

First Reading:	03-02-2023
Publication:	03-09-2023
Second Reading:	03-16-2023
Publication:	03-23-2023

**ORDINANCE NO. 2715**

**AN ORDINANCE AMENDING CHAPTER 6, ENTITLED “ALCOHOLIC BEVERAGE CONTROL,” AND ESTABLISHING SECTION 9 TO BE ENTITLED, “CONSUMPTION IN UNLICENSED ESTABLISHMENTS”**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter 6 of the Code of the Borough of Roselle Park be and hereby is amended so as to establish Section 9 of said Chapter as follows:

**SECTION 1.** Establishing Section Title

**§ 6-9 CONSUMPTION IN UNLICENSED ESTABLISHMENTS.**

**SECTION 2.** Recognition of Law

**§ 6-9.1 Applicable Law; Municipal Intent.**

The Borough of Roselle Park recognizes that certain unlicensed establishments may permit the consumption of wine and malt alcoholic beverages on-site pursuant to the provisions of *N.J.S.A. 2C:33-27*. The provisions of this statute are recognized as permissive of the consumption of wine and malt beverages at unlicensed premises by business patrons unless the municipality adopts regulations to the contrary.

It is the Borough of Roselle Park’s intention to locally restate the provisions of *N.J.S.A. 2C:33-27*, and explicitly permit such activities. Nothing within the foregoing Section shall be construed as acting contrary to the limitations and regulations concerning unlicensed premises. Likewise, nothing within the foregoing Section shall be construed as contrary to any statutory preemption.

**SECTION 3.** Permissions

**§ 6-9.2 Consumption of Alcohol in Unlicensed Establishments.**

The Borough of Roselle Park shall generally permit the consumption of certain alcoholic beverages in unlicensed business establishments pursuant to *N.J.S.A. 2C:33-27*; the provisions of which are enumerated and generally restated as follows:

- a. 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:
  1. 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,
  2. Shall charge any admission fee or cover, corkage or service charge; or,

- 3. Shall allow the consumption of wine or malt alcoholic beverages at times or by persons to whom the service or consumption of alcoholic beverages on licensed premises is prohibited by State or municipal law or regulation.
- b. Nothing within this Section shall restrict the right of 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.
- c. A person who violates any provision of Section is a disorderly person, and the court, in addition to the sentence imposed for a 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 Section

**SECTION 4.** Inconsistent Ordinances Repealed.

All Ordinances or parts of Ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

**SECTION 5.** Captions and Editing Indications.


Any captions contained in this Ordinance have been included only for the purpose of facilitating reference to the various sections and are not intended and shall not be utilized to construe the intent and meaning of the text of any section. Likewise, editing indications are structured such that all strikethrough text, ~~thusly~~, should be considered a deletion from exiting Borough Code, and all bolded text, **thusly**, should be considered an addition to existing Borough Code.

**SECTION 6.** Effective Date.

This Ordinance shall become effective upon publication of the Notice of Final Adoption prepared by the Office of the Borough Clerk.

Introduction: March 2, 2023

Adoption: March 16, 2023

Attest:   
 Andrew J. Casais, RMC  
 Borough Clerk

  
 Joseph Signorello III  
 Mayor

Record of Vote – Introduction				
	Aye	Nay	Abstain	Absent
Petrosky	X			
Johnson	X			
Signorello	X			
Robaina	X			
Lyons	X			
Patel	X			

Record of Vote – Adoption				
	Aye	Nay	Abstain	Absent
Petrosky	X			
Johnson				X
Signorello	X			
Robaina	X			
Lyons	X			
Patel	X			

Copy To: D. McCaffery (Police Chief), D. Frino (Police Captain), R. Cocca (Det. Sgt.)