

**Chapter 106**  
**ALCOHOLIC BEVERAGES**

**GENERAL REFERENCES**

**Parks - See Ch. 285.**

**Retail food-handling establishments - See Ch. 415.**

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**§ 106-1. Annual license fees. [Amended 6-26-1976 by Ord. No. 22-79]**

Annual license fees shall be as follows:

- A. Plenary retail consumption: \$1,040. **[Amended 3-22-1988 by Ord. No. 14-88; 3-27-1990 by Ord. No. 11-90; 5-15-1990 by Ord. No. 18-90; 4-9-2002 by Ord. No. 12-2002; 2-28-2006 by Ord. No. 2-2006; 8-19-2008 by Ord. No. 45-2008]**
- B. Plenary retail distribution: \$960. **[Amended 3-22-1988 by Ord. No. 14-88; 3-27-1990 by Ord. No. 11-90; 5-15-1990 by Ord. No. 18-90; 4-9-2002 by Ord. No. 12-2002; 2-28-2006 by Ord. No. 2-2006; 8-19-2008 by Ord. No. 45-2008]**
- C. Club: \$150.

**§ 106-2. Hours of sale. [Amended 7-18-1967 by Ord. No. 11-67; 5-5-1981 by Ord. No. 5-81; 1-26-1982 by Ord. No. 2-82; 11-9-1982 by Ord. No. 20-82]**

- A. Except as set forth in Subsections B and C of this section, a licensee may sell, serve, deliver or allow, permit or suffer the sale, service or delivery of the following alcoholic beverages or permit the consumption of the following alcoholic beverages on licensed premises as follows:
  - (1) Wine and malt alcoholic beverages for consumption on or off the premises, Monday through Saturday, inclusive, from 7:00 a.m. until 2:00 a.m. of the following day and Sunday from 10:00 a.m. until 2:00 a.m. of the following day.
  - (2) Distilled spirits for consumption on premises, Monday through Saturday, inclusive, from 7:00 a.m. until 2:00 a.m. of the following day and Sunday from 10:00 a.m. until 2:00 a.m. of the following day.
  - (3) Distilled spirits as package goods for off-premises consumption only, between the hours of 9:00 a.m. until 10:00 p.m., Monday through Saturday, and between the hours of 10:00 a.m. and 10:00 p.m. on Sunday.

- B. On January 1 of each year and every year, regardless of whether the same shall fall on a Sunday, no licensee shall sell, serve, deliver or allow, permit or suffer the sale, service, delivery or consumption of any alcoholic beverage on licensed premises between the hours of 5:00 a.m. and 12:00 noon.
- C. During the hours when the sale, service and delivery of alcoholic beverages is prohibited by ordinance now in effect or hereafter adopted by the Township Council, all licensed premises operating under a plenary retail consumption license must be closed, and the licensee shall allow no person other than employees to remain on the licensed premises, except the following:
- (1) Restaurants, as defined in N.J.S.A. 33:1-1t, may remain open after the hours when the sale, service, delivery or consumption of alcoholic beverages is prohibited.
  - (2) Licensees operating under a club license, as defined in Title 33 of the New Jersey Statutes Annotated, its supplements and amendments and the rules and regulations of the Director, Division of Alcoholic Beverage Control of New Jersey.
- D. During the hours when the sale, service, delivery or consumption of alcoholic beverages is prohibited by ordinance now in effect or hereafter adopted by this Township Council, all licensed premises operating under a club license and restaurants shall keep the room in which alcoholic beverages are kept for sale, commonly known as the "barroom," and all rooms where alcoholic beverages are stored firmly closed and securely locked, and the licensee or any of its employees or any other persons shall not enter or be allowed to enter therein.

### **§ 106-3. Sanitation standards for premises.**

All licensed premises under this chapter where alcoholic beverages are served or dispensed shall comply with the minimum standards of sanitation as promulgated and compiled by the Board of Health of the State of New Jersey, pursuant to legislation enacted with reference to establishments and places where food or drink are sold or distributed in a manner other than in the same sealed or wrapped packages or containers in which it was received, and all other applicable statutes and ordinances of the Township of Mount Olive.<sup>1</sup>

### **§ 106-4. Sale to minors.**

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 age of 21 years or any person actually or apparently intoxicated or allow, permit or suffer the consumption of alcoholic beverages by any such person upon the licensed premises.

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1. Editor's Note: See Ch. 415, Food-Handling Establishments, Retail.

**§ 106-5. Inspections.**

All licensed premises under this chapter where alcoholic liquor is served or dispensed shall be subject to the right of inspection by any member of the police force or any member of the Township Committee of the Township of Mount Olive, Morris County, New Jersey, for the purpose of determining whether all state and local rules, regulations, ordinances and statutes are complied with.

**§ 106-6. (Reserved)<sup>2</sup>****§ 106-7. Consumption in certain locations prohibited. [Added 7-24-1979 by Ord. No. 30-79]**

- A. No person shall, within the limits of the Township of Mount Olive, consume any alcoholic beverages or offer to another for consumption alcoholic beverages:
- (1) In a parking area adjacent to any licensed premises for the sale of alcoholic beverages.
  - (2) Within or on a public street, lane, roadway, avenue, sidewalk, public parking place, public playground, public school building or public school grounds. The word "public," as used herein, shall be limited in meaning to that property which is either owned in fee or by easement or other right held by the Township of Mount Olive or other governmental entity.
  - (3) While in or about any parking area open to the general public, whether said parking area is owned or otherwise controlled by any governmental or private entity. The words "public place," as used herein, shall not be applicable to any premises owned or maintained by any volunteer fire company or volunteer first aid squad located within or serving the Township of Mount Olive.
- B. Exceptions to this prohibition may be granted by the Director of the Department of Public Safety upon application by any recognized organization, stating the date and location of the proposed use, the number of persons expected to be present, the hours of said use, the type of alcoholic beverages to be consumed and the parking accommodations to be provided for the event. The Director may reject any application which it considers inimical to the public health, safety, welfare or interest of the Township.

**§ 106-8. Possession or consumption by underage persons. [Added 10-4-2011 by Ord. No. 30-2011]**

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

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2. Editor's Note: Former § 106-6, Proximity of licensed premises, added 4-25-1972 by Ord. No. 10-72, as amended, was repealed 9-20-2016 by Ord. No. 20-2016.

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.

B. Consumption of alcoholic beverages by underage person on private property prohibited. It shall be unlawful for any person under the age of 21 years to purchase, sell, consume or have in his or her possession any alcoholic beverage in or upon any public or private street, highway, park, footway or other public or quasi-public place or in a private residence or upon any private property within the Township of Mount Olive, except as hereinafter provided or as may be permitted by state statute.

C. Exceptions.

(1) Nothing contained in this chapter is intended, nor shall it be construed, as prohibiting an underaged 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; provided that if the underaged person is found to possess or consume an alcoholic beverage in the presence of and with the permission of a relative other than a parent or guardian, the police shall notify the parent or legal guardian, by certified mail, of the incident together with the name of the relative who gave permission for the possession or consumption of the alcoholic beverage by the underaged person. The notification shall include a request that the parent or guardian acknowledge and return a copy of the letter to the Police Department within 15 days of receipt.

(2) This section shall not prohibit the possession of alcoholic beverages by any underaged 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 section 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.

D. Violations and penalties.

(1) Any person found guilty of violating the terms of this section shall be subject to a fine of \$250 for a 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 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 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.

- (2) 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.
- (3) If the person convicted under this section 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 section. Upon receipt of a report by the court, the Division shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

**§ 106-9. Interpretation of provisions. [Added 7-24-1979 by Ord. No. 30-79]**

Notwithstanding the provisions contained in § 106-7, that section shall in no way interfere with the authority of the Division of Alcoholic Beverage Control and the Township Council to issue temporary licenses for the consumption of alcoholic beverages pursuant to the laws of the State of New Jersey or ordinances of the Township of Mount Olive.

**§ 106-10. Violations and penalties. [Amended 9-25-1990 by Ord. No. 40-90]**

Any person, firm or corporation who violates any provision of this chapter shall, upon conviction thereof, be punishable by one or more of the following: by imprisonment for a term not exceeding 90 days or by a fine not exceeding \$1,000 or by a period of community service not exceeding 90 days.