

ALCOHOLIC BEVERAGES

CHAPTER 4.

ALCOHOLIC BEVERAGES.¹

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Sec. 4-1. Licenses – Fees.

The fees that shall be granted by the town council pursuant to this chapter are hereby fixed as follows:

- (a) For each plenary retail consumption license, two thousand dollars.
- (b) For each plenary retail distribution license, one thousand two hundred dollars.
- (c) For each limited retail distribution license, fifty dollars.
- (d) For each club license, one hundred fifty dollars.

(G.O. No. 878, § 2; G.O. No. 1160, § 1.)

Sec. 4-2. Same – Maximum number of licenses.²

The number of licenses that shall be granted by the town council are hereby fixed as follows:

(a) Not more than ten plenary retail consumption licenses shall be granted, one of which shall be reserved for a “Hotel Conditional License” and five of which shall be reserved for “Restaurant Conditional Licenses.”

(b) Not more than seven plenary retail distribution licenses shall be granted.³

¹ For state law as to intoxicating liquors generally, see N.J.S.A., § 33:1-1 et seq.

As to sales, etc., of alcoholic beverages in dance halls, see § 5-7 of this Code. As to intoxication in public, see § 14-10. As to possession, sale, etc., of intoxicating liquor in parks, see § 16-9.

² For state law authorizing city to restrict number of licenses, see N.J.S.A. § 33:1-40.

³ **Editor’s note.** – Under the provisions of N.J.S.A., § 33:1-12.27, no new limited retail distribution license may be issued.

(c) Not more than six limited retail distribution licenses shall be granted.

(d) Club licenses may be granted from time to time on application, provided the town council is satisfied that such licensed club is a bona fide organization.

(G.O. No. 878, § 3; G.O. No. 1283, § 1; G.O. No. 1325, § I; G.O. No. 1359, § I; G.O. No. 1516, § I.)

Sec. 4-3. Same – Hotel conditional license.

One hotel conditional license may be issued to the owner or operator of a bona fide hotel or motel or to the owner or operator of a bona fide restaurant as defined in section 33:1-1 (+) of the Revised Statutes which is located within the same building or structure as a hotel or motel; subject, however to the following restrictions and regulations:

(a) No such license may be transferred by the licensee to any other person or to any other locality, except to a person owning or operating such a bona fide hotel or motel or owning or operating such a bona fide restaurant within the same building or structure as the hotel or motel at the same location or such other approved location.

(b) Any such license for or transferred to a hotel or motel owner or operator or to a person owning or operating a bona fide restaurant located within the same building or structure as the hotel or motel shall remain in force only so long as a bona fide hotel or motel is actually being operated at such location and such license shall be revoked should the hotel or motel cease operating as such at such a location. A bona fide hotel or motel shall only be one whose main business is renting of rooms to transients with hotel service. The town council shall have the full right to determine what is a bona fide hotel or motel as referred to in this section and the decision of the council shall be final.

(c) On any premises licensed under this section there shall be no public bar but only a service bar or bars and no service, sale or consumption of alcoholic beverages shall be permitted except with meals served to customers seated at tables in the room or rooms regularly furnished and used as dining room space. The word “tables”, as used in this section, shall not include such tables as are flanked by high backed benches commonly known as “booths”. There shall be no sale or service of alcoholic beverages by the licensee to guests of the hotel or motel in their rooms as is commonly known as “room service”. The licensed premises shall include only that portion of the hotel or motel building or structure open to the general public for dining where meals are actually sold and served on a regular basis or where the alcoholic beverages are stored. Notwithstanding the aforesaid, a premises licensed under this section may provide tables at which alcoholic beverages may be served without meals for the use or patrons waiting to be seated at regular dining tables; provided, that the area allocated to such tables within the restaurant does not constitute more than ten percent of the floor space of the premises devoted to dining and that the seating capacity of such tables does not exceed ten percent of the seating capacity of the entire restaurant. Each seat at tables provided for this purpose shall be included in computing the floor space required by this section for obtaining such license. Notwithstanding any provisions herein to the contrary, if the hotel or motel contains conference or meeting rooms which are contiguous to and have access from the regular restaurant facilities and which are or may be used from time to time for private meetings, conferences, parties or other similar occasions, alcoholic beverages may be served to persons attending such private meeting, conference or party

by the licensee, without the requirement that such alcoholic beverages be served only to customers seated at tables in the room or rooms regularly furnished and used as dining room space, provided that such conference or meeting room shall not be used for or by patrons waiting to be seated at regular dining tables in the restaurant. Such conference or meeting room shall be considered part of the licensed premises if so requested by the licensee.

(d) Any such licensee shall, as a condition of obtaining and retaining such license, operate the licensed premises as a bona fide restaurant and shall serve or cause to be served three meals a day, being breakfast, lunch and dinner and shall be open for business a minimum of six days per week for a minimum of forty-eight weeks per year. In lieu of serving three meals a day on Saturday and Sunday, the licensee may serve one meal prior to mid-day known as brunch. Such license shall be revoked should the holder thereof cease operating such bona fide restaurant.

(e) There shall be at least twelve square feet of floor space in the dining area for each seat and the consumption of said dining area shall not include any space used for kitchen, pantry, storage, rest-rooms or any other purpose than dining. After initial approval, such licensed premises shall not be altered or rearranged without first obtaining approval of the town council.

(f) There shall be located on the licensed premises adequate washrooms and toilet facilities solely for the purpose of service the customers of the restaurant, one for men and one for women. For the first 150 seats or fraction thereof in the dining room area, the men's lavatory shall contain two water closets, one urinal and one wash basin. For the first 150 seats or fraction thereof in the dining room area, the women's lavatory shall contain two water closets and one wash basin. For each additional seventy-five or fraction thereof in dining seating capacity over one hundred and fifty, there shall be one additional water closet required in each of said lavatories. For each additional one hundred or fraction thereof in dining seating capacity over one hundred and fifty, there shall be an additional wash basin required in each lavatory. The entrances to such lavatories shall be suitably screened from public view.

(g) There shall be suitable facilities on the licensed premises for temporary storage of coats, hats, umbrellas, overshoes and other items of clothing outside the dining area.

(h) The gift or sale of food or any alcoholic beverages below cost or the offering in any manner whatsoever of any other inducement by the licensee, his servants, agent or employees to encourage the consumption of alcoholic beverages is hereby prohibited.

(i) The licensee shall keep and maintain accurate records of all sales sufficient to disclose what receipts were derived from the sale of alcoholic beverages and what receipts were derived from food stuffs, which records shall be open to inspection any time by the licensing body or its representatives, and may be kept under its supervision as directed if desired. In the event that inspection of the records of any licensee discloses that over fifty percent of the gross receipts are derived from the sale of alcoholic beverages, the licensing body may in its discretion revoke the license.

(j) The town council shall further have the right to decline to issue such license, whether or not applications may be received conforming to the above regulations and conditions, where they shall deem any application by reason of location, increased traffic congestion, structural inadequacies of licensed premises, fire or health hazard, or

proximity to churches or schools to be detrimental to the health, morals, safety or welfare of the town.

(k) Any license issued under this section shall bear the notation "Hotel Conditional License". (G.O. No. 878, § 4; G.O. No. 1282, § 1.)

Sec. 4-4. Same – Restaurant conditional license.

Five restaurant conditional licenses may be issued to operators of bona fide restaurants, as defined in section 33:1-1 (t) of the Revised Statutes; subject however, to the following restrictions and regulations:

(a) No such license may be transferred by the licensee to any other person or to any other locality, except to a person operating such a bona fide restaurant as hereinafter more particularly defined and restricted at the same or such other approved locality.

(b) On any premises licensed under this section, there shall be no public bar, but only a service bar, and no service of alcoholic beverages shall be permitted except with meals served to customers seated at tables. The word "tables", as used in this section, shall not include such tables as are flanked by high backed benches, commonly known as "booths". Notwithstanding the aforesaid, a premises licensed under this section may provide tables at which alcoholic beverages may be served without meals for the use of patrons waiting to be seated at regular dining tables; provided, that the area allocated to such tables within the restaurant does not constitute more than ten percent of the floor space of the premises devoted to dining and that the seating capacity of such tables does not exceed ten percent of the seating capacity of the entire restaurant. Each seat at tables provided for this purpose shall be included in computing the floor space required by this section and shall also be included in the total seating capacity required by this section to meet the requirement for obtaining such license.

(c) To qualify as a bona fide restaurant under this section, the premises must comply with the following requirements:

(1) The premises must have a seating capacity at tables for at least twenty-five persons at one sitting. There shall be no food or beverages consumed at counters on the licensed premises even though such counter may be in a room separated from the portion of the restaurant where alcoholic beverages are served.

(2) No room on the licensed premises devoted to the purposes of dining shall contain fewer than three hundred square feet of floor space, exclusive of any space used for kitchen, pantry, storage or any other purpose than dining.

(3) There shall be at least fifteen square feet of floor space in the dining area for each seat, and the computation of said dining area shall not include any space used for kitchen, pantry, storage, rest rooms or any other purpose than dining.

(4)a. Men's lavatory. For the first seventy-five seats or fraction thereof in the dining room area, the men's lavatory shall contain one water closet, one urinal and one wash basin. For each additional seventy-five or fraction thereof in dining capacity over seventy-five, there shall be one additional water closet required in the men's lavatory.

b. Women's lavatory. For the first one hundred fifty seats or fraction thereof in the dining room area, the women's lavatory shall contain two water closets and one wash basin. For each additional seventy-five or fraction thereof in dining seating capacity

over one hundred fifty there shall be one additional water closet required in the women's lavatory.

c. Both lavatories. There shall be an additional wash basin in each lavatory for each seventy-five seats or fraction thereof above one hundred fifty.

d. Miscellaneous. The entrances to such lavatories shall be screened from public view.

(5) There shall be suitable facilities on the licensed premises for temporary storage of coats, hats, umbrellas, overshoes and other items of clothing outside the dining area.

(d) The gift or sale of food or any alcoholic beverages below cost or the offering in any manner whatsoever of any other inducement by the licensee, his servants, agents or employees to encourage the consumption of alcoholic beverages is hereby prohibited.

(e) No alcoholic beverage shall be sold, served to or consumed by guests in any part of the licensed premises except the rooms furnished and used as dining room space. There shall be no alcoholic beverage bar in any dining room.

(f) The licensee shall keep and maintain an accurate record of all sales, sufficient to disclose what receipts were derived from the sale of alcoholic beverages and what receipts from foodstuffs, which record shall be open to inspection at any time by the licensing body or its representative, and may be kept under its supervision as directed, if desired. In the event that inspection of the records of any licensee discloses that over fifty percent of the gross receipts is derived from the sale of alcoholic beverages, the licensing body may, in its discretion, revoke the license.

(g) Any such license issued under this section for, or transferred to, a restaurant shall only remain in force so long as the premises licensed are being actually operated as such a bona fide restaurant, and so long as such premises are not altered or rearranged without first obtaining approval of the town council, and such license shall be revocable should the owner thereof cease from operating such restaurant, or alter or rearrange the licensed premises without obtaining the necessary approval.

(h) Any license issued under this section shall be subject to all the conditions of this section. The town council shall have the sole right to determine what is a bona fide restaurant as referred to in this section, and the decision of the council shall be final. The town council shall further have the right to limit the number of licenses granted under this section to fewer than five, whether or not applications may be received conforming to the above regulations and conditions, where they shall deem any application by reason of location, increased traffic congestion, structural inadequacies of licensed premises, fire or health hazard, or proximity to churches or schools to be detrimental to the health, morals, safety or welfare of the town.

(i) Any license issued under this section shall bear the notation "Restaurant Conditional License". (G.O. No. 878, § 5; G.O. No. 885, § 1; G.O. No. 127, § 1; G.O. No. 1283, § 2; G.O. No. 1516, § III; G.O. No. 1618, § I.)

Sec. 4-5. Same – Subject to State law.

All licenses under this chapter shall, in addition to the foregoing restrictions and conditions, be subject to all provisions of the Revised Statutes of New Jersey⁴ and to all

⁴ For State law as to intoxicating liquors generally, see R. S., tit. 33.

of the rules and regulations as prescribed by the Director of the division of alcoholic beverage control in the State. (G.O. No. 878, § 7.)

Sec. 4-6. Hours of Operation.⁵

No plenary retail consumption licensee or club licensee shall sell, serve, deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage or permit the consumption of any alcoholic beverage on the licensed premises on weekdays between the hours of 1:00 A.M. and 6:30 A.M. and on Sundays between the hours of 1:00 A.M. and 12:00 noon; provided, that on the first day of January such sales may be made up to 3:00 A.M.

No licensee shall sell or deliver, or allow, permit or suffer the sale or delivery of any alcoholic beverage at retail in its original container for consumption off the licensed premises or allow, permit or suffer the removal of any alcoholic beverage in its original or opened container from retail licensed premises, on Sunday before 12:00 noon or after 10:00 P.M. or before 9:00 A.M. or after 10:00 P.M. on any other day of the week; except that, such licensees may sell or deliver or allow, permit or suffer the sale or delivery of wine or malt alcoholic beverage in the original bottle or can containers for consumption off premises at any time or day except on weekdays between the hours of 1:00 A.M. and 6:30 A.M. and on Sundays between the hours of 1:00 A.M. and 12:00 noon, provided that on the first day of January such sales may be made up to 3:00 A.M. (G.O. No. 878, § 6; G.O. No. 1314, § 1; G.O. No. 1654, § 1.)

Sec. 4-7. Major portion of licensed premises to be on ground floor of building.

At least seventy-five percent of the licensed premises under this chapter on a square foot basis shall be on the ground floor of the building with direct access from the street. The provision of this section shall not apply to the club licenses or hotel conditional licenses. (G.O. No. 878, § 7; G.O. No. 1282, § 2; G.O. No. 1516, § IV.)

Sec. 4-8. Lotteries prohibited on licensed premises.⁶

No licensee under this chapter shall allow, suffer or permit any lottery to be conducted, or any ticket or participation right in any lottery to be sold or offered for sale on or about the licensed premises. (G.O. No. 878, § 7.)

⁵ For State law authorizing city to regulate hours of sale, see R. S., § 33:1-40.

⁶ As to gambling generally, see § 14-8 of this Code.