

**CITY OF UNION CITY
COUNTY OF HUDSON, STATE OF NEW JERSEY
ORDINANCE NO. 2018-02**

**ORDINANCE AMENDING CHAPTER 58 ENTITLED "ALCOHOLIC BEVERAGES"
TO PROHIBIT THE DISTRIBUTION OF GLASS
BOTTLES BETWEEN 9:30 P.M. AND 2:00 A.M. EACH DAY**

WHEREAS, the City has determined that it is in the interest of accomplishing the objectives of the Alcoholic Beverage Control Act ("ABC") and to secure compliance with the ABC Regulations to ban the distribution of glass bottles and containers of alcohol by bars and restaurant establishments serving alcohol, between the hours of 9:30 p.m. and 2:00 a.m. each day;

WHEREAS, the City of Union City (the "City") has determined it is in the interest of public safety to ban the distribution of glass bottles and containers of alcohol by bars and restaurant establishments serving alcohol, between the hours of 9:30 p.m. and 2:00 a.m. each day;

WHEREAS, numerous incidents have been reported wherein glass bottles have been utilized as weapons and caused injuries;

WHEREAS, the City hopes to reduce the severity and occurrences of these incidents and improve the welfare and safety of the general public by banning the service of glass bottles between 9:30 p.m. and 2:00 a.m.;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey, they being the Governing Body thereof, as follows:

SECTION ONE:

Chapter 58 Article II § 58-12 entitled "Plenary Retail Consumption Licenses" is hereby amended and supplemented to set forth the following:

A. Prohibitions. No plenary retail consumption licensee shall:

(1) Provide live entertainment activities where the performer or performers are attired in no more than bikini briefs or where female performers attired in no more than bikini briefs and the breasts covered in such a manner that they remain substantially exposed to view.

(2) Provide live entertainment activities where the performer or performers receive tips or gratuities from the customers by means of the customers placing such tip or gratuity within or under, or partially within or under, the performer's costume.

(3) Provide any entertainment where the sounds of or vibrations from may be heard or felt outside of the building in which it is located or, if such building also serves other uses, be heard or felt by the occupier of such other portion of the building.

(4) Serve alcoholic beverages in an open glass bottle designed to hold 20 fluid ounces or less between the hours of 9:30 p.m. and 2:00 a.m. At 10:00 p.m. all previously served glass bottles must be removed from tables and the bar area. This prohibition shall apply every day of the week.

SECTION TWO:

Severability. If any term or provision of this Ordinance is held to be illegal, invalid, or unenforceable by a court of competent jurisdiction, in whole or in part, such determination shall not affect the validity of the remaining terms and provisions of this Ordinance.

SECTION THREE:

Repealer. To the extent that any provision of the Code of the City of Union City is found to conflict with this Ordinance, in whole or in part, this Ordinance shall control.

SECTION FOUR:

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

| Commissioners | Yea | Nay | Abstain/Present | Absent |
|-----------------------|------------|------------|------------------------|---------------|
| Lucio P. Fernandez | | | | |
| Tilo E. Rivas | | | | |
| Celin J. Valdivia | | | | |
| Maryury A. Martinetti | | | | |
| Mayor Brian P. Stack | | | | |

I HEREBY CERTIFY this to be a true and correct Ordinance of the City of Union City Board of Commissioners, adopted on January 30, 2018 and was further considered after a Public Hearing held on February 13, 2018 at the Union City Housing Authority Pavilion, 3911 Kennedy Boulevard, Union City, New Jersey.

INTRODUCED: January 30, 2018

ADOPTED: February 13, 2018

ATTEST:

Erin Knoedler
Deputy City Clerk

DATE

SUMMARY OF ORDINANCE

This ordinance prohibits holders of plenary retail consumption licenses in the City from distributing alcohol in glass bottles designed to hold 20 fluid ounces or less during the hours of 9:30 p.m. to 2:00 a.m. seven (7) days per week.