

**ORDINANCE
TOWNSHIP OF FRANKLIN
O-3-09**

**AMENDING CHAPTER 143-6, ALCOHOLIC BEVERAGES, OF THE FRANKLIN
TOWNSHIP CODE**

WHEREAS, the Township Committee of the Township of Franklin, County of Gloucester and State of New Jersey believe that it would be in the best interest of the tax payers of Franklin Township to issue an additional liquor license; and

WHEREAS, the Township of Franklin adopted Resolution R-20-2009 authorizing the Township Clerk, Solicitor and Administrator to commence the process to issue an offer for sale of liquor license pursuant to N.J.S.A. 33:1-1 et seq.; and

WHEREAS, the Township of Franklin has within its code §143-6 which was amended in 1970 by Ordinance O-3-70 and again in 1975 by Ordinance O-15-75; and

WHEREAS, The Township Committee of the Township of Franklin believes that it is appropriate to amend §143-6 to reestablish the fees associated with yearly renewals of liquor licenses and to comport with State enabling Legislation providing for the number of liquor licenses to be issued to be determined by population in accordance with N.J.S.A. 33:1-12.14; and

NOW THEREFORE, BE IT ORDAINED, by the Township of Franklin, Committee of the Township of Franklin, County of Gloucester, State of New Jersey that §143-6 be and is hereby rescinded and replaced with the following:

A.

Plenary retail consumption license. The holder of this license shall be entitled, subject to rules and regulations, to sell any alcoholic beverages for the consumption on the licensed premises by the glass or other open receptacle, and also to sell any alcoholic beverages in the original containers for consumption off the licensed premises; but the license shall not be issued to permit the sale of alcoholic beverages in or upon any premises in which a grocery, delicatessen, drugstore or other mercantile business (except the keeping of a hotel or restaurant, or the sale of cigars and cigarettes at retail as an accommodation to patrons, or the retail sales of nonalcoholic beverages as accessory beverages to alcoholic beverages) is carried on. The annual fee for this license shall be \$420.00. The maximum number of plenary retail consumption licenses the Township Committee shall be authorized to issue shall be the maximum number allowed by population pursuant to N.J.S.A. 33:1-12.14, provided that the Township Committee shall not be precluded from issuing one more licenses to any person, firm or corporation owning and operating a bona fide hotel in accordance with NJSA 33:1-12.20.

B.

Seasonal retail consumption license. No seasonal retail consumption license of any kind or description shall be issued by the Township Committee.

C.

Plenary retail distribution license. The holder of this license shall be entitled, subject to rules and regulations, to sell any alcoholic beverages for consumption off the licensed premises, but only in original containers. Such license shall not be issued to permit the sale of alcoholic beverages in or upon any premises in which any other mercantile business is carried on. The fee for this license shall be \$345.00. Licenses of this class shall be the maximum number allowed by population pursuant to N.J.S.A. 33:1-12.14.

D.

Club license. The holder of this license shall be entitled, subject to rules and regulations, to sell any alcoholic beverages, but only for immediate consumption on the licensed premises and only to bona fide club members and their guests. The fee for such license shall be \$86.40. Club licenses may be issued only to such corporations, associations and organizations as are operated for benevolent, charitable, fraternal, social, religious,

recreational, athletic or similar purposes, and not for private gain, and which comply with N.J.S.A. 13:2-8.1.

E.

Limited retail distribution license. No limited retail distribution license of any kind or description shall be issued.

BE IT FURTHER ORDAINED, that if any section, sentence, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such holdings shall not effect or impair any other section, sentence, clause, provision or portion of this Ordinance.

BE IT FURTHER ORDAINED, that this ordinance shall take effect immediately upon its final passage, adoption and publication as provided by law.

ATTEST:

TOWNSHIP OF FRANKLIN

CAROLYN K. TOY, CLERK

BY: _____
JOSEPH C. PETSCH, MAYOR

CERTIFICATION

I, CAROLYN K. TOY, Clerk of the Township of Franklin, County of Gloucester, do hereby certify that the foregoing ordinance was introduced at a regular meeting of the Township of Franklin held on Tuesday, March 10, 2009, and thereafter duly advertised in the legal newspaper of the Township at least 10 days prior to it being considered for final passage and adoption at a subsequent meeting to be held on Tuesday, March 24, 2009, at which time any person interested therein will be given an opportunity to be heard.

CAROLYN K TOY, CLERK