

Ord. #21-2016

**AN ORDINANCE OF THE TOWNSHIP OF MOUNT OLIVE AMENDING
CHAPTER 106, "ALCOHOLIC BEVERAGES," SECTION 106-7,
"CONSUMPTION IN CERTAIN LOCATIONS PROHIBITED," TO
ESTABLISHING SECTION 106.6 SETTING FORTH BYOB
REQUIREMENTS.**

WHEREAS, pursuant to N.J.S.A. 2C:33-27, a municipality shall not regulate the consumption of alcoholic beverages in a restaurant, dining room or other public place where food or liquid refreshments are sold served to the general public; and

WHEREAS, pursuant to the aforementioned statute, a municipality, or an owner or operator of a restaurant, dining room or other public place where food or liquid refreshments are served or sold to the general public, may only prohibit the consumption of alcoholic beverages in said premises; and

WHEREAS, the Township Council has recommended to amend certain provisions of its Code to detail policies and procedures for establishment that allow a Bring Your Own Beverage ("BYOB") exception; and

WHEREAS, the Township Council has determined that it would be in the best interest of the Township and its residents to amend certain provision in Chapter 106, "Alcoholic Beverages," Section 106-7, "Consumption in Certain Locations Prohibited" of the Township Code.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Township of Mount Olive, in the County of Morris and State of New Jersey, as follows:

SECTION 1. Chapter 106, "Alcoholic Beverages," shall be amended as follows:

§ 106-6 BYOB exception for establishments not licensed for on-premises consumption.

A. The following rules, which are incorporated by reference from N.J.S.A. 2C:33-27, as amended, and are hereby made part of § 106-6, apply to all establishments allowing patrons to Bring Your Own Bottle ("BYOB").

1. No person who owns or operates a restaurant, dining room or other public place where food or liquid refreshments are sold or served to the general public, and for which premises a license or permit authorizing the sale of alcoholic beverages for on-premises consumption has not been issued:

- a. Shall allow the consumption of alcoholic beverages, other than wine or a malt alcoholic beverage, in a portion of the premises which is open to the public; or
 - b. Shall charge any admission fee or cover, corkage or service charge or advertise inside or outside of such premises that patrons may bring and consume their own wine or malt alcoholic beverages in a portion of the premises which is open to the public.
 - c. Shall allow the consumption of wine or malt alcoholic beverages at times or by persons to whom the service or consumption or alcoholic beverages on licensed premises is prohibited by State or municipal law or regulation.
2. Nothing in this act shall restrict the right of a municipality or an owner or operator of a restaurant, dining room or other public place where food or liquid refreshments are sold or served to the general public from prohibiting the consumption of alcoholic beverages on those premises.
 3. A person who violates any provision of this act is a disorderly person, and the court, in addition to the sentence imposed for the disorderly person violation, may by its judgment bar the owner or operator from allowing consumption of wine or malt alcoholic beverages in his premises as authorized by this act.

SECTION 2. If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 3. This Ordinance may be renumbered for purposes of codification.

SECTION 4. This Ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

Introduced:
Adopted:
Effective Date:

TOWNSHIP OF MOUNT OLIVE

Joe Nicastro, Township Council President

ATTEST:

Michelle Masser, Township Clerk