

**CHAPTER VII**  
**ALCOHOLIC BEVERAGE CONTROL\***

**7-1 Purpose.**

This chapter is enacted to regulate the sale and transportation of alcoholic beverages in the Borough of Little Silver in accordance with the provisions of an act of the Legislature of the State of New Jersey entitled "An Act Concerning Alcoholic Beverages," comprising Chapter 436 of the Laws of 1933, its supplements and amendments, and also comprising N.J.R.S. 33:1-1, et seq., and in accordance with the rules and regulations of the State Director of Alcoholic Beverage Control.

**7-2 Definitions.**

For the purpose of this chapter, words and phrases herein shall have the same meanings as in R.S. 33:1-1, et seq., and the rules and regulations of the Director of the Division of Alcoholic Beverage Control.

**7-3 Licenses.**

**7-3.1 *Laws Applicable.*** All applications for licenses, all licenses issued and all proceedings under this chapter shall be in accordance with the act, rules and regulations referred to in section 7-1, and all other applicable laws of the State of New Jersey or the United States.

**7-3.2 *Issuing Authority.*** All licenses required by this chapter shall be issued by the borough council, which shall also administer the provisions of this chapter.

**7-3.3 *License Required.*** No person shall sell or distribute alcoholic beverages within the borough without having obtained a license in accordance with the act referred to in section 7-1 and the provisions of this chapter.

---

\*Laws concerning alcoholic beverage control are contained in Title 33 of the Revised Statutes. All ordinances must be in conformity with these provisions and approved by the Director of Alcoholic Beverage Control, R.S. 33:1-40. State law prescribes the types of licenses that may be issued, their number, permissible license fees and the regulation of licensed premises, R.S. 33:1-40.

7-4      BOROUGH OF LITTLE SILVER ORDINANCES

7-3.4 *License Fees; Maximum Number.* The annual license fees and maximum number of licenses for the sale or distribution of alcoholic beverages in the borough shall be as follows:

<i>Class of License</i>	<i>Annual License Fee</i>	<i>No. of Licenses</i>
Plenary Retail Distribution License	\$2,500.00	1
Limited Retail Distribution License	\$ 63.00	1

The provisions of this subsection with respect to the limitation on the number of licenses shall not apply to the renewal or transfer of licenses presently issued.

7-4      **Regulations of Licenses.**

7-4.1 *Sales to Certain Persons.* No licensee or employee of a licensee shall sell, deliver, directly or indirectly, any alcoholic beverages to any habitual drunkard, intoxicated person or person under the age of 21 years, nor permit any such persons to congregate in or about the licensed premises.

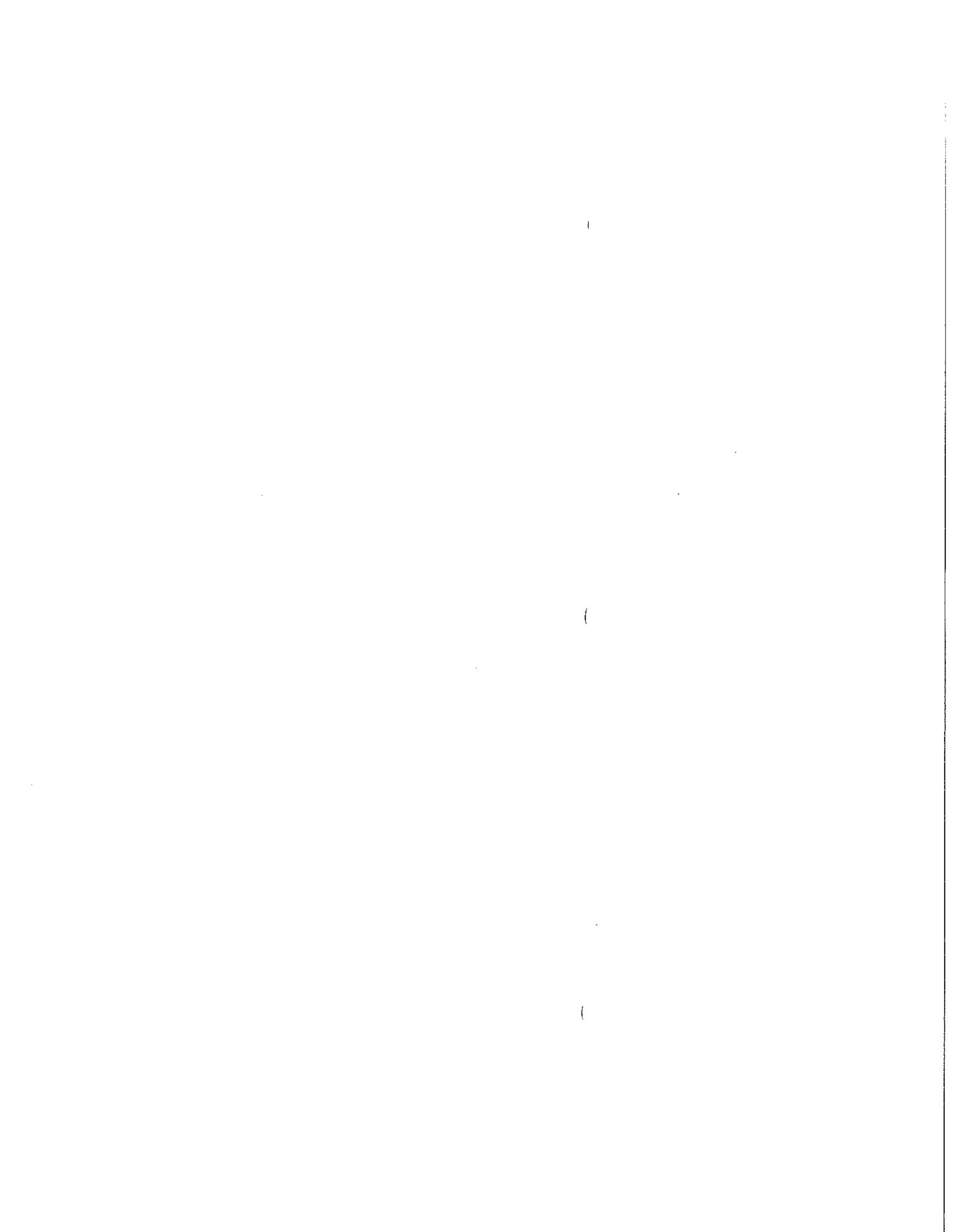
7-5      **Persons Under the Age of Twenty-one Years.**

7-5.1 *Presence.* No person under the age of 21 years shall be allowed in any premises where alcoholic beverages are sold or served for consumption on the premises unless accompanied by his parent or guardian.

7-5.2 *Purchase of Alcoholic Beverages by a Person Under the Age of Twenty-one (21) Years.* No person under the age of 21 years shall purchase or attempt to purchase, or have another purchase for him any alcoholic beverages on any premises licensed for the sale of alcoholic beverages.

7-5.3 *Purchase of Alcoholic Beverages for a Person Under the Age of Twenty-one (21) Years.* No person shall purchase or attempt to purchase alcoholic beverages for a person under the age of 21 years. It

shall be unlawful for any person to induce or attempt to induce any licensee or any employee of a licensee to sell, serve or deliver alcoholic beverages to a person under the age of 21 years.



7-5.4 *Misstating Age.* No person shall misrepresent his age or the age or another person for the purpose of inducing any licensee or his employee to sell, serve or deliver any alcoholic beverage to a person under 21 years or to permit a person under 21 years to remain on any premises in violation of subsection 7-5.1.

7-5.5 *Presumption.* Any person 21 years of age or older who accompanies such a person under the age of 21 years into a premises in which alcoholic beverages are sold and who permits the person under the age of 21 years to possess alcoholic beverages shall be presumed to have misrepresented the age of the person under the age of 21 years.

7-5.6 *Parents Required to Attend Hearing of Minor.* All persons under the legal age for the consumption of alcoholic beverages found to unlawfully be in possession of an alcoholic beverage in the Borough of Little Silver shall be detained by the Little Silver Police Department, their name and address recorded, their parents notified and shall be released only to a parent or responsible adult over the age of 21. The parent or guardian of a minor charged with a violation of any of the provisions of this chapter shall be required to attend the hearing of the complaint. For the purpose of compelling such attendance, the judge of the Municipal Court of the Borough of Little Silver is hereby authorized and directed to cause the parent or guardian of the minor to attend the hearing by issuing appropriate subpoenas to compel such attendance. It shall be sufficient compliance with the provisions hereof, if one of the parents or one of the guardians attend the hearing pursuant hereto.

7-5.7 *Possession.* No person under the age of 21 years shall purchase, sell, consume or possess any alcoholic beverage on any public or private street, highway, park, footway or other public or quasi-public place or in a private residence in the Borough of Little Silver, unless such consumption or possession is in connection with a religious observance, ceremony or rite or in the presence of and with the permission of a parent or guardian who has attained the legal age to purchase and consume alcoholic beverages. No person under the age of 21 years shall consume or have in his or her possession any alcoholic beverages while in a motor vehicle in any public place or quasi-public place in the Borough of Little Silver.

7-5.8 *Knowledge of Possession.* No person shall own, leave or manage real property or leave that property in the care of another person, with the knowledge that an alcoholic beverage is purposely or knowingly offered, served or made available to a person under the legal

7-6 BOROUGH OF LITTLE SILVER ORDINANCES

age for consuming alcoholic beverages, or entice, encourage or permit that person to drink an alcoholic beverage unless:

a. The real property is licensed or required to be licensed by the Division of Alcoholic Beverage Control in accordance with the provisions of R.S. 33:1-1 et seq;

b. The person making the property available, or leaving it in the care of another person, is of the legal age to consume alcoholic beverages and is the parent or guardian (or a first cousin or closer relative by blood, marriage or adoption) of the person who consumes alcoholic beverages; or

c. The alcoholic beverages are consumed by a person under the legal age for consuming alcoholic beverages during a religious observance, ceremony or rite.

7-5.9 *Violation and Penalty.* Any person who has attained the legal age for the purchase and consumption of alcoholic beverages who is found to be in violation of this section shall be subject to the minimum penalty as follows:

Disclosure of their name, address and violation to the media for publication, and a fine of one hundred (\$100.00) to one thousand (\$1,000.00) dollars. The second offense shall be disclosure, a fine of one hundred (\$100.00) to one thousand (\$1,000.00) dollars and a minimum of ten hours of community service to be done in Little Silver. The third or subsequent offense shall be disclosure, a fine of one hundred (\$100.00) to one thousand (\$1,000.00) dollars, a minimum of ten hours of community service to be done in Little Silver and imprisonment of not less than one day in the Little Silver Jail.

Any person found to be in violation of this section who has not attained the legal age for the purchase and consumption of alcoholic beverages shall be subject to the penalty as stated in section 5-13.

**7-6 Revocation of Licenses.**

Any license issued under this chapter may be suspended or revoked for violation of any of the provisions of this chapter or any provisions of any applicable statute or any of the rules or regulations of the State Division of Alcoholic Beverage Control.

Proceedings for suspension or revocation shall be in accordance with the provisions of R.S. 33:1-31 by service of a five day notice of charges preferred against the licensee and affording a reasonable opportunity for hearing.

Suspension or revocation of a license shall be in addition to any other penalty which may be imposed for a violation of this chapter.

**7-7 Hours of Sale.**

No licensee, his employee or agent shall sell, service, deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage on the licensed premises except on week days including Saturdays between the hours of 9:00 a.m. and 10:00 p.m., and on Sundays between the hours of 10:00 a.m. and 8:00 p.m.

**7-8 Open Consumption of Alcoholic Beverages.**

**7-8.1 Prohibition.** There shall be no open consumption of any alcoholic beverages on public or private property within 200 feet of any restaurant or eating establishment; provided, however, that this section shall not be applicable to private property within 200 feet of said restaurant or eating establishment which is not owned or associated with said restaurant or eating establishment.

**7-8.2 Violation and Penalty.** Violation of this section shall be a misdemeanor as provided by subsection 5-13.1.

