

ORDINANCE NO. 23-15

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 LIMITING THE LOCATIONS AND CIRCUMSTANCES UNDER WHICH THE SALE OF ALCOHOLIC BEVERAGES MAY BE SOLD FOR ON-PREMISES CONSUMPTION

**WHEREAS**, Chapter 166 of the Code of the Township entitled Land Use and Development Legislation 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.

**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.** Subsection K. of Section 166-203.8., *Prohibited uses*, in Article XXXVIB, *I-B3 Industrial and Business District*, is hereby deleted, it being the intent to provide a single code provision applicable in all zone districts of the Township.

**Section 2.** Article XIX, *General Provisions*, is hereby amended by adding and inserting a new Section 166-119.6, entitled "*Limitation on the sale or serving of alcoholic beverages for consumption on the premises*," 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 a) is located in a separate building from any other business establishment on the same premises, or b) is separated from any other business establishment on the same premises by a continuous wall that does not allow access between such business establishments. For purposes of administering this provision, the following definitions shall apply:

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 10<sup>th</sup> day of September, 2015.

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

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parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

**Section 5.** 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*  
Joseph A. Giorgio, Township Clerk

*Ronald F. Francioli*  
Ronald F. Francioli, Mayor

DATE OF INTRODUCTION: July 9, 2015  
DATE OF ADOPTION: August 13, 2015

SEP 10, 2015  
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