

# ORDINANCE

16-12

No. \_\_\_\_\_

1<sup>st</sup> Reading MAR 17 2016

Public Hearing \_\_\_\_\_

2<sup>nd</sup> Reading & Passage \_\_\_\_\_

Withdrawn \_\_\_\_\_ Lost \_\_\_\_\_

Date to Mayor \_\_\_\_\_

Date Returned \_\_\_\_\_

Date Resubmitted to Council \_\_\_\_\_

Approved as to Form and Legality

  
\_\_\_\_\_  
City Attorney

Factual content certified by

  
\_\_\_\_\_  
Richard M. Kachmar, RMC, City Clerk

Councilman /woman \_\_\_\_\_ presents the following Ordinance:

## AN ORDINANCE OF THE CITY OF TRENTON AMENDING CHAPTER 10 OF THE CITY CODE "ALCOHOLIC BEVERAGES"

**WHEREAS**, the City of Trenton is required to protect the public health, safety and welfare by regulating the sale and transportation of alcoholic beverages in the City of Trenton; and

**WHEREAS**, the vendors of alcoholic beverages in the City of Trenton are required to maintain licenses for the sale and transportation of alcoholic beverages in the City of Trenton pursuant to State Law and City Code Chapter 10; and

**WHEREAS**, in order to protect the health safety and welfare of the residents of the City of Trenton, the City Council finds it to be necessary to make amendments to the City Code;

**NOW THEREFORE BE IT ORDAINED** by the Council of the City of Trenton, in the County of Mercer and State of New Jersey as follows:

Section One: Chapter 10 "Alcoholic Beverages" is deleted in its entirety, and the Council for the City of Trenton hereby enacts the following as the Code for the City of Trenton, Chapter 10 "Alcoholic Beverages":

### 10-1 DEFINITIONS

1. ALCOHOLIC BEVERAGE- any liquid (or solid that can be converted to liquid) that is fit to drink and has an alcoholic content of more than 1/2 of one percent by volume is an alcoholic beverage and is subject to control and licensing pursuant to N.J.S.A.33:1-1 et seq.
2. MINOR - A person under the age of 18 years
3. NIGHTCLUB – A business establishment which may collect a cover charge for entrance which is devoted mainly to the promotion of live or pre-recorded music for the purposes of dancing or listening and which the serving of alcoholic beverages and food (if served) is only incidental to the collection of a cover charge and/or promotion of music
4. BAR – A business establishment or any portion of a nonprofit entity, which is devoted to the selling and serving of alcoholic beverages for consumption by the public, guests or patrons, or members on the premises and in which the serving of food (if served) or public dancing is only incidental to the sale or consumption of such beverages

# ORDINANCE

5. CONTAINER - Any bottle, can, glass, cup or similar receptacle suitable for or used to hold any liquid
6. GUARDIAN - A person who has qualified as a guardian of the underage person pursuant to a testamentary or court appointment.
7. OPEN CONTAINER – The condition of the container, containing liquor, beer, wine or other alcoholic beverage, as the same is defined by the Alcoholic Beverage Law of the State of New Jersey (N.J.S.A. 31:1-1 et seq.), whose cap, cork, top or other closing device has been removed, or the condition of a can which is punctured or pulled open so as to break its seal.
8. POSSESS/POSSESSION - Exercise of dominion over the container or beverage.
9. RELATIVE - The underage person's parent, grandparent, aunt or uncle, sibling, or any other person related by blood or affinity
10. RESTAURANT – A business establishment which is devoted to the serving of food and in which the selling and serving of alcoholic beverages for consumption by the public, guests, patrons is only incidental to the sale or consumption of food products.
11. ADULT ENTERTAINMENT – Any exhibition, performance, or dance of any type conducted in premises where such exhibition, performance, or dance involves a person(s) who is unclothed or clothed in such costume, attire, or clothing as to expose directly or through translucent coverings their breasts, genitals or buttocks. The exhibition, performance, or dance is distinguished or characterized by a predominant emphasis on the depiction, description, simulation of, or relation to sexual activities. The exhibition, performance, or dance may or may not involve interaction with patrons including separate consideration paid by said patrons directly or indirectly to the exhibitors, performers, or dancers. For purposes of example and not limitation, such exhibitions, performances, or dances are commonly referred to as table dancing, couch dancing, private dancing or straddle dancing.
12. DRINK GIRL/GUY – A person allowed, permitted or employed to solicit an alcoholic beverage at the expense of or as a gift from the public, guest or patron.

10-2 ISSUING AUTHORITY. The City Council of the City of Trenton, being the governing body of the municipality shall constitute the authority for the administration of the issuance of licenses within the municipality and shall report the issuance of all licenses to the State Director of Alcoholic Beverage Control. The Council shall have the authority to create an independent board to assume the duties of the administration of Alcoholic Beverage Control within the municipality.

1. CITY INSPECTORS Alcoholic Beverage Inspectors of the City, duly appointed to inspect, investigate and supervise licensed premises, shall possess, enjoy and exercise, and are hereby vested with all the powers and duties possessed, enjoyed and exercised by members of the Police Department of the City of Trenton, for the purpose of properly inspecting, investigating and supervising licensed premises, and of enforcing the Alcoholic Beverage Control Law, the general rules and regulations and special rulings and findings promulgated or to be promulgated

# ORDINANCE

by the State Director of Alcoholic Beverage Control, and all rules and regulations, resolutions and ordinances concerning alcoholic beverages adopted or to be adopted by the City Council.

2. **HINDERING INVESTIGATION** No licensee shall interfere with any inspection or search of premises for which a license has been issued, or of any building containing the same, or of licensed buildings, by any duly authorized agent or agents of the City, County, State or Federal government; nor shall any licensee refuse or interfere with any authorized agent or agents of the City or State testing or taking reasonable samples of any alcoholic beverages found on the premises for which a license has been issued, or in any building containing the same, or in the licensed buildings.

## 10-3 LICENSING

1. It shall be unlawful to sell or distribute alcoholic beverages in the City of Trenton without a license.
  - a. No person other than the licensee shall have any interest, directly or indirectly, in the license granted or the business to be conducted under the license without a full disclosure first having been made, either in the application for the license or as soon after the interest in the license or in the business conducted under the license shall have come into being.
  - b. All applications for licenses and place-to-place transfers of existing licenses shall be submitted and processed in accordance with the current rules and regulations prescribed by the Director of the Division of Alcoholic Beverage Control, Department of Law and Public Safety, State of New Jersey; provided that, in addition to all such requirements, each such applicant shall be required, in connection with the advertising of such applications, to give personal notice of such application to all owners of property situated within 200 feet of the premises for which the license or place-to-place transfer is sought, provided further that the notice provisions shall not be applicable either to applications for place-to-place transfers seeking to expand an existing licensed premises by adding additional interior floor space not exceeding 150 square feet and without substantially changing the character, volume or mode of the licensed activity, or to a place-to-place transfer of an existing license or premises or structure which is being taken for public use.
  - c. Such notice shall be given either by handing a copy thereof at the usual place of abode of the property owners or by leaving a copy thereof at the usual place of abode of the property owners, if the owners are occupants of the property so situated or are residents of the City of Trenton. Whenever the owners are nonresidents of the City, or cannot be located despite diligent efforts of the applicant, such facts shall be verified by the applicant by affidavit and notice shall be given to such owners by certified mail to the last known address of the property owner or owners as shown by the most recent tax lists of the City. Where the owner is a business entity, service upon any partner or agent shall be sufficient.
  - d. The identity of properties situated within 200 feet of the premises to be licensed shall be determined, upon request and payment of a fee as authorized, by the office of the City Engineer, Department of Public Works.

# ORDINANCE

- e. The applicant shall file, along with his/her application, an affidavit verifying compliance with the notification requirements set forth above.
  - f. All licenses issued hereunder shall be for a term of one year from July 1 in each year to June 30 of the year following, both inclusive.
  - g. The office of the City Clerk shall distribute alcoholic beverage applications to holders of licenses in the City for which the charge of \$3 per application shall be made.
2. LICENSES. Classes of license; fees and limitation. Annual license fees for the sale of alcoholic beverages in the City of Trenton are hereby established and fixed by the Council for the City of Trenton in an amount equivalent to the Maximum permitted by State Law, and such fees on a yearly basis shall be the equivalent of the maximum allowable pursuant to State Law in the calendar year State schedule:
- a. Plenary retail consumption license: The fee shall be the maximum allowable by State ABC Regulations in that annual schedule, and shall adjust yearly pursuant to the same \$2500.00 (maximum fee permitted per state statute for 2016) annually by June 30. Thirty-two (32) licenses permitted within the municipality; no new licenses shall be created until the number of valid licenses within the municipality is below this number. The license authorizes the sale of alcoholic beverages for consumption on the licensed premises by the glass or other open receptacle and also allows the sale of alcoholic beverages in original containers (packaged goods) for consumption off the licensed premises. Sales of package goods may only take place in the public barroom and may only be displayed for sale on the perimeter walls. This provision shall include all hotel licenses per state law.
  - b. Plenary retail consumption license with “Broad Package Privilege”: The fee shall be the maximum allowable by State ABC Regulations in that annual schedule and shall adjust yearly pursuant to the same \$2500.00 (maximum fee permitted per state statute for 2016) annually by June 30. Thirty-two (32) licenses permitted within the municipality; no new licenses shall be created until the number of valid licenses within the municipality is below this number. This license is another form of Plenary Retail Consumption License except the sale of package goods is not restricted to the public barroom.
  - c. Plenary retail distribution license: The fee shall be the maximum allowable by State ABC Regulations in that annual state schedule and shall adjust yearly pursuant to the same \$2500.00 (maximum fee permitted per state statute for 2016) annually by June 30. Twelve (12) licenses permitted within the municipality; no new licenses shall be created until the number of valid licenses within the municipality is below this number. The license authorizes only the sale of alcoholic beverages in original containers for consumption off the licensed premises.
  - d. Club license: The fee shall be the maximum allowable by State ABC Regulations in that annual state schedule and shall adjust yearly pursuant to the same \$188.00 (maximum fee permitted per state statute for 2016) annually by June 30. Fifteen (15) licenses permitted within the municipality; six (6) licenses are available for issuance. Issuance can only be to a corporation, association or organization that is non-profit and operating for benevolent, charitable, fraternal, social, religious, recreational, athletic or similar purpose.

# ORDINANCE

## 3. RENEWALS –AD INTERIM PERMIT

- a. All renewals must be approved by resolution of the City Council.
- b. New Jersey Sales Tax clearance must be obtained prior to renewal by City Council and all licenses must be renewed by June 30.
- c. Establishments that have not renewed their license by June 30 must obtain an Ad Interim permit as established by N.J.A.C. 13:2-2.10

## 10-4 REGULATIONS

### 1. No license shall:

- a. Directly or indirectly solicit from house to house, personally or by telephone, the purchase of alcoholic beverages, nor allow, permit or suffer such solicitation.
- b. Receive, possess or sell any alcoholic beverages transported into this state in violation of the rules governing the transporting of alcoholic beverages into New Jersey promulgated or to be promulgated by the State Director of the Division of Alcoholic Beverage Control.
- c. In the case of a retail distribution license, permit any alcoholic beverages sold by him/her to be consumed on the licensed premises, nor permit containers thereof to be opened on the licensed premises. Other than “tasting events” as defined by the Alcoholic Beverage Control Law.
- d. Serve or deliver or suffer and permit the sale, service or delivery of any alcoholic beverages directly or indirectly to any mentally impaired, habitual drunkard, or any person actually or apparently intoxicated, or permit the same to congregate in or about the licensed premises.
- e. Possess, sell, offer for sale, distribute or otherwise dispose of any alcoholic beverages unless the containers of same shall have affixed or attached thereto stamps or crowns as required by the Alcoholic Beverage Tax Law, P.L. 1933, c. 434 (N.J.S.A. 54:41-1 et seq.), as amended and supplemented.
- f. Serve any person in any room or place which is not opened to the public generally, except that in hotel guests may be served in their rooms or in private dining rooms, and further provided that this regulation shall not apply to club licenses.
- g. Except for bona fide pharmacies to the extent that they may be duly authorized by law to handle such merchandise, allow, permit or suffer the sale or distribution of any contraceptive or contraceptive device, either chemical or mechanical, or possess, allow, permit or suffer any mechanical device designed or used for such sale or distribution upon or about the licensed premises.
- h. Deliver within this state to any person not holding a license under the Alcoholic Beverage Control Act any alcoholic beverages intended by such person for delivery, by gift or otherwise, to customers or prospective customers, in the course of his/her business.
- i. Engage in, allow, suffer or permit on or about the licensed premises any lottery other than government authorized to be conducted or any ticket or participation right in any lottery to be sold or offered; or any unlawful game or gambling of any kind or any device or

# ORDINANCE

apparatus designed for such purpose; or any slot machine or device in the nature of a slot machine which may be used for the purpose of playing for money or other valuables.

- j. Allow, permit or suffer in or upon licensed premises any disturbances, lewdness, immoral activities, brawls or unnecessary noises; or allow, permit or suffer the licensed place of business to be conducted in such a manner as to become a public nuisance.
  - k. It shall be the duty of each licensee acting through its officers, agents and employees to take all reasonable measures to maintain order, to abate breaches of the peace, including the generation of excessive noise, and to abate the accumulation of litter and debris and other unsanitary conditions within the licensed premises and upon the public sidewalk, alley, curb and street immediately adjacent to the licensed premises. It shall be a complete
  - l. Defense to any charge of a violation of this subsection that any such condition complained of occurred or existed despite the diligent and reasonable efforts of the licensee to monitor, control and abate the condition complained of including, where appropriate, engagement of security personnel or utilization of municipal public safety assistance.
  - m. Licensed premises shall at all times be kept in a safe, clean and sanitary condition. All rooms, passageways, entrances, exit and stairways must be well lighted.
  - n. Allow, permit or suffer in or upon the licensed premises the promotion of the purchase of drinks by patrons of the premises from employees, agents, or representatives of the Licensee in exchange for promised or perceived companionship of another for any length of time. For purposes of example and not limitation, such employees, agents, or representatives may commonly be referred to as drink girls/guys.
2. DISPLAY OF LICENSES – It shall be the duty of all licensees; to display prominently the license issued pursuant to this chapter and all other city, state and federal licenses and permits where they can be readily seen by the public. The license shall be framed under glass and a copy of this license shall be kept with the licensee’s application for license and kept in a place convenient for inspection in the main business room of the licensed premises. The Licensee may be cited a violation if documents are not displayed.
  3. ANNUAL MEETING – Every year the local ABC officer shall host a meeting prior to annual renewals with mandatory attendance that will be verified by signature of the licensee. Failure to attend the meeting will result in a delay in the renewal of the license until such time arrangements can be made for a “make-up” session with the ABC Officer.
  4. BUSINESS LICENSES – All licensees who sell items other than alcoholic beverages, including juice, soda, gum or other incidentals are required to obtain a City of Trenton Business License annually.

## 10-5 RESTRICTIONS

### 1. HOURS

- a. Excluded hours of sale. No alcoholic beverages shall be sold, served, delivered or consumed, nor shall any licensee suffer or permit the sale, service, delivery or consumption

# ORDINANCE

of any alcoholic beverage, directly or indirectly, upon the licensed premises between the following hours, prevailing time:

Weekdays, 2:00 a.m. and 9:00 a.m.  
Sundays, 2:00 a.m. and 12:00 noon.

- b. Closing of premises. No licensee shall permit any person, patron or customer to consume any alcoholic beverages upon the licensed premises during the hours when the sale, delivery, service or consumption of alcoholic beverages is forbidden and must remain closed and locked to all persons except for employees who clean or perform other necessary work in and about the premises during such prohibited hours, and no person other than such employees shall be permitted to remain on the premises. Exemptions to the restriction for allowance of any person, patron or customer in licensed premises are restaurants and public dining rooms in hotels and premises operated by club licenses or other licensees who could qualify for club licenses.
2. LICENSE LIMITS. No person shall acquire a beneficial interest in more than two alcoholic beverage retail licenses. Nothing herein shall require any person who had an effective interest in two licenses on or before August 3, 1962 to surrender, dispose of or release his/her interest in any license. The provisions of this subsection shall not apply in the case of a hotel containing at least 50 sleeping rooms, or for use in connection with the operation of a restaurant, nor shall the provisions of this subsection affect the right of any person to dispose of an interest in a license by will or to transfer the same by dissent and distribution, provided that a license acquired for use in connection with a restaurant pursuant to the above exception shall be limited to the sale of alcoholic beverages for consumption on the licensed premises.
3. DISTRICTS
    1. Restaurant District (B-ZONE). Nothing contained in Subsection **B** above shall prevent an otherwise valid place-to-place transfer to occur to a location which is at least 400 feet from another premises holding a sale or consumption license if said premises is suitable for dining facilities and used as a restaurant with more than 50 seats or banquet hall with a seating capacity of more than 150 people and is located in a Business B Zone. The playing of live music or the use of a DJ shall be restricted to the hire for catered events and shall not include concerts, or events that require cover charges or ticket sales.
  4. BUILDING – All establishments must provide for an unobstructed clear window, door, or other viable view point into the establishment from the street. Such window, door, or view point shall be no less than 216 square inches (or 12x18 inches) at a height of between 4 to 6 feet from the floor level of the premises so as not to prevent an examination of the interior from the entrance by a police officer, inspector, or other public official. The view must not be obstructed by goods, blinds, shade, advertisement or any other signage. *Establishments that do not structurally comply with the code as of June 30, 2016 shall be given an additional one year period to meet the standard. No establishment shall be given a “grandfathered” exemption for compliance with this section at the conclusion of the June 30, 2016 to 6/30/2017 amortization period.*

# ORDINANCE

5. ADULT ENTERTAINMENT – No establishment may provide entertainment, live or recorded that involves lewd or immoral activity as defined in Section 10-1 (11) herein.
6. DISTILLING APPARATUS. No person shall have in his/her possession or custody or under his/her control any still or distilling apparatus set up, dismantled or in the process of construction, or parts thereof, without having registered the same in accordance with the provisions of the Alcoholic Beverage Control Act.
7. SIGNAGE. No establishment shall post or allow a third party to post advertisement of special events, happy hour, live shows or any such activity that is to occur at the establishment on any public street, building (other than their own), pole or billboard.
8. LOCATION. No new plenary retail consumption or plenary retail distribution license shall be hereafter issued, nor shall a place-to-place transfer of a license be granted, to any person, corporation or group of persons, under the following circumstances:

For the sale or consumption of alcoholic beverages within 200 feet of any church or public school or private school not conducted for pecuniary profit, said distance being measured in the normal way that a pedestrian would properly walk from the nearest entrance of said church or school to the nearest entrance of the premises sought to be licensed, and in accordance with N.J.S.A. 33:1-76; provided, however, that the foregoing provision shall not prevent the future renewal or person-to-person transfer of any plenary retail distribution license that is in existence at the time of adoption of this section.

For the sale or consumption of alcoholic beverages within 1,000 feet of another premises holding either of said licenses, said distance being measured in the normal way that a pedestrian would probably walk from the nearest entrance from one premises to the other.

## 10-6 RETIREMENT OF LICENSES

1. Authorization. It is determined that it is in the public interest to reduce the number of plenary retail consumption licenses in the City of Trenton. Authorization is hereby granted for the acquisition and retirement of said licenses by the City of Trenton in accordance with N.J.S.A. 40:48-2.40.
2. Annual surcharge. In addition to the annual license fees set forth in § **10-3**, every plenary retail consumption license shall be assessed, at the time of application for renewal of said license, an annual fee in the amount of \$200 for the express purpose of purchasing and retiring existing licenses, as authorized, and in the manner prescribed, by N.J.S.A. 40:48-2.42.

## ARTICLE I

### LICENSE TRANSFER (PLACE TO PLACE, PERSON TO PERSON AND EXTENSION OF PREMISE) AND CORPORATE STRUCTURE CHANGES



# ORDINANCE

10-7 PLACE TO PLACE AND PERSON TO PERSON TRANSFERS – Transfers are approved by the Issuing Authority.

1. A full 12 page license application must be filed. Photographs of the front and each entrance of the premises (no less than 5x5inches each) shall accompany each application.
2. Notice of transfer must be published in the local newspaper stating the intent to transfer the license.
3. There must be written consent of transfer from the current license holder provided to the issuing authority.
4. A fee equal to 10% of annual license fee must be provided at the time of application (20% of annual fee if both person-to-person and place-to-place is to take place)
5. Any written objection to the transfer will require a hearing before the Issuing Authority prior to approval of the transfer.
6. A completed background check is required for all interested parties.
7. The licensed premise is the portion of the licensed property on which or where alcoholic beverages may be sold, served, or stored. Once the premise has been established any expansion or reduction requires a place-to-place transfer.
8. Extension of premises to expand the area on which alcoholic beverages for consumption on the premises may be sold or served requires a place-to-place transfer.
  - a. The area must to contiguous to or adjoined to the permanently licensed premises.
  - b. Application must include a physical description and drawing of the area, reason for the extension and date and time for its use.
  - c. If the extension is for an open area, a description on how to restrict access of minors must be included.

10-8 CORPORATE STRUCTURE CHANGES

1. Any change of interest in the stock of the corporation must be reported within 10 days to the Issuing Authority. If the change is less than 1/3 of the stock, pages 7, 8 and 11 of the 12 page application must be amended. If the change is more than 1/3, the full 12 page application must be completed.
2. Publication of a legal notice advising of the change must be published in the local newspaper.
3. All new shareholders must be fully qualified to hold a license and a full investigation shall be conducted by the Issuing Authority, including background check and fingerprinting of each shareholder.

# ORDINANCE

4. Proof of qualification as a license holder MUST be obtained prior to the application to amend the license BEFORE a change of shareholder is forwarded to the NJ Division of ABC.

## ARTICLE II MINORS

### 10-9 SALE TO MINORS PROHIBITED.

No licensee and no employee or agent of a licensee shall sell, serve or deliver any alcoholic beverage to a person under the age of 21 years; nor shall a licensee allow, permit or suffer the sale, service or delivery to or consumption of alcoholic beverages by any such person upon the licensed premises.

If a licensee's employee or agent, authorized to sell, serve or deliver alcoholic beverages, shall sell, serve or deliver such beverages in violation of this subsection, the sale, service or delivery shall be deemed the act of the licensee, as well as that of the employee or agent, and the licensee as well as the employee or agent shall be guilty of a violation of this article.

10-10 CONSUMPTION ON PREMISES. It shall be unlawful for a minor to enter any premises licensed for the retail sale of alcoholic beverages for the purpose of purchasing or having served or delivered to him/her any alcoholic beverage. It shall be unlawful for a minor to consume any alcoholic beverages on premises licensed for the retail sale of alcoholic beverages, or to purchase, attempt to purchase or have another purchase for him/her any alcoholic beverage.

10-11 MISSTATEMENT OF AGE. It shall be unlawful for a person to misrepresent or misstate his/her legal age, or the age of any other person, for the purpose of inducing any retail licensee to sell, serve or deliver any alcoholic beverage to a minor.

10-12 FREQUENTING of licensed premises. Persons between the ages of 16 and 21 years shall not frequent, loiter or remain in any room or rooms used or devoted to the sale, service or consumption of alcoholic beverages upon a licensed premises, unless accompanied by a parent, guardian or adult spouse; and persons under the age of 16 shall not be allowed, whether or not accompanied, to frequent, loiter or remain in any room or rooms used or devoted to the sale or consumption of alcoholic beverages upon a licensed premises.

10-13 PERFORMING IN LICENSED PREMISES. No person under the age of 18 years shall be permitted to sing, dance, perform, act, play in any orchestra, or in any manner exhibit himself/herself in any performance or entertainment held, given, offered or conducted on the licensed premises, without a proper permit from the Director of the Division of Alcoholic Beverage Control.

10-14 Teen Night A licensed premise may be opened and operated in accordance with the State of New Jersey regulations for "teen night" activities, during which activities, minors who shall have attained the age of 17 years shall be permitted to be present on the licensed premises subject to the following rules and regulations:

1. A permit for the operating of a teen night shall be issued by the Police Director upon application made at least four weeks prior to the event stating, in addition to all other pertinent information required, the time and place of the activity, the nature of any and all entertainment or activities,

# ORDINANCE

the maximum number of persons who are to be admitted, the availability of security personnel, parking and other factors relating to security and public safety. The Police Director, after consultation with all appropriate code enforcement officials, shall deny the permit or revoke the application whenever, by reason of location, number of attendees, parking, traffic or other aspect of the activity conducted under the permit, public health, safety and welfare will be adversely affected to a material degree.

2. Compliance with all regulations relating to conduct of teen nights adopted by the State of New Jersey shall be a condition for the granting of a permit thereunder. In the event that alcoholic beverages are found to be present on the premises, other than the stock of the licensee fully concealed from view, the licensee shall be presumed to be in violation of the teen night regulations and shall be subject to license disciplinary charges and the penalties attendant thereto under this subsection. In addition to any and all disciplinary penalties, the licensee shall be disqualified from teen night permit applications for a period of time to be determined by the City Council following a disciplinary hearing on any and all charges or violations hereunder.
3. No licensee shall be entitled to conduct more than one teen night in any one calendar week commencing Sunday and ending Saturday.
4. The applicant shall pay a permit fee in the amount of \$150.00 which shall be effective for all applications made and permits issued during one calendar year.

## **ARTICLE III FETAL ALCOHOL SYNDROME**

### 10-15 FINDINGS

1. In 1981, the infant mortality rate in the City was 17.8 deaths per thousand births, while the infant mortality rate for the County of Mercer as a whole was 15.3 deaths per thousand.
2. In 1988, 739 babies of the 6,163 babies born in Mercer County were born to women who drank excessively during their pregnancy.
3. Medical evidence indicates that pregnant women who drink during pregnancy may be harming their unborn children, including causing mental retardation, curvature of the spine, facial abnormalities and emotional problems, which problems are collectively known as fetal alcohol syndrome and fetal alcohol effect.
4. Fetal alcohol syndrome warning signs are likely to bring about increased awareness of the risk of consuming alcohol while pregnant.
5. The Mercer Council on Alcoholism and Drug Addiction has recommended the posting of the warning sign prescribed herein.
6. The City of Trenton has the power to pass ordinances for the preservation for the health, safety and welfare of the inhabitants of the City pursuant to N.J.S.A. 40:48-2.

# ORDINANCE

10-16 PROMINENT DISPLAY OF SIGNS REQUIRED. All licensees under this chapter who sell alcoholic beverages shall prominently post on their premises a warning of the dangers to the unborn children of women who consume alcoholic beverages while pregnant. The nature and type of warning signs shall be determined by the Trenton Health Officer, who shall prepare and distribute the warning signs. Any licensee violating the provisions of this section shall be subject to the penalties provided for in Chapter 1, Article III, General Penalty..

10-17 GENERAL VIOLATIONS, SUSPENSIONS AND PENALTIES. Violations of the provisions of this article may be punishable as provided in Chapter 1, Article III, General Penalty in addition to any other penalty as provided by law.

1. No alcoholic beverage retail license which requires the approval of the city or officer of the city, pertaining in relation to any property or activity to be conducted upon the property shall be issued a license or granted a permit to an applicant who is a property owner unless such applicant pays all delinquent property taxes on same property. Any license or permit previously issued to such applicant shall be subject to revocation or suspension whenever property taxes shall become delinquent for three consecutive quarters or more and shall stay revoked or suspended pending full payment.
2. HEARINGS – Prior to any suspension or revocation of a license, the licensee shall be entitled to a hearing before City Council for a violation of this Code or any law or regulation of N.J.S.A. 33-1.1 et seq. The licensee shall be given at least 5 days notice of the violation/charge and a hearing date by personal service or by mailing the same by registered mail addressed to him at the licensed premises or the address provided in the licensee’s current application. A licensee shall have the right to legal representation. A postponement may be granted for good cause only. If any licensee is in need of an interpreter they must provide their own. The interpreter must speak English and licensee’s language fluently. A licensee may enter a plea of guilty, not guilty, or non vult (no contest). In the event of a finding of a violation either by hearing, guilty plea, or non vult plea, a licensee shall be permitted to present mitigating factors. A licensee may enter into a plea agreement subject to the approval of City Council for a lesser suspension or other conditions to be imposed upon their license.
3. FINDING – In the event of suspension or revocation of any license by City Council, the licensee may, within thirty (30) days after the date of service or of mailing of said notice of suspension or revocation, appeal to the NJ State Director of ABC for the action of City Council in suspending or revoking such license. Said appeal shall act as a stay of such suspension or revocation pending the determination thereof unless the Director shall otherwise order.

# ORDINANCE

4. APPEAL – In the event a licensee files for an appeal with the NJ Division of ABC and the decision of the City is upheld after all appeals have been exhausted, the licensee may be held responsible for the costs of prosecution of the City of Trenton.
  
5. DRINK GIRL/GUY – Under the NJ Title 33.1 et seq and Chapter 13:2 Administrative Code Charging Matrix the applicable Administrative Code for DRINK1 and DRINK2 is, N.J.A.C. 13:2-23.18 Solicitation Prohibited the penalty is defined as a Custom Charge to be set by the Municipality. The City of Trenton has defined the penalty of DRINK1 as 10 day suspension and DRINK2 as a 30 day suspension.

**Section Two: BE IT FURTHER ORDAINED** that this Ordinance shall take effect on final passage and twenty (20) days after publication as required by law.

	INTRODUCTION				ADOPTION					INTRODUCTION				ADOPTION					INTRODUCTION				ADOPTION			
	AYE	NAY	NV	AB	AYE	NAY	NV	AB		AYE	NAY	NV	AB	AYE	NAY	NV	AB		AYE	NAY	NV	AB	AYE	NAY	NV	AI
BETHEA	✓								HOLLY WARD									HESTER	✓							
CALDWELL WILSON				✓					MUSCHAL	✓																
HARRISON	✓								REYNOLDS JACKSON	✓																
NV - NO VOTE		AB - ABSENT																								

Adopted on first reading at a meeting of the City Council of the City of Trenton, NJ on MAR 17 2016

Adopted on second reading after the public hearing on \_\_\_\_\_

\_\_\_\_\_  
 Mayor APPROVED REJECTED Reconsidered by Council – Override Vote AYE  
NAY

\_\_\_\_\_  
 President of Council City Clerk