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Chapter 77 ALCOHOLIC BEVERAGES

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[Added 11-21-00 by Ord. No. 0-18-00]

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[HISTORY: Adopted by the Township Committee of the Township of Wildwood: Art. I, 8-20-70 by Ord. No. 0-11-70 as Art. I of Ch. 24 of the 1970 Code of the Township of Wildwood; Art. II, 10-27-76 as Ord. No. 0-19-76 as Art. II of Ch. 24 of the 1970 Code of the Township of Wildwood. Amendments noted where applicable.]

GENERAL REFERENCES

Amusement devices in licensed premises — See Ch. 85.

ARTICLE I Licensing
[Adopted 8-20-70 by Ord. No. 0-11-70 as Art. I of Ch. 24 of the 1970 Code of the Township of Wildwood;[1]]

§ 77-1. Purpose.
[Amended 3-25-87 by Ord. No. 0-6-87]
This Article is for the purpose of fixing license fees and regulating the sale of alcoholic beverages in the Township of Wildwood, County of Camden and State of New Jersey, in accordance with the provisions of an act of the Legislature entitled "An Act Concerning Alcoholic Beverages," P.L. 1933, c. 436 (N.J.S.A. 33:1-1 et seq.) as amended and supplemented, and in accordance with the rules and regulations promulgated or to be promulgated by the Director of the Division of Alcoholic Beverage Control applicable hereto, and in accordance with the rules and regulations existing hereto or hereafter adopted by competent municipal authority not inconsistent with said Act or said rules of said State Commissioner.

§ 77-2. Compliance with regulations required.
It shall be unlawful to sell or distribute alcoholic beverages otherwise than as provided in this Article and/or said Act.

§ 77-3. Authority designated for distribution or issuance of licenses.
The Chairman and Township Committee of the Township of Wildwood, County of Camden, State of New Jersey, being the governing body of said municipality, shall constitute the authority for the distribution or issuance of licenses hereunder.

§ 77-4. License fees.
A. **[Amended 7-20-82 by Ord. No. 0-7-82, 4-24-89 by Ord. No. 0-22-89; 9-21-07 by Ord. No. 0-32-07]** For each and every plenary retail consumption license and for each and every plenary retail distribution license, the following sums shall be charged:
   (1) For the license year 1989-1990: the sum of five hundred dollars ($500.);
   (2) For the license year 1990-1991: the sum of six hundred dollars ($600.);
   (3) For the license year 1991-1992, 1992-1993, 1993-1994, and 1994-1995: the sum of seven hundred dollars ($700.). **[Amended 3-28-91 by Ord. No. 0-9-91]**
   (4) For the license year 1995-1996, the sum of eight hundred dollars ($800.). **[Added 3-28-91 by Ord. No. 0-9-91]**
   (5) For the license year 1996-1997, the sum of nine hundred dollars ($900.). **[Added 3-28-91 by Ord. No. 0-9-91]**
   (6) For the license years 1997-1998, 1998-1999, 1999-2000, 2000-2001, 2001-2002, 2002-2003, 2003-2004, 2004-2005, 2005-2007, and 2007-2008 the sum of one thousand dollars ($1,000.). **[Added 3-28-91 by Ord. No. 0-9-91]**
   (7) For the license year 2008-2009, the sum of one thousand two hundred dollars ($1,200.).
   (8) For the license year 2009-2010, the sum of one thousand four hundred dollars ($1,400.).
   (9) For the license year 2010-2011, the sum of one thousand six hundred dollars ($1,600.).
   (10) For the license year 2011-2012, the sum of one thousand eight hundred dollars ($1,800.).
   (11) For the license year 2012-2013, the sum of two thousand dollars ($2,000.).
B. All license fees shall be paid in cash or by certified check to the order of the Township of Wildwood, New Jersey, and all such receipts shall be turned over by the Township Clerk, when and as received, to the Treasurer of the Township of Wildwood.
C. The Township Clerk is hereby designated as the proper person to sign all licenses on behalf of the Township Committee.

§ 77-5. Hours of sale, service or delivery.
[Amended 2-22-84 by Ord. No. 0-9-84]
A. No licensee shall sell, serve or deliver, or allow, permit or suffer the sale, service or delivery of, any alcoholic beverages on the licensed premises on New Year's Day, whether it is a weekday or a Sunday, between the hours of 4:00 a.m. and 7:00 a.m.; on Saturday and other Sundays, between the hours of 3:00 a.m. and 7:00 a.m.; and on other weekdays between the hours of 2:00 a.m. and 7:00 a.m.
B. The regulations set forth for distribution licensees by the State of New Jersey, Division of Alcoholic Beverage Control, are herewith adopted by the Township of Wildwood.

§ 77-6. Display of licenses.
Every license shall be exposed to public view in a conspicuous place in the establishment licensed, and any omission so to do shall be presumptive evidence that the place where alcoholic beverages are being sold is unlicensed.

§ 77-7. Limit on number of licenses issued; distance between premises.
A. Not more than twenty-five (25) plenary retail consumption licenses and not more than four (4) plenary retail distribution licenses shall be issued and outstanding at the same time in the Township of Wildwood, but this limitation shall not prevent the renewal of plenary retail consumption licenses presently outstanding or the person-to-person transfer of such licenses and the renewal of licenses so transferred.
B. No plenary retail consumption of plenary retail distribution license shall hereafter be granted for or transferred to premises within two thousand (2,000) feet of premises for which a license of other type is then outstanding. This distance-between-premises provision shall not prevent the renewal or person-to-person transfer of licenses now licensed. The two-thousand-foot distance shall be measured in the normal way that a pedestrian would properly walk from the nearest entrance of the licensed premises to the nearest entrance of the premises sought to be licensed.

§ 77-8. Sanitation requirements.
All licensed establishments shall be kept clean and sanitary and subject to the rules and regulations of the Board of Health of this municipality.

§ 77-9. Sale to persons under legal age for purchase.
No licensee shall sell, serve or deliver, or allow, permit or suffer the service or delivery of, any alcoholic beverages, directly or indirectly, to any persons under the age of twenty-one (21) years, or allow, permit or suffer the consumption of alcoholic beverages by any such person upon the licensed premises.[2]

§ 77-10. Licenses limited to one per person or corporation.
No more than one (1) retail distribution or one (1) retail consumption license shall be granted to any person, corporation, partnership, limited partnership or association regardless of the number of different places of business conducted by such person, corporation, partnership, limited partnership or association.

§ 77-11. Transfer of licenses; fee. [Amended 9-21-07 by Ord. No. 0-32-07]
A. Nothing herein contained shall prevent the transfer of a license from person to person, as provided in P.L. 1939, c. 297, (N.J.S.A. 33:1-26), and any such transfer shall not be affected by the limitations hereby placed upon the issuance of new licenses.
B. A fee in the amount of ten percent (10%) of the annual license fee as set forth in Section 77-4.B. shall be charged for the transfer of any license pursuant to this section. This transfer fee shall be paid in accordance with Section 77-4B.

§ 77-12. Violations and penalties.
[Amended 3-25-87 by Ord. No. 0-6-87]
A. Any person who shall sell or distribute any alcoholic beverages in violation of any of the provisions of this Article shall be subject to a fine of not more than one thousand dollars ($1,000.) or to imprisonment for not more than ninety (90) days, or both, in the discretion of the court.
B. Any license issued pursuant to this Article may be suspended or revoked for violation of any of the provisions of this Article or for violation of any of the provisions of said Act or any of the rules or regulations provided by the Director of the Division of Alcoholic Beverage Control.

ARTICLE II Consumption; Discarding Containers
[Adopted 10-27-76 as Ord. No. 0-19-76 as Art. II of Ch. 24 of the 1970 Code of the Township of Wildwood]

§ 77-13. Consumption in certain public places prohibited.
It shall be unlawful for any person to consume alcoholic beverages within the Township of Wildwood:
A. While in or on a public street, lane or sidewalk, public parking lot, public or quasi-public place or in any public conveyance.
B. In a private motor vehicle while the same is in motion or parked in or upon any public street, lane or public parking lot.
C. While upon any private property not his own without the express permission of the owner or other person having authority to grant such permission.

§ 77-14. Discarding containers.
It shall be unlawful for any person to discard alcoholic beverage containers within the Township of Wildwood upon any public street, lane, sidewalk, public parking lot, public or quasi-public place or upon any private property not his own without the express permission of the owner or other person having authority to grant such permission.

§ 77-15. Violations and penalties.
[Amended 3-25-87 by Ord. No. 0-6-87]
Any person who shall violate the provisions of this Article shall, upon conviction, be punished by a fine of not more than one thousand dollars ($1,000.) or be imprisoned for not more than ninety (90) days, or both, in the discretion of the court.

ARTICLE III Indecent and Immoral Activities Prohibited
[Adopted 6-21-94 as Ord. No. 0-16-94]

§ 77-16. Prohibited activities.
No licensee shall allow, permit or suffer lewd acts, immoral activity, or indecent exposure or activity by employees of said licensee, independent contractors, or casual performers upon the licensed premises.
A. Lewd acts and immoral activity take place where the predominant object and natural effect upon the observers/patrons is erotic excitation.
B. Indecent exposure means having the breasts unclothed or clothed by a transparent material and/or having the area beneath the waist, including the public region, genitals, and buttocks unclothed or clothed by a transparent material.
C. Violations and penalties. A violation of any of the provisions of this section shall be punishable upon conviction by a fine of not more than one thousand dollars ($1,000.) or imprisonment for a term not to exceed ninety (90) days or both. Each and every violation and nonconformance to this section or that each day that any provision of this section shall have been violated, shall constitute a separate and distinct violation and shall be punishable as such.

§§ 77-17. - 77-18. Reserved.

ARTICLE IV Possession and Consumption of Alcoholic Beverages by any Person Under the Legal Age on Private Property without Legal Authority
[Added 11-21-00 by Ord. No. 0-30-2000]

§ 77-20. Under age consumption.
It shall be unlawful for any person under the legal age to knowingly possess or knowingly consume an alcoholic beverage on private property without legal authority.

§ 77-21. Penalty.
A. Any person violating the provisions of this Article shall be punished by a fine of two hundred fifty dollars ($250.) for a first offense and three hundred fifty dollars ($350.) for any subsequent offense.
B. In addition to the fine authorized for this offense, the Court may suspend or postpone for six (6) months the driving privilege of a person convicted of this offense. Upon the conviction of any person and the suspension or the 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. If a person at the time of the imposition of 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 (6) months after the person reaches the age of seventeen (17) years.
C. If a person at the time of the imposition of a 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.
D. The Court shall inform the person orally and in writing that if a 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 R.S. 39:3-40. A person 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 a written notice shall not be a defense to a subsequent charge of a violation of R.S. 39:3-40.
E. If a person convicted under this Article is not a New Jersey resident, the Court shall suspend or postpone, as appropriate, the non-resident driving privilege of the person based on the age of the person and submit it to the Division of Motor Vehicles on the required report. The Court shall not collect the license of a non-resident convicted under this Article. Upon receipt of a report for the Court, the Division of Motor Vehicles shall notify the appropriate officials of the licensing jurisdiction of the suspension or postponement.

§ 77-22. Exceptions.
A. Nothing contained in this Article is intended, nor shall it be construed, as prohibiting 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. As used in the preceding paragraph A, the following term shall have the meaning set forth:
   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.
C. Nothing contained in this Article is intended nor shall it be construed as prohibiting possession of alcoholic beverages by any such person while actually engaged in the performance of employment by a person who is 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; provided, however, that this Article shall not be construed to preclude the imposition of a penalty under this Article, or N.J.S.A. 33:1-81, or any other section of law against the person who is convicted of unlawful alcoholic beverage activity on or at premises licensed for the sale of alcoholic beverages.

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[1] Editor's Note: This legislation was originally adopted 5-26-48 and amended 11-27-48.
[2] Editor's Note: The section immediately following this section, which pertained to sale during elections, was repealed 9-21-70 by Ord. No. 0-14-70.

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