

Township of West Milford

Passaic County, New Jersey

~ Ordinance 2024 – 007 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 420 LAND USE PROCEDURES AND CHAPTER 500 ZONING TO PERMIT MICROBREWERIES AND SIMILAR ESTABLISHMENTS IN CERTAIN ZONES OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP

WHEREAS, the Mayor and Township Council has received a request to review whether microbreweries, craft distilleries, brewpubs, and wineries in residential districts with large minimum lot sizes are an appropriate land use within the Township; and

WHEREAS, the Mayor and Township Council wish to encourage agritourism, farming, and related uses within the Township; and

WHEREAS, the Mayor and Township Council have determined that permitting microbreweries and similar establishments as defined herein in appropriate locations would be beneficial to the general welfare of the community; and

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

SECTION 1. Chapter 420 “Land Use Procedures” is amended to read as follows:

“§ 420-6 **Definitions.**

BREW PUB

Microbreweries which are associated with a restaurant.

CRAFT DISTILLERY

A craft distillery is a distillery holding a craft distillery license issued by the State of New Jersey as defined by N.J.S.A. 33:1-10.3d producing up to 20,000 gallons of distilled alcoholic beverages per year. The holder of this license shall be entitled to sell this product at retail to consumers on the licensed premises of the brewery for consumption on the premises, but only in connection with a tour of the distillery, or for consumption off the premises in a quantity of not more than five liters per person, and to offer any person not more than three samples per calendar day for sampling purposes only. Sampling means the gratuitous offering of an open container not exceeding 1/2 ounce serving pursuant to licensure issued by the Director of the State Division of Alcoholic Beverage Control (ABC).

MICROBREWERY

A microbrewery is a brewery holding a limited brewery license issued by the State of New Jersey as defined by N.J.S.A. 33:1-10.1b, producing less than 15,000 barrels of 31 gallons of malt beverage per year. The holder of this license shall be entitled to sell this product at retail to consumers on the licensed premises of the brewery for consumption on the premises, but only in connection with a tour of the brewery, or for consumption off the premises in a quantity of not more than 15.5 fluid gallons per person, and to offer samples for sampling purposes only pursuant to licensure issued by the Director of the State Division of Alcoholic Beverage Control (ABC).

WINERY

A winery is a business operating for consumption of wine on or off the winery's premises, and for sampling purposes for consumption on the premises, in order to showcase New Jersey viticulture when operated by

one who holds a license permitting same issued by the Director of the State Division of Alcoholic Beverage Control (ABC) and who operates as permitted by the ABC regulations.”

SECTION 2. Chapter 500 “Zoning” is amended to include the following new section as follows:

“Article III **Residential District**

§ 500-8 **Principal permitted uses on the land and in buildings.**

M. Microbreweries, craft distilleries, brewpubs, and wineries in the R-3 and R-4 Districts on lots greater than or equal to five (5) acres and in accordance with applicable State regulations.”

SECTION 3. All ordinances of the Township of West Milford, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 4. 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 5. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

SECTION 6. This Ordinance may be renumbered for codification purposes.

Introduced: February 14, 2024

Adopted: March 20, 2024

Effective Date: April 9, 2024

ATTEST:

TOWNSHIP OF WEST MILFORD
COUNTY OF PASSAIC
STATE OF NEW JERSEY

William Senande, Township Clerk

By: _____
Michele Dale, Mayor