



Legislation Text

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AN ORDINANCE AMENDING TITLE IV, ALCOHOLIC BEVERAGES OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, TO AMEND PORTIONS OF CHAPTER 2 AND 3 BY THE HOURS OF SALE AND TO AMEND CERTAIN RESTRICTIONS FOR EXCEPTIONS TO THE ONE THOUSAND FOOT RULE.

NOTE: Additions are shown as **Bold and Underlined** and deletions are shown as **~~strikethrough~~**.

WHEREAS, Ordinance No. 6PSF-C Adopting Title XLI, Zoning and Land Use Regulations superseded all development regulations found within all adopted Urban Renewal Plans and Redevelopment Plans in the City of Newark and did not continue the Downtown Family Restaurant and Entertainment District; and

WHEREAS, amending portions of the ABC Regulations that affects the now superseded Downtown Family Restaurant and Entertainment District is necessary to achieve the vision of cultivating the entertainment culture in the downtown area; and

WHEREAS, the ABC Commission under the Police Division desires to lift the restrictions placed on establishments serving alcohol in the now superseded Downtown Family Restaurant and Entertainment District by eliminating the requirement of closing two (2) hours early and eliminating the restriction on the square footage of dance floors; and

WHEREAS, the City is authorized by N.J.S.A. 33:1-40 to limit the hours between which the sale of alcohol beverages at retail may be made; and

WHEREAS, Section 4:2-5.1, Subsection c, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, currently provides that the hours of sales for a plenary retail consumption or club license on a Sunday is from 12:00 noon through 2:00 a.m.; and

WHEREAS, to encourage brunch activity on a Sunday, the City seeks to amend the hours of sales for a plenary retail consumption or club license on a Sunday to be from 9:00 a.m. through 2:00 a.m.; and

WHEREAS, Section 4:3-2, Subsection j, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, currently provides exceptions to the prohibitions on transfers of liquor licenses within one thousand (1,000) feet of other liquor licenses in the instance of a place-to-place transfer of a liquor license to premises located within the boundaries of the now superseded Downtown Family Restaurant and Entertainment District ("District"); and

WHEREAS, to encourage the entertainment culture within the District, the City seeks to amend certain restrictions to the exceptions to the one thousand (1,000) foot rule.

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

Section 1. Title IV, Chapter 2, Section 4:2-5.1, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, is hereby amended to read in its entirety as follows:

4:2-5.1. Hours of Sale; Plenary Retail Consumption or Club License.

A plenary retail consumption or club license shall only sell, serve, deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage, or permit consumption of any alcoholic beverage on the licensed premises during the following hours:

- a. From 9:00 a.m. through 2:00 a.m. on Monday through Wednesday;
- b. From 9:00 a.m. through 3:00 a.m. on Thursday through Saturday;
- c. From 9:00 a.m. ~~12:00 noon~~ through 2:00 a.m. on Sunday;
- d. From 9:00 a.m. through 5:00 a.m. on Christmas Eve and New Year's Eve;
- e. From 9:00 a.m. through 3:00 a.m. on Thanksgiving Eve.

Section 2. Title IV, Chapter 3, Section 4:3-2, Subsection j, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, is hereby amended to read in its entirety as follows:

4:3-2j. The one thousand (1,000) foot rule hereinabove set forth shall not apply in the instance of a place-to-place transfer of a liquor license to premises located within the boundaries of the now superseded Downtown Family Restaurant and Entertainment District ("District"), which district area is more particularly identified in Code Section 8:12-1.7A.

1. This exception will apply only to ~~plenary consumption~~ license transfers relocating by place to place within the now superseded Downtown Family Restaurant and Entertainment District and where: 7A
 - (a) ~~The establishment shall accept the restriction that it shall operate as a restaurant as defined in N.J.S.A. 33:1-1(t), shall be properly licensed to prepare, cook and serve food and shall derive at least fifty-one (51%) percent of its gross revenues from the sale of food and/or non-alcoholic beverages.~~
 - (b) ~~The establishment must have a minimum capacity of at least thirty (30) dining customers in its main dining room. Establishments with a capacity of at least thirty (30) to ninety-nine (99)~~

~~dining customers in its main dining room may have not more than nine (9) seats in its main service bar area. Establishments that have a capacity of one hundred (100) dining customers or more in their main dining area may have seats in the main service bar area equaling a maximum of ten (10%) percent of the number of seats in its main dining area.~~

~~(c) The establishment is explicitly prohibited from selling packaged goods.~~

(a) The establishment may have dancing or live entertainment if properly licensed for it, but in no case shall go-go or discotheque clubs as defined in the City Ordinances Title XLI, Zoning and Land Use Regulations, Chapter 2, Definitions, be permitted.

~~(e) In establishments that have dancing, the dance floor shall not exceed two hundred forty (240) square feet.~~

~~(f) Hours of operation will be two (2) hours less than the current rules and regulations of Alcoholic Beverage Control Ordinance.~~

(gb) This one thousand (1,000) foot exception shall not apply to any go-go establishment or discotheque clubs as defined in the City's Title XLI, Zoning and Land Use Regulations.

(ch) The establishments within the now superseded Downtown Family Restaurant and Entertainment District may have sidewalk cafe style serving and must conform to Title 29 in its entirety as it pertains to sidewalk cafes. The sidewalk cafe area will not be included as part of its main dining area.

(di) As a precondition to consideration of any place-to-place transfer in the District, the licensee shall have obtained all of the necessary permits to operate at the proposed location, including, but not limited to zoning permits, certificate of occupancy, Division of Fire permit(s), and engineering permit(s) for a sidewalk cafe under Title XXIX, Streets and Sidewalks, if applicable.

(ej) Any premises located within the boundary of the now superseded Downtown Family Restaurant and Entertainment District at the time of the passage of this paragraph shall not be subject to:

(1) Paragraph j. herein.

(2) The one thousand (1,000) foot rule set forth in Section 4:3-2 of Title IV, "Alcoholic Beverages" of the Revised General Ordinances of the City of Newark, New Jersey 2000 as amended and supplemented with regard to any public or private school house and church not conducted for pecuniary profit.

(f) Any person, holding, or under contract or option to purchase, a plenary retail consumption license or plenary retail distribution license may petition the Newark A.B.C. for an exception to the rule prohibiting a transfer to be made to another premises within a distance of one thousand (1,000) feet from any other premises then covered by a plenary retail consumption or distribution license. The Newark A.B.C. Director may, at its discretion, choose to grant or deny the exception.

Section 3. Severability.

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 application of the ordinance that that can be given effect without the invalidated provision or application, and to this end the provisions of this ordinance are declared severable.

Section 4. Effective Date.

This ordinance shall be effective upon final passage and publication, in accordance with laws of the State of New Jersey.

STATEMENT

This Ordinance amends portions of Chapter 2 and 3 of Title IV ("Alcoholic Beverages") of the City's Revised General Ordinances to amend the hours of sale for a plenary retail consumption or club license on a Sunday and to ease restrictions on the exceptions to the prohibitions on transfers of liquor licenses within one thousand feet of other liquor licenses.