

**TOWNSHIP OF ANDOVER
COUNTY OF SUSSEX, STATE OF NEW JERSEY**

ORDINANCE #2023-10

AN ORDINANCE OF THE TOWNSHIP OF ANDOVER AMENDING PART 1, GENERAL LEGISLATION, CHAPTER 12, "ALCOHOLIC BEVERAGES," SECTION 12-5, "HOURS; SALE TO MINORS; VISIBILITY AND ACCESS REQUIREMENTS," ESTABLISHING AN ANNUAL FEE FOR BRING YOUR OWN BOTTLE ("BYOB") REGISTRATION

WHEREAS, the Township Committee of the Township of Andover in 2018 approved Ordinance #2018-12, having determined that alcohol use is a public safety concern, and that it is in the best interest of the Township to set forth certain regulations, including hourly limits ("Regulations"), for establishments that allow Bring Your Own Bottle ("BYOB"); and

WHEREAS, it has come to the attention of the Township Committee that legislative proposals are being put forth to relax New Jersey's liquor license laws; and

WHEREAS, the Township establishments that have already expended the capital in order to obtain a liquor license under the current State liquor license laws ("Licensed Establishments") could be unfairly impacted by any relaxation of the State's liquor license laws; and

WHEREAS, Licensed Establishments are already unfairly impacted by the permissibility, pursuant to N.J.S.A. 2C:33-27, of BYOB for establishments that have not expended the capital in order to obtain a liquor license under current State law; and

WHEREAS, the Township Committee wishes to recoup the costs expended for the processing of BYOB registrations by the Township Administration; and

WHEREAS, the Township Committee wishes further to make its BYOB registration system fairer for all Township establishments that allow the consumption of alcohol within their premises, including Licensed Establishments; and

WHEREAS, in consideration of the above, the Township Committee finds it appropriate to establish an annual fee for the BYOB registration of Township establishments.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Township of Andover in the County of Sussex and State of New Jersey, as follows:

SECTION 1. Chapter 12, "Alcoholic Beverages," Section 5, Hours; Sales to minors; visibility and access requirements, shall be amended as follows:

§ 12-5 G. Bring Your Own Bottle “BYOB” exception for establishments not licensed for on-premises consumption.

G. The following rules, which are incorporated by reference from N.J.S.A. 2C:33-27, as amended, and are hereby made part of § 12-5, apply to those establishments allowing patrons to Bring Your Own Bottle (“BYOB”).

- (1) Recognizing that BYOB is authorized pursuant to New Jersey Statute, the consumption of wine and/or malt alcoholic beverages in a restaurant, dining room or other public place where food or liquid refreshments are sold to the general public pursuant to BYOB shall be permitted only during the hours of 12:00 noon prevailing time to 10:00 p.m. prevailing time. All other rules, incorporated by reference pursuant to N.J.S.A. 2C:33-27, as amended, shall apply, including provisions that alcohol may only be consumed by persons of the appropriate legal age. Any violations shall be enforced by the police, or by the Code Enforcement Official.
- (2) Any such establishment open to the public, irrespective of whether or not food or liquid refreshments are sold or served, that engage in any business function, specifically including art classes and adult entertainment establishments, allowing patrons to consume wine or malt alcoholic beverages pursuant to BYOB, shall register with the Township Clerk no later than January 1 of each calendar year, which annual registration shall require a nonrefundable fee of \$100.
- (3) No such establishment shall charge any admission fee or cover, corkage or service charge or advertise inside or outside of such premises that patrons may bring and consume their own wine or malt alcoholic beverages in a portion of the premises which is open to the public.
- (4) No such establishment shall allow the consumption of wine or malt alcoholic beverages by persons not of legal age at any time.
- (5) A person who violates any provision of this act is a disorderly person, and the court, in addition to the sentence imposed for the disorderly person violation, may by its judgment bar the owner or operator from allowing consumption of wine or malt alcoholic beverages in his premises as authorized by this subsection.

SECTION 2. All ordinances of the Township of Andover, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

SECTION 5. This Ordinance may be renumbered for codification purposes.

NOTICE OF PENDING ORDINANCE

PUBLIC NOTICE is hereby given that the foregoing Ordinance was introduced and passed at first reading at a Regular Meeting of the Township Committee of the Township of Andover held on June 15, 2023. A public hearing regarding same will be held at a hybrid meeting scheduled for July 20, 2023, beginning at 7:00PM, to be held both in person and virtually via Zoom, which details for accessing the meeting are as follows:

Join Zoom Meeting

<https://us02web.zoom.us/j/85385763939?pwd=Y0xXTzRKSGorZmVpWVpYbmttSVJ6QT09>

Webinar ID: 853 8576 3939

Passcode: 814400

Phone: +1 929 205 6099

All persons interested both for and against said ordinance shall be given an opportunity to be heard concerning same.


Patricia L. Bussow, RMC
Administrator/Municipal Clerk

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NOTICE OF FINAL ADOPTION

PUBLIC NOTICE is hereby given that the foregoing Ordinance was adopted at a public hearing held at a Hybrid Meeting of the Township Committee of the Township of Andover on July 20, 2023. Said Hybrid Meeting was held virtually via Zoom and in person at the Municipal Building, 134 Newton Sparta Road, Newton, NJ 07860, at which time all persons were given the opportunity to be heard concerning same. This Ordinance shall take effect immediately upon publication, as required by law.

Patricia L. Bussow

Patricia L. Bussow, RMC
Administrator/Municipal Clerk