

**BERNARDSVILLE BOROUGH
ORDINANCE #2024-1999**

**AN ORDINANCE CONCERNING CONSUMPTION OF ALCOHOLIC BEVERAGES IN
PUBLIC PLACES AND AMENDING CHAPTER 3 OF THE BOROUGH CODE
ENTITLED "POLICE REGULATIONS"**

WHEREAS, Section 3-9c of the Borough Code permits the consumption of beer and wine at special events by quasi-Borough entities under tightly controlled conditions; and

WHEREAS, the governing body wishes to amend the ordinance to also permit Main Street Bernardsville to serve beer and wine at special events it conducts downtown;

NOW THEREFORE, BE IT ORDAINED by the Council of the Borough of Bernardsville in the County of Somerset, State of New Jersey that Chapter 3 of the Borough Code entitled "Police Regulations" is supplemented and amended as follows:

Section 1. Paragraph "c" of §3-9 entitled "Consumption of Alcoholic Beverages in Public Places" is amended to read as follows:

"§ 3-9 CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES.

c. Notwithstanding the provisions contained herein, the governing body may authorize the consumption of beer and wine at special events in public places conducted or sponsored by the Borough or by quasi-Borough entities ~~at the Bernardsville Municipal Pool or the consumption of wine and beer at special events conducted by the Library Board of Trustees at the Bernardsville Public Library~~ under the following terms and conditions.

1. This section shall apply only to events conducted or sponsored by the Borough or by nonprofit quasi-municipal entities which are independent of the governing body's direct control but which perform functions which otherwise would have to be performed by the Borough.

~~2. No more than one such authorization to serve beer and wine at the pool shall be issued in any calendar year to a qualified organization.~~

3. In order to qualify for such permission, the qualified organizations shall provide the Borough Clerk with the following:

- (a) Hold harmless agreement signed and dated in favor of the Borough.
- (b) Evidence of general liability insurance including comprehensive form or premises/operations, contractual liability and host-liquor liability as follows:
 - (1) Minimum limits of coverage for the event in the amount of \$1,000,000 per occurrence and \$2,000,000 in the aggregate. Such certificate of insurance must name the Borough as an additional insured.
 - (2) The certificate of insurance must include the full name and address of the Borough as the certificate holder.
 - (3) The certificate of insurance must provide that the applicable policies may not be canceled except upon seven days' written notice of cancellation to the Borough Clerk.
 - (4) The certificate of insurance must be signed by an authorized representative of the user's insurance company.
 - (5) The applicant must provide any additional insurance coverage requested by the Borough's risk manager and the Suburban Municipal Joint Insurance Fund or the Borough's insurance carrier if it is no longer a member of the JIF.

4. Such events at the pool may be held only on days on which the pool is closed to members of the general public. Events at the Library may be held only in restricted areas that are not accessible by members of the general public.

5. For events at the pool, the quasi-municipal entity must comply with all other requirements of the Borough Council and the Recreation Advisory Committee with respect to providing lifeguards, supervision, police presence and similar items.

6. Beer or wine, ~~as applicable,~~ may be served only to ~~members of the organization and their invited guests~~ persons who are at least 21 years of age and who are not visibly intoxicated. ~~Under no circumstances may beer or wine be sold.~~

7. The quasi-municipal entity must comply with all other applicable Borough ordinances and ABC regulations.

d. Notwithstanding the provisions contained herein, the governing body may authorize the holder of a Daily or Annual Seasonal Farm Market Permit issued pursuant to New Jersey Division of Alcoholic Beverage Control Special Ruling S.R. 2021-01 to:

- 1. Sell any of their products in sealed, original containers at the Bernardsville Farmers' Market for consumption off of the premises of the Bernardsville Farmers' Market;

2. Transport the licensee's products in sealed, original containers to and from the Bernardsville Farmers' Market; and
3. Offer samples for sampling purposes, to be consumed by persons of the legal age to consume alcoholic beverages in areas in the immediate vicinity of the alcoholic beverage vendor, during each day the Bernardsville Farmers' Market is operating in the amounts authorized pursuant to N.J.S.A. 33:1-10 and N.J.S.A. 33:1-12d.
4. Such authorization shall be subject to the following conditions:
 - (a) The vendor shall obtain the appropriate permit from the Division of Alcoholic Beverage Control in the New Jersey Department of Law and Public Safety.
 - (b) The vendor shall not sell, serve or deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage directly or indirectly to or consumption by any person under the legal age to consume alcoholic beverages nor to any person who is actually or apparently intoxicated.
 - (c) The permit issued by the Division of Alcoholic Beverage Control must be conspicuously displayed on the permitted premises.
 - (d) This exception is expressly subject to all limitations and conditions set forth or imposed and to all rules and regulations promulgated by the Director of the Division of Alcoholic Beverage Control, including but not limited to Special Ruling S.R. 2021-01 establishing daily and annual seasonal farm market permits.”

Section 2. Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 3. This ordinance shall become effective immediately upon final passage and publication as required by law.

COUNCIL OF THE BOROUGH OF

ATTEST:

**BERNARDSVILLE IN THE COUNTY
OF SOMERSET**

Anthony Suriano
Anthony Suriano, Borough Clerk

By: Mary Jane Canose
Mary Jane Canose, Mayor

Introduction: May 28, 2024
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