

March 7, 2017

**CITY OF UNION CITY
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE

**AN ORDINANCE AMENDING CHAPTER 58
OF THE CODE OF THE CITY OF UNION CITY
ENTITLED "ALCOHOLIC BEVERAGE CONTROL"**

WHEREAS, Section 58-9 of the Code of the City of Union City ("City") Alcoholic Beverage Control Ordinance ("Ordinance") regulates the hours of sales of alcoholic beverages; and

WHEREAS, pursuant to N.J.S.A. 40:48-1, the City of Union City (the "City") is permitted to make, amend, repeal and enforce ordinances to maintain order by preventing vice, drunkenness and immorality; preserving the public peace and order; and preventing and quelling riots, disturbances and disorderly assemblages; and

WHEREAS, the Board, as the governing body of the City is statutorily permitted to, among other things, make, amend, repeal and enforce ordinances "as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants," pursuant to N.J.S.A. 40:48-2; and

WHEREAS, in furtherance of and in reliance upon the aforementioned statutes, the Board finds it to be in the best interest of the City and its citizens to amend its Ordinance regulating the hours when music and microphones can be used in establishments with ABC licenses within the City.

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey that Chapter 58 entitled "Alcoholic Beverage Control" of the Code of the City of Union City shall be amended and revised as follows:

SECTION ONE

Section 58-9(E) of the Code of the City of Union City shall be amended, and replaced, as follows:

Use of music devices and microphones. Jukeboxes, phonographs, tape-playing devices, coin-operated musical devices, wired and non-wired music, music from radios and any other devices, which can play music shall not be permitted to be played or operated in any licensed premises later than 1:30 A.M. At all times during the operation of same

during the prescribed hours they shall not be played too loudly so as to create a nuisance in the neighborhood of the licensed premises.

SECTION TWO

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION THREE

Repealer. All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION FOUR

This Ordinance shall take effect upon passage and publication as required by law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the City of Union City Board of Commissioners, introduced on February 21, 2017 and will be further considered after a Public Hearing held on March 7, 2017 at the Union City Housing Authority – Hillside Pavillon, 3911 Kennedy Blvd, Union City, New Jersey at 7 PM.

INTRODUCED: March 7, 2017

ADOPTED:

ATTEST:

Erin Knoedler, Deputy City Clerk

DATE

Summary of Ordinance

This ordinance clarifies that music or microphones in an ABC establishment, not subject to special conditions, can be used until no later than 1:30 A.M.