

## ORDINANCE 2021-3

### AN ORDINANCE OF THE TOWNSHIP OF UPPER PITTSGROVE, COUNTY OF SALEM, STATE OF NEW JERSEY ENTITLED “ALCOHOLIC BEVERAGES”

**WHEREAS**, it is necessary to add a new Ordinance for the Township of Upper Pittsgrove entitled “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 a new Ordinance be and shall hereafter be included within the Township of Upper Pittsgrove, entitled “Alcoholic Beverages” 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 wine tasting is prohibited in any authorized retail salesroom/outlet.

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

A. 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 in any retail salesroom or 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.**

**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.

**DATE: March 9, 2021**

**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 March 9, 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 April 13, 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**