

**TOWNSHIP OF JEFFERSON
COUNTY OF MORRIS, NEW JERSEY**

ORDINANCE #24-06

**ORDINANCE AMENDING CHAPTER 142 OF THE JEFFERSON TOWNSHIP MUNICIPAL CODE
ENTITLED "ALCOHOLIC BEVERAGES"**

WHEREAS, the Township Council desires to further amend Chapter 142 of the Jefferson Township Municipal Code entitled "Alcoholic Beverages" in order to amend Section 142 to regulate, when appropriate, establishments that permit Bring Your Own Beverage ("BYOB").

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, that Chapter 142 of the Jefferson Township Municipal Code is hereby amended as follows:

142-19 Purpose

- A. The Township of Jefferson wants its commercial businesses, including restaurants, and its non-profit organizations to remain economically viable and competitive with like businesses in other municipalities which permit the BYOB practice while concurrently safeguarding residents, visitors and patrons through the establishment of BYOB regulations.
- B. The Township through the use of requirements and established regulations, will be able to monitor the dispensation of alcohol more effectively through the use of BYOB regulation. As such, the Jefferson Township Council has determined that it would be appropriate, proper and in the best interest of the residents and visitors to the Township to amend Chapter 142, through the addition of regulations permitting, but regulating BYOB consumption.

142-20 Permitted establishments

All commercial establishments including restaurants, not-for-profit organizations, recreational facilities and private clubs.

142-21 Permitted locations

- A. Indoor premises. The consumption of BYOB alcoholic beverages by patrons may be permitted in fully enclosed indoor areas of the premises.
- B. Outside premises. Outdoor consumption of BYOB alcoholic beverages may be permitted, provided:
 - (1) Ingress and egress to the outdoor area shall be through the interior of the main facility, if possible.
 - (2) If ingress and egress cannot be accommodated through the interior of the facility, the outdoor area shall have a single, designated "reception point" at which there shall be stationed an employee, at least 21 years of age.

142-22 Operating regulations

- A. Premises allowing patrons to BYOB must comply with all applicable state, federal and municipal rules, regulations, statutes and ordinances pertaining to the consumption of wine or malt alcoholic beverages on premises that are not licensed to sell or serve alcoholic beverages.
- B. Only the consumption of wine and malt alcoholic beverages shall be permitted.
- C. Any establishment which may allow the patrons to bring their own wine or beer may supply glasses, ice, etc., but may not impose a cover, corkage, or service charge of any kind.
- D. No BYOB establishment or employee shall be permitted to serve, handle, pour or distribute alcoholic beverages on the premises.
- E. The owner or operator shall not permit the consumption of wine or malt alcoholic beverages during the hours of 1:00 a.m., prevailing time, to 12:00 noon, prevailing time, on their premises.
- F. Persons under the age of 21 years or persons who are visibly or apparently intoxicated are prohibited from consuming wine or malt alcoholic beverages and are prohibited from bringing wine or malt alcoholic beverages onto the premises. No BYOB establishment or employee shall allow, permit or suffer any alcoholic beverages to be consumed by any intoxicated person or by any person under the age of 21 years.
- G. Patrons who desire to consume wine or malt beverages on the premises shall bring such beverages with them to the establishment. No delivery of alcoholic beverages by any person, including a licensed alcoholic beverage establishment, shall be permitted.

- H. The owner or operation allowing patrons to bring their own wine or malt alcoholic liquor shall not allow a patron to bring more than the following amounts of alcohol to a premises for consumption:
 - (1) One bottle of wine shall be allowed for each patron of drinking age;
 - (2) Three malt alcoholic liquors shall be allowed for every one patron of drinking age.
- I. There shall be no consumption of wine or malt alcoholic beverages by employees of the premises.
- J. There shall be no storage of alcoholic beverages on the premises except that which is utilized in conjunction with cooking and/or food preparation. Patrons shall not be permitted to deliver alcoholic beverages to the premises in advance or to leave alcoholic beverages on the premises to be consumed or to be picked up at a later time. Additionally, alcoholic beverages shall not be permitted to be stored, displayed or maintained on a service bar or service table, and must be kept by the patron at the table at which the patron is seated.
- K. The owner of the premises must mandate that a patron who brings alcohol to an establishment under this article take the alcohol with them at the end of their patronage. Under no circumstances may an owner allow alcohol to remain on the premises which does not belong to a patron. For each bottle of alcohol on the premises that does not belong to a patron, the owner shall be liable for a fine of up to \$500 for each bottle found on the premises.
- L. The New Jersey Alcoholic Beverage Control Act provides that holders of plenary winery licenses and farm winery licenses may operate retail outlets within the State of New Jersey. See N.J.S.A. 33:1-10.2a and N.J.S.A. 33:1-10.2b. These retail salesrooms are commonly referred to as "outlets," and any retail establishment ("outlet") seeking to sell alcoholic beverages within the Township must comply with New Jersey state laws regulating the service of alcohol. See, e.g., N.J.S.A. 2C:33-27.

142-23 Violations

Any person or establishment violating this article shall be subject to any and all fines and penalties set forth under any law of the State of New Jersey and Jefferson Township. In addition to any fine or penalty set forth by the State of New Jersey and the Township of Jefferson, the Township of Jefferson may impose a fine of up to \$500 per violation. Each bottle found at the public location shall be considered a separate and distinct violation. The aforesaid regulations can and will be enforced by the Township Code Enforcement Officers and the Officers of the Jefferson Township Police Department.

142-24 Operator/owner consent

Any commercial establishment that opts to be a BYOB under this article irrevocably consents to allow the designated agent(s) authorized with enforcing compliance with all plenary laws and their designees to conduct random inspections of BYOB restaurants to ensure compliance with this article.

142-25 Severability

Should any paragraph, section, part of any section, or any clause or phrase of this article for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the remaining provisions of this article, and shall remain in full force and effect, and to that end the provisions of this article are hereby declared to be severable.

142-26 Repealer

All ordinances of the Township of Jefferson which are inconsistent or in conflict with the provisions of this article are hereby repealed to the extent of such inconsistency.

142-27 Effect on other laws

This article shall supersede and replace any other provisions of the Code of the Township of Jefferson, now or later enacted, which have or may be construed to have differing or contrary terms or conditions relating to the subject matter of this article. This article is not intended to alter the current, or alter enacted amendments to the, Township Zoning/Land Use Code.

142-28 When effective

This Ordinance shall take effect immediately upon final publication as provided by law.

INTRODUCED: April 3, 2024
ADOPTED: April 17, 2024