

TOWNSHIP OF CHESTERFIELD

ORDINANCE NO. 2018-8

AN ORDINANCE TO AMEND CHAPTER 66 OF THE CODE OF THE TOWNSHIP OF CHESTERFIELD RELATING TO ALCOHOLIC BEVERAGES

WHEREAS, the Alcoholic Beverage Control Act, at N.J.S.A. 33:1-12(3)(a), provides generally that a municipality may authorize the issuance of a Plenary Retail Distribution License; and

WHEREAS, Chesterfield Township has never issued such a license and the governing body has determined that it is now appropriate to authorize same; and

WHEREAS, Chapter 66 of the Code of the Township of Chesterfield governing “Alcoholic Beverages” is therefore in need of Amendment in order to create a Plenary Retail Distribution License and provide for a process for the sale of same;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Chesterfield, County of Burlington and State of New Jersey that Chapter 66 of the Code of the Township of Chesterfield is hereby amended as follows:

I. AMENDED SECTION. Section 66-4 is hereby amended to add the following language:

Section 66-4.1. Plenary Retail Distribution Licenses; Fees.

- A. Licensed Authorized. The issuing of one (1) Plenary Retail Distribution License is hereby authorized.
- B. Annual Fee. The Annual Fee for a Plenary Retail Distribution License shall be Two Thousand Five Hundred Dollars (\$2,500.00).

C. Pre-qualification and Sale Process.

1. Auction. When the governing body determines, in its discretion, to award an available license, it shall sell the license at auction in accordance with the provisions of Title 33 of the New Jersey Statutes, and the Regulations of the New Jersey Division of Alcoholic Beverage Control, and upon such terms and conditions as the Township Committee deems to be lawful, reasonable and in the best interests of the municipality.
2. The governing body may set a minimum bid amount and shall reserve the right to reject all bids for any reasons it determines to be in the best interests of the municipality.
3. Pre-qualification. All bidders shall pre-qualify, in the manner specified by the governing body. In addition to such requirements as the governing body shall impose, the prospective bidders, as part of the pre-qualification process, shall submit: (a) proof of financial ability to undertake the purchase of the License and the contemplated project; (b) information regarding the type, size and special features of the contemplated licensed premises; and (c) records of past alcoholic beverage control violations involving the prospective bidder or the bidder's principals, i.e., owners of more than a ten percent (10%) equity or debt interest.

Furthermore, prospective bidders are required to fulfill any and all requirements of the Chesterfield Township Police Department,

and shall supply any and all information requested by the Police Department as part of the Township's pre-qualification process. Failure to do so may, at the discretion of the Township, result in a prospective bidder being found unqualified to bid.

4. Notice.

a. A Notice of Sale shall be issued which specifies the time and place at which bids shall be received and opened, and that all prospective bidders shall be notified of the required qualifications no less than twenty (20) days prior to the bid opening.

b. The Notice shall further specify that at what time, place and manner in which the pre-qualification and bid applications may be obtained, and the date on which they are to be submitted.

D. In the event that Title 33 of the Revised Statutes is modified or amended in such a way as to impact these provisions, the State Statute and Administrative Regulations shall control where inconsistent with local Ordinance.

ARTICLE II. AMENDED SECTIONS. Section 66-26, entitled: "Violations and Penalties; Suspensions or Revocation of License" is hereby amended to read as follows:

Section 66-20, "Hours of Sales; Certain Premises to be Closed", is hereby amended as follows:

A. Subparagraph A shall remain as written, but shall be preceded by the subtitle “Plenary Retail Consumption Licenses”; and the text beginning with “No Licensee shall serve, deliver or allow...” shall follow said subtitle.

[B. No Change]

C. Plenary Retail Distribution (Package) Sales Hours. No Plenary Retail Distribution Licensee shall allow, permit or suffer the sale, service or delivery of any alcoholic beverages, or the removal of any alcoholic beverages from the licensed premises before 9:00 AM. or after 10:00 PM on any day of the week.

Section 66-26 Violations and Penalties; Suspension or Revocation of License.

“A. Except as otherwise provided by Title 33 of the Revised Statutes, any person who shall violate any the provisions of this Chapter, shall, upon conviction thereof, punishable by a fine of not less than One Hundred Dollars (\$100.00), but not to exceed One Thousand Two Hundred Fifty Dollars (\$1,250.00) or by imprisonment in the County Jail, or any other place provided by the Township for the detention of prisons, for a term not to exceed ninety (90) days, or by a period of community service not to exceed ninety (90) days within the discretion of the Court. Each day such violation shall be continued shall be deemed and taken to be a separate and distinctive offense. In the event that the provisions of Title 33 of the New Jersey Statutes annotated permit a greater fine or penalty to be assessed, than the more severe sanction and penalty shall be available to the Magistrate.”

[B. No Change]

[C. No Change]

[D. No Change]

ARTICLE III. REPEALER, SEVERABILITY AND EFFECTIVE DATE.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

CHESTERFIELD TOWNSHIP COMMITTEE

Introduced: April 12, 2018

Adopted: April 26, 2018

RECORD OF VOTE													
INTRODUCTION							ADOPTION						
TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC	TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC
S Davis	X						S Davis						
A Katz	X					X	A Katz						
D Koetas-Dale	X						D Koetas-Dale						X
J Liedtka	X				X		J Liedtka					X	
R Romeu	X						R Romeu						
X – Indicates Vote NV – Not Voting AB – Absent ORD – Motion SEC - Seconded													

I, Caryn M. Hoyer, Clerk of the Township of Chesterfield in the County of Burlington and State of New Jersey do hereby certify the foregoing Ordinance to be a true and accurate copy of the Ordinance which was adopted by the Township Committee at a duly advertised meeting held on April 26, 2018.

Caryn M. Hoyer, RMC
Township Clerk