

ORDINANCE NO. 5, 2017

AN ORDINANCE AMENDING CHAPTER 83 ALCOHOLIC BEVERAGES, ARTICLE I, LICENSING, SECTION 83-1, PURPOSE AND SECTION 83-8, RESTRICTIONS ON PLENARY RETAIL CONSUMPTION LICENSE AND ARTICLE II, RESTRICTIONS ON LOCATION AND OPERATION, SECTION 83-14, RESTRICTIONS ON LOCATION AND OPERATION, A, (3) , OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

BE IT ORDAINED, by the Common Council of the City of Linwood, County of Atlantic and State of New Jersey as follows:

SECTION 1: Chapter 83 Alcoholic Beverages, Article I, Licensing, Section 83-1 Purpose and Section 83-8, Restrictions on Plenary retail consumption license are hereby amended to read as follows:

§ 83-1. Purpose.

By authority of the Revised Statutes of the State of New Jersey, the provisions of this article are enacted to give effect within the City of Linwood to the alcoholic beverage laws as set forth in Title 33 of said Revised Statutes, hereinafter referred to as the “Act,” the rules and regulations promulgated or to be promulgated by authority thereof and pursuant to the referendum approved by a majority of the citizens of the City of Linwood on November 5, 2002, which authorized the creation of plenary retail consumption licenses which expressly prohibit the sale of package goods and pursuant to the subsequent referendum approved by a majority of the citizens of the City of Linwood on November 8, 2016, which authorized the sale of alcoholic beverages at retail, (package goods), for off premises consumption, from the principal barroom of such establishment, in the City of Linwood in the County of Atlantic, State of New Jersey.

§ 83-8. Plenary retail consumption license.

The holder of the plenary retail consumption license may sell package goods at retail, for consumption off of the licensed premises, from the principal barroom of such establishment only.

SECTION 2: Chapter 83 Alcoholic Beverages, Article II, Restrictions on location and operation, Section 83-14, Restrictions on location and operation, A (3) is hereby amended to read as follows:

§ 83-8. Restrictions on location and operation.

A. The plenary retail consumption license shall be issued for the sale of alcoholic beverages in such facility or location meeting the following minimum criteria:

(3) In the operation of the restaurant, dining hall or catering facility, the sale of package goods at retail, for consumption off the licensed premises, is permitted from the principal barroom of such establishment only.

SECTION 3: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 4: Should any sentence, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 5: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

FIRST READING: April 12, 2017

PUBLICATION: April 17, 2017

PASSAGE: April 26, 2017

The within Ordinance was introduced at a meeting of the Common Council of the City of Linwood, County of Atlantic and State of New Jersey held on, April 12, 2017 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on April 26, 2017.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR