

**THE TOWNSHIP OF EWING
COUNTY OF MERCER, NEW JERSEY**

ORDINANCE NO. 15-01

1st Reading 1-13-15

Date to Mayor 2-25-15

2nd Reading &
Public Hearing 2-24-15

Date Returned 2-25-15

Date Adopted:
2-24-15

Date Resubmitted to Council _____

Approved as to Form of Legality

Effective Date:
3-16-15

Township Attorney

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 91 ALCOHOLIC BEVERAGES

First Reading

MEMBER	AYE	NAY	ABS	NV	RES	SEC
Baxter		X				
Schroth	X					
Steward	X					X
Wollert	X				X	
Keyes-Maloney	X					

Second Reading

MEMBER	AYE	NAY	ABS	NV	RES	SEC
Baxter		X				
Schroth	X					
Steward	X				X	
Wollert	X					X
Keyes-Maloney	X					

By _____ Date _____ Accepted _____ Rejected _____
Mayor

Reconsidered
By Council _____ Override Vote YEA _____ NAY _____

President of the Council

Municipal Clerk

**THE TOWNSHIP OF EWING
COUNTY OF MERCER, NEW JERSEY**

ORDINANCE NO. 15-01

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 91 ALCOHOLIC BEVERAGES

WHEREAS, pursuant to N.J.S.A. 33:1-1 et seq., the Township is authorized to regulate the sale and transportation of alcoholic beverages; and

WHEREAS, the Township is desirous of creating a good-cause exception to the current mandates of § 91-7 of the General Ordinance of the Township of Ewing.

BE IT ORDAINED by the Council of the Township of Ewing, County of Mercer that the Code of the Township of Ewing be amended as follows:

Section 1 Chapter 91, ALCOHOLIC BEVERAGES, Section 7, DISTANCE BETWEEN PREMISES, is hereby amended to read as follows:

§ 91-7 Distance between premises.

A. No plenary retail consumption license or plenary retail distribution license shall be issued for or transferred to premises within 1,000 feet of any other premises licensed under a plenary retail consumption or plenary retail distribution license. This section shall not prevent renewal for premises now licensed or person-to-person transfers of such licenses. This section shall not prevent the transfer of any existing license on a premises or structure which has been taken for public use or destroyed to a new location within 1,000 feet of such premises or structures. The Board, in its discretion, may grant an exception to this section upon a finding of good cause based upon the following factors, each of which shall be addressed by the applicant in an application for a waiver of this section to the Board:

- (1) The proposed location's proximity to residential areas.
- (2) The number of other of retail consumption or plenary retail distribution licenses within 1,000 feet of the proposed location.
- (3) Apart from this section, whether the proposed location could otherwise be legally issued a retail consumption or plenary retail distribution license.
- (4) If the proposed location is for a retail consumption license, whether it will operate primarily as a restaurant or a tavern. "Restaurant" for purposes of this section shall mean an establishment regularly and principally used for providing meals to the public, having an adequate kitchen and dining room equipped for the preparing, cooking and serving of food for its customers.
- (5) If the proposed location is for a retail consumption license which will operate primarily as a tavern or bar, the number of other such licensees within 1,000 feet of the proposed location.
- (6) The proposed location's proximity to schools, playgrounds or parks.
- (7) The existence of other good cause.

B. For the purpose of this section, distance shall be measured in a normal way that a pedestrian would properly walk from the nearest entrance of existing premises to the nearest entrance of the premises sought to be licensed.

Section 2 Severability. Should any section, clause, sentence, phrase or provision of this article be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this article.

Section 3 Repealer. All prior ordinances or parts of same inconsistent with any provisions of this article are hereby repealed to the extent of such inconsistency.

Section 4 Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.