

## **ORDINANCE NO. 2007-1054**

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

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. 336.**

Ordinance No. 336 entitled "An Ordinance Regulating Transfers of Plenary Retail Consumption, Plenary Retail Distribution, or Club Licenses and Establishing Distances for the Same in the Borough of Manville, Somerset County, New Jersey," is hereby repealed.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 (1000') 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; (b) transfers of active licenses, provided any such license is being transferred from premises within one thousand (1000') feet of other licensed premises to premises within one thousand (1000') 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 (1000') feet of other licensed premises and is being transferred to premises within one thousand (1000') feet of the same other licensed premises; (d) transfers of licenses from premises not within one thousand (1000') feet of other licensed premises to premises within one thousand (1000') 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 (1000') feet of the same other licensed premises to premises more than one thousand (1000') 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 distance of one thousand (1000') feet 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. APPLICABILITY OF OTHER CRITERIA FOR TRANSFER.**

The provisions of this ordinance shall not be construed to relieve any applicant for a place to place transfer from the necessity of establishing that all other relevant criteria prerequisite to the granting of a place to place transfer have been met.

**SECTION 5. CONSTRUCTION**

Where consistent with the context in which used in this ordinance, words importing the singular shall include the plural; words importing the plural shall include the singular; and, words importing one gender shall include all other genders.

**SECTION 6. 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 7. SEVERABILITY**

In the event that any provision of this ordinance, or the application thereof to any person or circumstance 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 applications of this ordinance are declared to be severable.

**SECTION 8. PURPOSE OF CAPTIONS**

Captions contained in this ordinance have been inserted only for the purpose of facilitating 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 9. EFFECTIVE DATE**

This ordinance shall be effective immediately upon final adoption, approval and publication in accordance with law.

ANGELO CORRADINO, Mayor

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ATTEST:

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PHILIP E. PETRONE, Clerk

**STATEMENT OF PURPOSE**

The purpose of this Ordinance is to establish criteria regarding the distance between premises licensed to sell and/or distribute alcoholic beverages.

**ORDINANCE #2007-1054**

**FIRST READING:**

Introduced	Seconded	Council	Yes	No	Abstain	Absent
√		ASHER	√			
		OTRIMSKI	√			
		PETROCK	√			
		PETRONE	√			
		QUICK	√			
	√	SZABO	√			
		MAYOR CORRADINO				

**PASSED** this 29<sup>th</sup> day of May, 2007.

Attest:

Philip E. Petrone, Borough Clerk

**SECOND READING:**

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		ASHER	√			
	√	OTRIMSKI	√			
√		PETROCK	√			
		PETRONE	√			
		QUICK	√			
		SZABO	√			
		MAYOR CORRADINO				

**PASSED** this 11<sup>th</sup> day of June, 2007.

Attest:

Philip E. Petrone, Clerk