



Legislation Details (With Text)

File #: 20-1506 **Version:** 1 **Name:** Ordinance: Amendment to 1000 Foot Rule
Type: Ordinance **Status:** Adopted
File created: 11/10/2020 **In control:** Municipal Council and City Clerk
On agenda: 2/3/2021 **Final action:** 3/3/2021
Title: AN ORDINANCE AMENDING TITLE IV, ALCOHOLIC BEVERAGES, CHAPTER 3, THE REGULATION OF LICENSES, SECTION 3-2, ONE THOUSAND FOOT RULE: EXCEPTIONS, SHALL BE AMENDED TO LIMIT CERTAIN TRANSFER RESTRICTIONS AS TO PLENARY RETAIL CONSUMPTION LICENSES.
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Indexes:
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Date	Ver.	Action By	Action	Result
3/3/2021	1	Municipal Council	Close on Public Hearing and Adopt	Pass
2/18/2021	1	Municipal Council	Adopt on First Reading	Pass
2/3/2021	1	Municipal Council	Advance to First Reading	Pass

AN ORDINANCE AMENDING TITLE IV, ALCOHOLIC BEVERAGES, CHAPTER 3, THE REGULATION OF LICENSES, SECTION 3-2, ONE THOUSAND FOOT RULE: EXCEPTIONS, SHALL BE AMENDED TO LIMIT CERTAIN TRANSFER RESTRICTIONS AS TO PLENARY RETAIL CONSUMPTION LICENSES.

WHEREAS, the current, substantial number of inactive plenary retail consumption licenses is the result of the transfer restrictions in the 1000-foot rule, which has served as a barrier to license holders of inactive plenary retail consumption license holders from access to their financial investments and equity; and

WHEREAS, the amendment to this ordinance is necessary to encourage the placement of said inactive or soon to be inactive taverns, lounges, bars and licensed restaurant plenary retail consumption licenses; and

WHEREAS, the Newark Alcoholic Beverage Commission Board will implement this ordinance in a manner that insures simplicity in procedure, the elimination of unjustifiable expenses and delay so as to encourage the placement of said inactive or soon to be inactive taverns, lounges or consumption licenses; and

WHEREAS, this amendment does not change the requirements concerning what are referred to as liquor stores (plenary retail distribution licenses).

NOW, THEREFORE, BE IT ORDAINED, BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

Note: Underlined and bolded text represents additions and ~~strikethroughs~~ represent deletions.

SECTION 1. TITLE IV, ALCOHOLIC BEVERAGES, CHAPTER 3, The Regulation of Licenses, Section 3-2, One Thousand Foot Rule: Exceptions, Shall Be Amended To Limit Certain Transfer Restrictions As To Plenary Retail Consumption Licenses, as follows:

4:3-2. ONE THOUSAND FOOT RULE; EXCEPTIONS

a. To encourage the reasonable distancing of retail establishments:

1. No Plenary Retail Consumption License may be transferred to any location within one thousand (1000) feet of any ~~other Plenary Retail Consumption License, or Plenary Retail Distribution Licensee, or~~ any church or public schoolhouse or private schoolhouse not conducted for pecuniary profit.
2. No Plenary Retail Distribution License may be transferred to any location within one thousand (1,000) feet of any other Plenary Retail Distribution License or Plenary Retail Consumption Licensee, or any church or public schoolhouse or private schoolhouse not conducted for pecuniary profit.

- b. **All renewals for the same premises and transfer of licenses from person to person within the same premises will be subject to the discretion of the Newark Alcoholic Beverage Commission Board (Newark ABC).** ~~Paragraph a. shall not apply to renewals for the same premises and transfer of licenses from person-to-person within the same premises.~~

SECTION 2: If any provision of this ordinance or application thereof to any person(s) or circumstance is judged invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of the ordinance that can be given effect without the invalidated provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3: The ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

STATEMENT

This ordinance amends Title IV, Alcoholic Beverages, Chapter 3, The Regulation of Licenses, Section 3-2, One Thousand Foot Rule to limit certain restrictions as to the transfer of plenary retail consumption licenses in order to remedy the rendering of such licenses to an inactive status, which was an unintended consequence of the ordinance.