

B-690

Amendment to ABC regulations to allow for non-profit theater license

Introduced, passed first reading as read and laid on the table for further consideration of the council at its next meeting to be held on July 10, 2024 at 7pm.

City Clerk
6/17/2024

Passed second and final reading.

City Clerk
7/10/2024

SPONSORED BY: [Signature]
SECONDED BY: [Signature]

CITY OF HOBOKEN
ORDINANCE NO.: B-690

AMENDMENT TO ABC REGULATIONS TO ALLOW FOR NON-PROFIT THEATER LICENSE

NOW, THEREFORE, the City Council of the City of Hoboken does hereby Ordain as follows (additions noted in underline, ~~deletions noted in strikethrough~~):

SECTION ONE: AMENDMENT TO HOBOKEN CITY CODE SECTION 68 "ALCOHOLIC BEVERAGES" TO ADD A RETAIL CONSUMPTION LICENSE FOR CERTAIN NONPROFIT CORPORATIONS

68-17 ISSUANCE OF RETAIL CONSUMPTION LICENSE TO CERTAIN NONPROFIT CORPORATIONS.

A. Pursuant to N.J.S.A. 33:1-19.8, the City of Hoboken, through its Alcoholic Beverage Control ("ABC") Board, may issue a Retail Consumption License to certain nonprofit corporations as detailed herein.

B. It shall be lawful for the Hoboken ABC Board, upon the approval of the Director of the Division of Alcoholic Beverage Control, to issue a plenary retail consumption license to a nonprofit corporation exempt from federal income tax under § 501(c)(3) of the internal revenue code that is incorporated on the effective date of this section, which regularly conducts musical or theatrical performances or concerts for which admission is charged. A license issued pursuant to this Section shall be used in connection with premises with a seating capacity of 50 persons or more but less than 1,000 persons that is primarily used to conduct musical or theatrical performances or concerts.

C. The license shall authorize the sale of alcoholic beverages by the nonprofit corporation or its restaurant operator who has been approved pursuant to procedures established by the division of alcoholic beverage control for consumption on the licensed premises:

- (1) during the two hours immediately preceding performances;
- (2) during performances, including intermission; and
- (3) for not more than 15 performances in a calendar year, during the two hours immediately following performances.

D. Licensees shall be required to provide the City Clerk and Police Department with at least 10 days' advance notice of the 15 performances, including the dates and times of the performance(s), when there will be the sale of alcoholic beverages two hours immediately following performances.

E. For the purposes of this section, "licensed premises" shall include the premises where the musical or theatrical performance or concert is held and any adjacent premises owned and operated by the licensee.

F. A license issued under the provisions of this section shall not be counted in determining the number of licenses under P.L. 1947, c. 94 (N.J.S.A. 33:1-12.13), or under P.L. 1968, c. 277 (N.J.S.A. 40:48-2.40 et seq.).

G. For purposes of this section, "performance" shall be defined as one showing of a theatrical performance, movie, musical, or concert.

H. Licenses issued under this section are not transferable.

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: 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 by a court of competent jurisdiction, 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 FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION

This ordinance shall be a part of the Code of the City of Hoboken as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Code.

The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

Meeting Date: June 17, 2024

Approved as to Legal Form:

Vetoed by the Mayor for the following reasons:

Brian Aloia
Brian Aloia, Esq., Corporation Counsel

Adopted by the Hoboken City Council
By a Vote of 9 Yeas to 0 Nays
On the 10 day of July, 2023

-or-
 Approved by the Mayor
On the 11 day of July, 2023

James Farina
James Farina, City Clerk

Ravinder S. Bhalla
Ravinder S. Bhalla, Mayor

✓ Vote Record - CC - Ordinance						
		Yes/Aye	No/Nay	Abstain/Alternate	Absent	
<input type="checkbox"/> 1st Reading	Phil Cohen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPROVED
<input type="checkbox"/> 2nd Reading	James Doyle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Tabled	Tiffanie Fisher	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/> Adopted	Emily Jabbour	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Failed	Paul Presinzano	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Joe Quintero	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Ruben Ramos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Michael Russo	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Jennifer Giattino	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	