

# ALCOHOLIC BEVERAGES

## Chapter 28

# ALCOHOLIC BEVERAGES

## ARTICLE I Licensing

- § 28-1. Administration.
- § 28-2. Number of licenses limited.
- § 28-3. Hours of sale.
- § 28-4. (Reserved)
- § 28-5. Unlawful to sell when prohibited.
- § 28-6. Conduct in licensed premises.
- § 28-7. Fees.
- § 28-8. Violations and penalties.
- § 28-9. Definition.

## ARTICLE II Consumption

- § 28-10. Consumption in certain areas.
- § 28-11. Consumption in places where public is invited.
- § 28-12. Possession in certain areas.
- § 28-13. Possession in places where public is invited.
- § 28-14. Exceptions.
- § 28-15. Violations and penalties.
- § 28-16. Severability.

§ 28-17. Repealer.

§ 28-18. When effective:

[HISTORY: Adopted by the Township Committee of the Township of Union (now Barnegat): Article I, 6-6-40. Adopted by the Township Committee of the Township of Barnegat: Article II, 3-15-82 as Ord. No. 1982-7. Amendments noted where applicable.]

#### GENERAL REFERENCES

Police Department — See Ch. 15.

Peace and good order — See Ch. 60.

### ARTICLE I Licensing [Adopted 6-6-40]

Be it ordained by the Township Committee of the Township of Union (now Barnegat), in the County of Ocean and State of New Jersey:

#### § 28-1. Administration.

The Township Committee of the Township of Union, being the governing body of said municipality, shall constitute the authority for the administration of the issuance of licenses hereunder.

#### § 28-2. Number of licenses limited. [Amended 6-16-60]

From and after the final passage, approval and publication of this ordinance, as required by law, the number of licenses to sell alcoholic beverages in the Township of Union, in the County of Ocean, New Jersey, at retail, shall be limited as follows:

- A. Not more than four (4) plenary retail consumption licenses.
- B. One (1) plenary retail distribution license.
- C. Club licenses may be issued upon application by the Township Committee. [Amended 9-2-71; 9-17-73]

**§ 28-3. Hours of sale.**

- A. No alcoholic beverage shall be sold, served, delivered or consumed, nor shall any licensee suffer or permit the sale, service, delivery or consumption of any alcoholic beverage directly or indirectly upon the licensed premises between the hours of 2:00 a.m. and 7:00 a.m. of any day, except:
  - (1) On Sunday morning when the sales are hereby permitted to be extended to 3:00 a.m.
  - (2) The first day of January of each year, when sales may be extended throughout the day.
- B. These hours shall be construed to indicate standard time or daylight saving time, during such period as each is in effect in the Township of Barnegat.

**§ 28-4. (Reserved)<sup>1</sup>**

**§ 28-5. Unlawful to sell when prohibited.**

No delivery or serving of any alcoholic beverages shall be made, permitted or suffered on any licensed premises during any period when the sale of alcoholic beverages is prohibited hereby.

---

<sup>1</sup> Editor's Note: Former § 28-4, Sales during elections, was repealed 4-5-78 by Ord. No. 1976-9.

**§ 28-6. Conduct in licensed premises.**

No licensee shall allow, permit or suffer in or upon the licensed premises any disturbance, lewdness, immoral activities, brawls or unnecessary noises, or allow, permit or suffer the licensed place of business to be conducted in such a manner as to become a nuisance.

**§ 28-7. Fees. [Amended 6-16-60; 5-4-72; 4-7-80 by Ord. No. 1980-10; 5-19-80 by Ord. No. 1980-18; 2-17-81 by Ord. No. 1981-2]**

The license fees for the period of July 1 of each year to June 30 of the year following, both inclusive, be and the same are hereby established and fixed as follows:

- A. Preliminary retail consumption license, per annum: two thousand four hundred dollars (\$2,400.). [Amended 2-16-82 by Ord. No. 1982-3; 4-4-83 by Ord. No. 1983-6; 2-21-84 by Ord. No. 1984-2; 5-20-85 by Ord. No. 1985-14; 6-2-86 by Ord. No. 1986-14; 1-22-08 by Ord. No. 2008-02]
- B. Plenary retail distribution license, per annum: two thousand four hundred dollars (\$2,400.). [Amended 2-16-82 by Ord. No. 1982-3; 4-4-83 by Ord. No. 1983-6; 2-21-84 by Ord. No. 1984-2; 5-20-85 by Ord. No. 1985-14; 6-2-86 by Ord. No. 1986-14; 1-22-08 by Ord. No. 2008-02]
- C. Club license, per annum: one hundred eight dollars (\$108.). [Amended 2-21-84 by Ord. No. 1984-2; 6-2-86 by Ord. No. 1986-14; 1-22-08 by Ord. No. 2008-02]

**§ 28-8. Violations and penalties. [Amended 9-2-71; 9-17-73]**

- A. Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars (\$500.) or imprisonment not exceeding ninety (90) days,

or by both such fine and imprisonment, in the discretion of the court, and each day such violation shall be continued shall be deemed and taken to be a separate and distinct offense.

- B. Any license issued pursuant to this ordinance may be suspended or revoked for violation of any of the provisions of this ordinance or for violation of any of the provisions of the said Alcoholic Beverage Control Act or of any of the rules and regulations promulgated or to be promulgated by the State Commissioner of Alcoholic Beverage Control.

**§ 28-9. Definition.**

For the purpose of this ordinance, the word "person" shall include any natural person or association of natural persons.

(Cont'd on page 2805)

association, partnership, corporation, organization, or the manager, agent, servant, officer or employee of any of them.

ARTICLE II  
Consumption  
[Adopted 3-15-82 by Ord. No. 1982-7]

Be it ordained by the Township Committee of the Township of Barnegat, in the County of Ocean and State of New Jersey:

**§ 28-10. Consumption in certain areas.**

No person shall drink, imbibe or consume any alcoholic beverage in or upon:

- A. A public street, lane, roadway, avenue, sidewalk, public parking place, park, playground, recreation area or any other public or quasi-public place.
- B. A public conveyance.
- C. A private motor vehicle, while the same is in motion or parked in any street, lane, public parking lot or public or quasi-public place.
- D. Any private property, not his or her own, without the express permission of the owner or person having authority to grant such permission.

**§ 28-11. Consumption in places where public is invited.**

No person shall consume alcoholic beverages or offer to another for consumption of any alcoholic beverage in, on or upon any place to which the public at large is generally invited; provided, however, that nothing herein shall be construed to prohibit the consumption or sale of alcoholic beverages within the licensed premises of a plenary retail consumption liquor license.

**§ 28-12. Possession in certain areas.**

No person shall have in his possession or possess any alcoholic beverage in, on or upon any public street, road, alley, sidewalk, park, playground or in, on or upon any land or building owned or occupied by the municipal government, unless the same is contained within a closed or sealed container.

**§ 28-13. Possession in places where public is invited.**

No person shall have in his possession or possess any alcoholic beverage in or upon any place to which the public at large is generally invited unless the same is contained within a closed or sealed container; provided, however, that nothing herein shall be construed to prohibit the possession of alcoholic beverages within the licensed premises of a plenary retail consumption liquor license.

**§ 28-14. Exceptions.**

Notwithstanding the provisions hereinafter set forth, the Township Committee may, by resolution, permit the possession or consumption of alcoholic beverages in a designated park, recreation area or other public place at a designated time or times in connection with a special event, series of events or observance which has been authorized by the Township Committee of the township, which possession or consumption of alcoholic beverages shall, in addition, comply with any applicable ordinances, laws or regulations.

**§ 28-15. Violations and penalties.**

Any person who violates any one (1) or more of the provisions of this ordinance shall be subject to a fine of not more than two hundred dollars (\$200.) for each separate offense and/or confinement in the Ocean County Jail for a period of not more than thirty (30) days. In the case of a continuing violation or violations, a fine of not more than two hundred dollars (\$200.) may be assessed for each day that said violation or violations continue

unabated, until such time as said violation or violations are corrected. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**§ 28-16. Severability.**

In the event that any provisions of this ordinance shall be found to be invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

**§ 28-17. Repealer.**

This ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

**§ 28-18. When effective.**

This ordinance shall become effective immediately upon final passage and publication as required by law.