

ORDINANCE 2024-11

An Ordinance of the Borough of Washington Amending Chapter 22 Article III entitled “Consumption” to permit the limited public possession and consumption of alcoholic beverages.

WHEREAS, N.J.S.A. 33:1-24.4 (Act) permits a municipality to permit persons to carry and consume open containers of alcoholic beverages, in public, in a portion of the municipality; and

WHEREAS, the Act requires the municipality to hold a public hearing to determine whether to adopt an ordinance to permit persons to carry and consume open containers of alcoholic beverages in public; and

WHEREAS, certain areas of the Borough of Washington (the “Borough”) have been an areas where events of entertainment, special events, and restaurants with sidewalk dining take place; and

WHEREAS, the Borough is adopting an Ordinance to permit sidewalk sit down restaurant dining; and

WHEREAS, it is apparent that the public desires these opportunities to enhance their enjoyment in the Borough during these events of entertainment, special events and sidewalk dining at restaurants; and

WHEREAS, permitting people to publicly carry and consume open containers of alcohol in the at events of entertainment, special events and sidewalk dining at restaurants will attract visitors to the Borough and afford local residents the right to safely enjoy alcohol beverages at events of entertainment, special events and at sidewalk dining and would be consistent with the intent of the Act; and

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Washington, in the County of Warren and State of New Jersey, as follows:

Section 1. Chapter 22 of the Code of the Borough of Washington, entitled “Alcoholic Beverages” is hereby amended as follows (deletions noted in strikethrough ~~thus~~ and additions noted in bold italic *thus*):

22-10. Certain consumption prohibited.

Except as provided for in Section 22-10.1, ~~No~~no person shall have in his or her possession an open container containing any malt or vinous beverage, spirits or alcohol. No person may consume malt or vinous beverages, spirits or alcohol upon any public street,

highway, sidewalk, alley or roadway within the Borough of Washington or upon any property owned by said Borough, ~~except within the confines of the Fletcher Wright Banquet Hall operated by the Washington Borough Fire Department, with the appropriate permits.~~

22-10.1 Certain consumption permitted.

1. A person may carry and consume alcoholic beverages, while sitting within the public sidewalk area designated for sidewalk dining, of a restaurant that has received a Sidewalk Dining License in accordance with Borough Code Chapter 75 Section 80 et al.

2. A person may carry and consume alcoholic beverages in areas upon any public street, highway, sidewalk, alley or roadway within the Borough or any property owned by the Borough as specifically designated by and in a manner prescribed by Resolution adopted by the Borough Mayor and Council.

3. A person may carry and consume alcoholic beverages within the confines of the Fletcher Wright Banquet Hall operated by the Washington Borough Fire Department.

~~**B. 4. No person shall have in their possession an open container of any type containing any malt or vinous beverage, spirits or alcohol. No A Person may consume malt or vinous beverages, spirits or alcohol upon private property unless with the expressed prior permission of the owner.**~~

~~**C. No person shall have in their possession an open container of any type containing any malt, vinous beverage, spirits or alcohol. No person may consume malt or vinous beverages, spirits or alcohol in any motor vehicle, while operating or as a passenger, on any public street, alley, highway or road in the Borough of Washington.**~~

SECTION II. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

SECTION III. If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

SECTION IV. This Ordinance shall take effect after passage and publication in the manner provided by law

Introduced June 18, 2024

Adopted: July 16, 2024