

ORDINANCE NO. 21-17

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED LAND USE AND DEVELOPMENT LEGISLATION BY REVISING THE CIRCUMSTANCES UNDER WHICH THE SALE OF ALCOHOLIC BEVERAGES MAY BE SOLD FOR ON-PREMISES CONSUMPTION

WHEREAS, Chapter 166 of the Township of Code regulates the use and development of land in the Township; and

WHEREAS, among the uses permitted in the Township are various retail sales and service establishments, including establishments that sell alcoholic beverages; and

WHEREAS, the New Jersey Alcoholic Beverage Control Act, N.J.S.A. 33:1-1. et seq. ("the Act"), authorizes the governing body of municipalities to make, enforce, amend and repeal such ordinances as they deem necessary to prevent the possession, sale, distribution and transportation of alcoholic beverages in violation of the Act; and

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Hanover in the County of Morris in the State of New Jersey, that Chapter 166, *Land Use and Development*, is hereby amended as follows:

Section 1. Section 166-119.6., *Limitation on the sale or serving of alcoholic beverages for consumption on the premises*, in Article XIX, *General Provisions*, is hereby amended to read as follows:

§166-119.6. Limitation on the sale or serving of alcoholic beverages for consumption on the premises.

The sale or serving of alcoholic beverages for consumption on the same premises shall be prohibited in all zone districts, unless such sale or service is accessory to an eating and/or drinking establishment licensed for such sale or service and which is designed to discourage commingling of the patrons of such eating and/or drinking establishments with the patrons of other business establishments that do not sell or serve alcoholic beverages, using one or more of the following means:

- A. The eating and/or drinking establishment is located in a separate building from any other business establishment or portion thereof to which the general public is invited on the same premises; and/or
- B. The eating and/or drinking establishment is separated from any other business establishment or portion thereof to which the general public is invited on the same premises by a continuous wall that does not allow access between such business establishments, except for access during emergencies or access by employees and service personnel; and/or
- C. The eating and/or drinking establishment is located on a separate floor or story from any other business establishment or portion thereof to which the general public is invited on the same premises, and the access to the eating and/or drinking establishment is designed in a manner that discourages the commingling

of patrons of the establishments. Compliance with this subsection C shall be determined by the Planning Board, Board of Adjustment or Zoning Officer, as applicable.

For purposes of administering this provision, the following definitions shall apply:

ALCOHOLIC BEVERAGE - Any fluid or solid capable of being converted into a fluid, suitable for human consumption, and having an alcohol content of more than one-half of one per centum (1/2 of 1%) by volume, including alcohol, beer, lager beer, ale, porter, naturally fermented wine, treated wine, blended wine, fortified wine, sparkling wine, distilled liquors, blended distilled liquors and any brewed, fermented or distilled liquors fit for use for beverage purposes or any mixture of the same, and fruit juices.

BUILDING - A structure of which premises are or may be a part, including all rooms, cellars, outbuildings, passageways, closets, vaults, yards, attics, and every part of the structure of which the premises are a part, and of any other structure to which there is a common means of access, and any other appurtenances.

EATING AND/OR DRINKING ESTABLISHMENT - A retail establishment selling food and/or drink for consumption on the premises, including but not limited to restaurants, bars, taverns, and uses such as hotels selling food and/or drink incidental thereto as an accommodation to patrons; but excluding any grocery, delicatessen, drug store or other establishment where mercantile business is carried on, except as may be specifically provided otherwise by the New Jersey Alcoholic Beverage Control Act, N.J.S.A. 33:1-1. et seq.

PREMISES - The physical place at which an establishment sells or serves alcoholic beverages, but not including vehicular transportation.

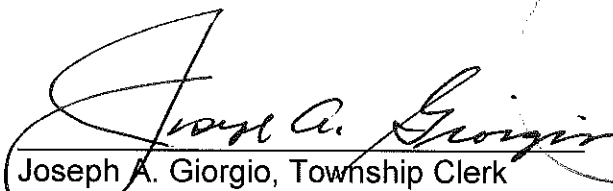
Section 2. In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

Section 3. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 4. This ordinance shall take effect in accordance with the law.

TOWNSHIP COMMITTEE
TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY

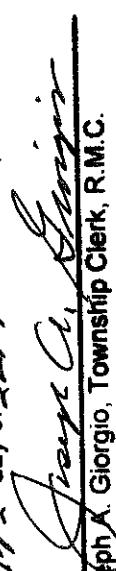
ATTEST:


Joseph A. Giorgio, Township Clerk


Ronald F. Francioli, Mayor

DATE OF INTRODUCTION: August 10, 2017

DATE OF ADOPTION: September 14, 2017

I hereby certify the foregoing to be a true copy of a Resolution/Ordinance adopted by the Township Committee of the Township of Hanover at a Regular/Special Meeting held on the 14th day of SEPTEMBER, 2017.

Joseph A. Giorgio, Township Clerk, R.M.C.