

ORDINANCE 2021-6

AN ORDINANCE OF THE TOWNSHIP OF UPPER PITTSBORO, COUNTY OF SALEM, STATE OF NEW JERSEY AMENDING ORDINANCE 2021-3 ENTITLED “ALCOHOLIC BEVERAGES”

WHEREAS, it is necessary to amend Ordinance 2021-3 for the Township of Upper Pittsgrove creating “Alcoholic Beverages” to regulate the licensing, sale and possession of alcoholic beverages within the Township; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Upper Pittsgrove, in the County of Salem and State of New Jersey, that Ordinance No. 2021-3 entitled “Alcoholic Beverages” be amended to read as follows:

Section 1.

ALCOHOLIC BEVERAGES

§XX-1. Sale Prohibited; Liquor Licenses Prohibited; Limited Winery Sales.

Except for a winery retail salesroom/outlet as permitted by N.J.S.A. 33:1-10(a) and (b), the sale of alcoholic beverages in any form is prohibited within the Township of Upper Pittsgrove. Except for winery retail salesroom/outlet as permitted by N.J.S.A. 33:1-10(2)(a) and (b), it is prohibited that any liquor license be issued within the Township of Upper Pittsgrove by the Township Committee or any other duly authorized body. On-site consumption and sampling is prohibited, except as part of a winery retail salesroom/outlet and Catered or Social Affairs events which have obtained permits issued by the State of New Jersey Division of Alcoholic Beverage Control and “Bring Your Own Bottles” (BYOB) regulated per N.J.S.A. 2C:33-27(a).

§XX-2. Consumption or Possession of Alcoholic Beverages in Public Places Prohibited.

No person shall consume any alcoholic beverage of any kind or description, nor shall any person be in possession of an open can, bottle or container containing alcoholic beverages except on-site sampling as part of a winery retail salesroom/outlet and Catered or Social Affairs events which have obtained permits issued by the State of New Jersey Division of Alcoholic Beverage Control and “Bring Your Own Bottles” (BYOB) regulated per N.J.S.A. 2C:33-27(a). No person shall consume any alcoholic beverage of any kind or description on a public sidewalk, public street, public parking lot or parking lots constructed by business establishments or institutions for the convenience of their employees, customers, or the public, or upon any public grounds, parks or playgrounds.

§XX-3. Violations and Penalties.

- A. Any person who is convicted of violating any provision of this Chapter, shall be subject to one or more of the following: imprisonment in the county jail or in any place provided by the municipality for the detention of prisoners, for any term not exceeding 90 days; or by a minimum fine of \$100, but not exceeding \$2,000; or by a period of community service not exceeding 90 days, and such person shall be deemed guilty of a separate violation thereof for each and every day during which such violation shall continue after notice is given as provided for in this Chapter.

- B. Any person who is convicted of violating any provision of this Chapter within one year of the date of a previous violation of the same ordinance and who was fined for the previous violation shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of this Chapter, but shall be calculated separately from the fine imposed for the violation of this Chapter.

Section 2.

Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 3.

Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

Section 4.

When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

TOWNSHIP OF UPPER PITTSBORO

EDWARD J. MESCHI, Mayor

ATTEST:

LINDA R. STEPHENS, CLERK

NOTICE

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Committee of the Township of Upper Pittsgrove, in the County of Salem and State of New Jersey, held on September 14, 2021. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Committee to be held in the Township Municipal Building on October 12, 2021, at 7:00 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at the said Municipal Building, Pole Tavern, 431 Route 77, Elmer, New Jersey, 08318-2756, to the members of the general public who shall request the same.

LINDA R. STEPHENS, CLERK