

Ordinance #2012-1126

AN ORDINANCE ESTABLISHING PROXIMITY CRITERIA FOR ISSUANCE OR TRANSFER OF ALCOHOLIC BEVERAGE LICENSES.

STATEMENT OF PURPOSE: To better effectuate the transfer of Alcoholic Beverage Licenses within the Borough of Manville, and to improve the economic vitality of the Borough.

BE IT ORDAINED by the Mayor and Council of the Borough of Manville in the County of Somerset and State of New Jersey, as follows:

SECTION 1. REPEAL OF ORDINANCE NO. 2007-1054

Ordinance No. 2007-1054 entitled "An Ordinance Establishing Proximity Criteria For Issuance or Transfer of Alcoholic Beverage Licenses" is hereby repealed.

SECTION 2. DISTANCE BETWEEN LICENSED PREMISES.

No plenary retail consumption, plenary retail distribution or club license shall be issued or transferred to premises within a distance of one thousand five hundred (1500') feet from any other premises then licensed for plenary retail consumption, plenary retail distribution, or club use. This provision shall not apply to: (a) renewals of licenses for the same premises or person to person transfers for operation of the same premises; (b) transfers of active licenses, provided any such license is being transferred from premises within one thousand five hundred (1500') feet of other licensed premises; to premises within one thousand five hundred (1500') feet of the same other licensed premises; (c) transfers of inactive licenses, provided any such license when last active was issued for premises within one thousand five hundred (1500') feet of other licensed premises and is being transferred to premises within one thousand five hundred (1500') feet of the same other licensed premises; (d) transfers of licenses from premises not within one thousand five hundred (1500') feet of other licensed premises to premises within one thousand five hundred (1500') feet of other licensed premises, provided an existing license of the same type (plenary retail consumption, plenary retail distribution, or club license), which would meet the transfer criteria of (a), (b) or (c) hereof, is concurrently transferred from premises within one thousand five hundred (1500') feet of the same other licensed premises to premises more than one thousand five hundred (1500') feet from the same other licensed premises; (e) transfers of licenses which will be maintained in an inactive status; (f) transfers of licenses intended to expand or reduce the area of then licensed premises; and (g) issuance or transfer of licenses to premises within the EDD – Economic Development District as established by Ordinance No. 95-820.

SECTION 3. MEASUREMENT OF DISTANCE.

The distances referred to in Section 2 of this ordinance shall be measured in the normal way that a pedestrian would properly walk from the nearest entrance of the other licensed premises to the nearest entrance of the premises sought to be licensed, in conformity with the measuring procedure established in N.J.S.A. 33:1-76.

SECTION 4. INCONSISTENCY.

Should any provision of this ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of said prior ordinances are hereby repealed, but only to the extent of such inconsistencies

SECTION 5. SEVERABILITY

In the event that any provision of this ordinance, or the application thereof to any person or circumstances is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and to realize this intent, the provisions and application of this ordinance are declared to be severable.

SECTION 6. CAPTIONS.

Captions contained in this ordinance have been inserted in this ordinance only for the purpose of facilitation of 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.

SECTION 7. EFFECTIVE DATE.


This ordinance shall be effective upon adoption and approval of the same in accordance with the laws of the State of New Jersey.

Borough of Manville,



Angelo Corradino, Mayor

ATTEST:



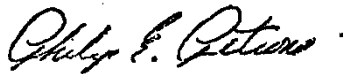
Philip E. Petrone, Clerk

ORDINANCE #2012-1126

FIRST READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
	√	ASHER	√			
		KOMOROSKI			√	
√		LYNN	√			
		ONDERKO	√			
		PETZINGER	√			
		SZABO	√			
		MAYOR CORRADINO				

PASSED this 26th day of November, 2012



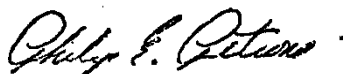
Attest:

Philip E. Petrone, Borough Clerk

SECOND READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
	√	ASHER	√			
		KOMOROSKI			√	
√		LYNN	√			
		ONDERKO	√			
		PETZINGER	√			
		SZABO	√			
		MAYOR CORRADINO				

PASSED this 10th day of December, 2012



Attest:

Philip E. Petrone, Borough Clerk

