-3. Issuance of licenses.**

All licenses, except those issued by the State Director under N.J.S.A. 33:1-20, shall be granted by the Township Committee, shall be signed by the Mayor, attested to by the Township Clerk, issued under the Seal of the Township of Hampton and shall remain force for the term set forth therein unless sooner revoked by the issuing authority or the Director for violation of regulations concerning the sale of alcoholic beverages. Upon granting the license, the Township Clerk shall forthwith report the issuance of same to the Director of the Division of Alcoholic Beverage Control.

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ARTICLE I, Licensing [Adopted 10-30-1973] / § 33-4. Term of licenses; proration  
of fee.**

**§ 33-4. Term of licenses; proration of fee.**

All licenses shall be for a term of one year from the first day of July in each year, and all fees shall be paid in advance upon presentation of the application; provided, however, that any licensee who shall voluntarily surrender his license, who shall not have committed any violation of this article or of any rule or regulation and who shall have paid all taxes, setoffs or counterclaims that may have become due to the State of New Jersey or to the Township of Hampton shall be entitled, after deduction of 50% of said fee as a surrender fee, to the prorated fee for the unexpired term.

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ARTICLE I, Licensing [Adopted 10-30-1973] / § 33-5. Unlicensed sale,  
distribution or transportation prohibited.**

**§ 33-5. Unlicensed sale, distribution or transportation prohibited.**

It shall be unlawful for any person, partnership or corporation to offer for sale or sell, distribute or transport for sale any alcoholic beverages in the township except pursuant to and within the terms of a license issued as expressly allowed and provided by laws and regulations governing alcoholic beverages.

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ARTICLE I, Licensing [Adopted 10-30-1973] / § 33-6. Plenary retail consumption  
license. [Amended 3-28-1989]**

**§ 33-6. Plenary retail consumption license. [Amended 3-28-1989]**

The fee for a plenary retail consumption license shall be the sum of \$480 per annum until July 1, 1990, when said fee shall be \$576 per annum; and the holder of such license shall be entitled, subject to rules and regulations, to sell for consumption on the licensed premises any alcoholic beverages in original containers for consumption off the licensed premises.

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/ PART II GENERAL LEGISLATION / Chapter 33, ALCOHOLIC BEVERAGES /  
ARTICLE I, Licensing [Adopted 10-30-1973] / § 33-7. Retail distribution license.  
[Amended 3-28-1989]**

**§ 33-7. Retail distribution license. [Amended 3-28-1989]**

The fee for a retail distribution license shall be the sum of \$480 per annum until July 1, 1990, when said fee shall be \$576 per annum; and the holder of such license shall be entitled, subject to rules and regulations, to sell any alcoholic beverages.

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ARTICLE I, Licensing [Adopted 10-30-1973] / § 33-8. Hours of sale.**

**§ 33-8. Hours of sale.**

A. No licensee shall sell, serve, deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage or allow the consumption of any alcoholic beverage on the licensed premises except during the hours and on the days hereinafter set forth in this section:

- (1) On weekdays, between the hours of 7:00 a.m. and 2:00 a.m. of the succeeding day.
- (2) On Sunday, between the hours of 7:00 a.m. and 2:00 a.m. of the succeeding day.
- (3) On December 31, between the hours of 7:00 a.m. and 5:00 a.m. New Year's Day.

B. The hours referred to herein shall be the prevailing time in the State of New Jersey.

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/ PART II GENERAL LEGISLATION / Chapter 33, ALCOHOLIC BEVERAGES /  
ARTICLE I, Licensing [Adopted 10-30-1973] / § 33-9. Regulations for licensees.**

**§ 33-9. Regulations for licensees.**

- A. All licensees shall expose conspicuously in the place of business the license issued by the Township of Hampton as well as the Federal Stamp; no licensee or any of his agents, servants or employees shall sell, serve or deliver to any minor, mental defective or habitual drunkard any alcoholic beverage, nor make sales on credit, nor keep a disorderly house, nor suffer any persons to game in said place for money or the value of money, nor serve, sell or give intoxicating liquor to any policeman or fireman while in uniform, and shall maintain good order and rule in the place of business and abide by and observe all the provisions of this article and the rules and regulations now or that may hereafter be enacted; provided, however, that holders of plenary retail distribution licenses may sell on credit, anything in this subsection notwithstanding.
- B. No person shall be served in any back room or side room which is not open to the use of the public generally, provided that this prohibition shall not apply to club licenses.
- C. Sexually oriented activities. No sexually oriented activities shall take place within any portion of any licensed premises within the Township of Hampton. "Sexually oriented activity" shall mean the fondling or other erotic touching of covered or uncovered human genitalia, pubic region, buttock or female breast or any actual or simulated act of human masturbation, sexual intercourse or deviate sexual intercourse; the appearance of waiters or waitresses or other employees either topless or bottomless and with less than completely and opaquely covered human genitals, pubic region, buttocks or female breasts below a point immediately above the top of the areola is prohibited. [Added 7-26-1994]

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/ PART II GENERAL LEGISLATION / Chapter 33, ALCOHOLIC BEVERAGES /  
ARTICLE I, Licensing [Adopted 10-30-1973] / § 33-10. Violations and penalties.**

**§ 33-10. Violations and penalties.**

Any person violating any provision of this article shall, upon conviction thereof, be subject to a fine not exceeding \$500 or to imprisonment in the county jail for a term not to exceed 90 days, or to both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

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/ PART II GENERAL LEGISLATION / Chapter 33, ALCOHOLIC BEVERAGES /  
ARTICLE II, Consumption and Possession in Public Places [Adopted 5-11-1982]**

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**ARTICLE II, Consumption and Possession in Public Places [Adopted 5-11-1982]**

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/ PART II GENERAL LEGISLATION / Chapter 33, ALCOHOLIC BEVERAGES /  
ARTICLE II, Consumption and Possession in Public Places [Adopted 5-11-1982] /  
§ 33-11. Purpose.**

**§ 33-11. Purpose.**

Consumption and possession of alcoholic beverages in public places or motor vehicles shall be regulated as follows.

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/ PART II GENERAL LEGISLATION / Chapter 33, ALCOHOLIC BEVERAGES /  
ARTICLE II, Consumption and Possession in Public Places [Adopted 5-11-1982] /  
§ 33-12. Definitions.**

**§ 33-12. Definitions.**

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

**PUBLIC PLACES** -- Any street, road, highway, park, building, parking lot or any land dedicated to or owned by the Township of Hampton, the County of Sussex or the State of New Jersey or any of their departments and agencies, including any lands or buildings owned by the Board of Education of the Township of Hampton or the Kittatinny Regional Board of Education or any place to which the public or a substantial group has access. Among the places included are

highways, schools, places of business or amusement, parking areas, playgrounds or recreation areas within the boundaries of the Township of Hampton.

TOWNSHIP -- All the lands within the physical boundaries of the Township of Hampton.

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ARTICLE II, Consumption and Possession in Public Places [Adopted 5-11-1982] /  
§ 33-13. Consumption without permit prohibited.**

**§ 33-13. Consumption without permit prohibited.**

The consumption of alcoholic beverages of any type without a permit on or in any of the public places defined herein is prohibited.

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ARTICLE II, Consumption and Possession in Public Places [Adopted 5-11-1982] /  
§ 33-14. Consumption in vehicles.**

**§ 33-14. Consumption in vehicles.**

The consumption of alcoholic beverages of any type in a private or public motor vehicle while the same is in motion or parked in any public street, lane, parking lot or in any of the public places defined herein is prohibited.

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ARTICLE II, Consumption and Possession in Public Places [Adopted 5-11-1982] /  
§ 33-15. Consumption on private property.**

**§ 33-15. Consumption on private property.**

The consumption of alcoholic beverages of any type on or in any private property without the express permission of the owner or other person with authority to grant such permission is prohibited.

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ARTICLE II, Consumption and Possession in Public Places [Adopted 5-11-1982] /**

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ARTICLE II, Consumption and Possession in Public Places [Adopted 5-11-1982] /  
§ 33-16. Applicability.**

**§ 33-16. Applicability.**

The provisions of this article shall not apply to any places licensed or for which a permit has been issued by the Township of Hampton or by the State of New Jersey for the sale, possession or consumption of alcoholic beverages thereon.

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§ 33-17. Open containers.**

**§ 33-17. Open containers.**

No person shall carry about in his hand or on his person or while in any parked or moving vehicle any glass, tumbler or open bottle or any open can containing alcoholic beverages or beverages of which alcoholic beverages are a part, whether said glass, bottle or can is clearly exposed or contained in a bag in any public place defined herein.

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ARTICLE II, Consumption and Possession in Public Places [Adopted 5-11-1982] /  
§ 33-18. Presumptive evidence.**

**§ 33-18. Presumptive evidence.**

Upon investigation by any person or police officer to determine whether violation of any of the above provisions has been made, any person who shall empty a glass or other container in order to prevent the inspecting or arresting officer or person from being able to make a determination as to the alcoholic content of the beverage in the container shall be presumed to have had a container having a beverage with an alcoholic content, which presumption may be rebuttable by competent evidence.

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ARTICLE II, Consumption and Possession in Public Places [Adopted 5-11-1982] /**

**§ 33-19. Violations and penalties.**

**§ 33-19. Violations and penalties.**

Any person who shall violate any section of this article shall be subject to a fine of not more than \$200 for each violation or be imprisoned for a period of not more than 30 days for each offense, or both.

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ARTICLE II, Consumption and Possession in Public Places [Adopted 5-11-1982] /  
§ 33-20. Exception for public and quasi-public functions in parks.**

**§ 33-20. Exception for public and quasi-public functions in parks.**

The prohibitions of this article shall not apply to public and quasi-public functions held in parks owned by the Township of Hampton with the express permission of the Hampton Township Committee or the Hampton Township Recreation Committee granted by resolution duly adopted by the Township Committee or the Recreation Committee which expressly deals with the specific function and the specific date of same.

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/ PART II GENERAL LEGISLATION / Chapter 33, ALCOHOLIC BEVERAGES /  
ARTICLE III, Prohibition of Underage Drinking on Private Property [Adopted  
7-25-2006 by Ord. No. 2006-8]**

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**ARTICLE III, Prohibition of Underage Drinking on Private Property [Adopted  
7-25-2006 by Ord. No. 2006-8]**

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/ PART II GENERAL LEGISLATION / Chapter 33, ALCOHOLIC BEVERAGES /  
ARTICLE III, Prohibition of Underage Drinking on Private Property [Adopted  
7-25-2006 by Ord. No. 2006-8] / § 33-21. Purpose.**

**§ 33-21. Purpose.**

Consumption and possession of alcoholic beverages on private property without legal authority

by persons under the legal age shall be regulated as follows.

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ARTICLE III, Prohibition of Underage Drinking on Private Property [Adopted  
7-25-2006 by Ord. No. 2006-8] / § 33-22. Definitions.**

**§ 33-22. Definitions.**

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 testamentary or court appointment.

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

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ARTICLE III, Prohibition of Underage Drinking on Private Property [Adopted  
7-25-2006 by Ord. No. 2006-8] / § 33-23. Possession or consumption of alcoholic  
beverages by persons under legal age on private property prohibited.**

**§ 33-23. Possession or consumption of alcoholic beverages by persons under legal age on  
private property prohibited.**

It shall be unlawful for any person who is under the legal age to purchase alcoholic beverages to knowingly possess without legal authority or knowingly consume any alcoholic beverage on private property.

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ARTICLE III, Prohibition of Underage Drinking on Private Property [Adopted  
7-25-2006 by Ord. No. 2006-8] / § 33-24. Violations and penalties.**

**§ 33-24. Violations and penalties.**

A. Any person convicted or adjudicated for violating the terms of this article shall be subject to the following fines:

- (1) First offense: \$250.
  - (2) Second or subsequent offenses: \$350.
- B. 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 conviction of any person and the suspension or postponement of that person's driver's 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 driver's licence issued, 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.
- C. 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 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 in writing the receipt of the written notice. 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.
- D. 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 of Motor Vehicles 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 of Motor Vehicles shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

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ARTICLE III, Prohibition of Underage Drinking on Private Property [Adopted  
7-25-2006 by Ord. No. 2006-8] / § 33-25. Exceptions.**

**§ 33-25. Exceptions.**

- A. The provisions of this article shall not apply to an underage person who consumes or

possesses an alcoholic beverage in connection with a religious observance, ceremony or rite or consumes or possesses 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. The provisions of 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 was 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 article, N.J.S.A. 33:1-81, or any other section of the law against a person who is convicted of unlawful alcoholic beverage activity on or at premises licensed for the sale of alcoholic beverages.

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/ PART II GENERAL LEGISLATION / Chapter 35, ANIMAL CONTROL, DOMESTIC**

**§ 33-1. Applications for licenses.**

All applications for licenses shall be in writing and conform to the official form promulgated by the Director of the Division of Alcoholic Beverage Control, and filed with the Township Clerk with evidence of payment of the Retail Tax Stamp and the annual license fee as hereinafter provided. The application shall be addressed to the Township Committee and filed with the Township Clerk. All questions shall be fully answered, and the application shall be made under oath and shall designate the place and type of license applied for.

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ARTICLE I. Licensing [Adopted 10-30-1973] / § 33-2. Investigations of applicants  
by Police Committee.**

**§ 33-2. Investigations of applicants by Police Committee.**

All applications for licenses shall be referred by the Township Clerk to the Police Committee, which shall investigate the character and fitness of the applicant and the premises proposed for