

ORDINANCE 2018-15

AN ORDINANCE OF THE BOROUGH OF SEASIDE HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING THE BOROUGH CODE OF THE BOROUGH OF SEASIDE HEIGHTS, SO AS TO AMEND CHAPTER 17, ENTITLED “ALCOHOLIC BEVERAGES” SO AS TO AMEND AND RENAME ARTICLE V ENTITLED “TEEN NIGHTS”

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Seaside Heights, County of Ocean, and State of New Jersey, as follows:

SECTION 1. The Borough Code of the Borough of Seaside Heights is hereby amended and supplemented so as to amend Chapter 17 entitled “Alcoholic Beverages,” so as to amend Article V, entitled “Teen Nights,” as “Prohibitions on Presence of Person under legal drinking age in Licensed Establishments,” which section shall now read in its entirety as follows:

ARTICLE V

Prohibitions on Presence of Person under legal drinking age in Licensed Establishments

§ 17-23. Purpose.

The purpose of this article is to protect the welfare of our teenage population by regulating their congregation upon premises licensed by the Borough pursuant to state law to dispense alcoholic beverages.

§ 17-24. Teen Nights prohibited in licensed establishments.

Teen nights, defined as scheduled dances or events held on the premises of a licensed plenary retail alcoholic beverage establishment and restricted to those patrons under the legal drinking age established by the State of New Jersey, are hereby prohibited in the Borough of Seaside Heights.

§ 17-25. 18 to party, 21 to drink events prohibited in licensed establishments.

18 to party, 21 to drink events, except for those events set forth in §17-16 below, are hereby prohibited in the Borough of Seaside Heights. 18 to party, 21 to drink events are defined as scheduled dances or events wherein any person under the legal drinking age is allowed to enter the premises of a licensed plenary retail alcoholic beverage establishment established by the State of New Jersey during which person under the legal drinking age and individuals of legal age to consume alcoholic beverages as established by the State of New Jersey are present and alcoholic beverages are served.

NIGHTCLUB - Any establishment, including but not limited to, lounges, taverns, bars and any other establishment that serves alcohol and/or beer and provides entertainment activities through any of the following: amplified music, whether live or programmed, dancing, table games, and/or video games The definition also includes restaurant/ bar establishments that provide entertainment as described above during any portion of its operation. Any other establishment that only occasionally hosts the above-described activities shall be subject to the provisions of this ordinance while hosting such activities.

RESTAURANT – An establishment regularly and principally used for the purpose of providing meals to the public, having an adequate kitchen and dining room equipped for the preparing, cooking and serving of foods for its customers, and in which no other business, except such as incidental to such establishment is conducted.

§ 17-26. Exception to Presence of Person under the legal drinking age in Licensed Establishments

The provisions of § 17-26. of this section shall not apply when:

A. The person under the legal age is an employee of the license or permit holder,

or performing a contracted service for the license or permit holder on the premises, and is on the premises during his or her scheduled work hours.

- B. As per § 17-11, it shall be unlawful for any licensee holding a plenary retail consumption license to allow, permit or suffer the entry of any person under the age of 18 on the licensed premises for any purpose other than for employment pursuant to N.J.A.C. 13:2-14.1 et seq. The foregoing shall not prohibit a person under the age of 18 from being present on a licensed premises if accompanied by a parent or guardian 21 years of age or older or if the licensed premises is a restaurant. A restaurant is defined herein as an establishment regularly and principally used for the purpose of providing meals to the public, having an adequate kitchen and dining room equipped for the preparing, cooking and serving of foods for its customers, and in which no other business, except such as incidental to such establishment, is conducted.
- C. The person under the legal age is guest at a single, special, non-recurring event, which is not open to the public, and for which no cover charge is assessed, including, but not limited to, a wedding reception, anniversary or birthday celebration, Bar/Bat Mitzvah or grand opening.
- D. In the case of an establishment which functions as both a nightclub and a restaurant, person under the legal drinking ages can be in the restaurant portion after 10:00 at night and licensee must put into effect a plan by which the restaurant section and nightclub entertainment venue sections of the establishment are clearly demarked and security is provided in such a manner that entry is not permitted into nightclub portion by person under the legal drinking ages. Patrons of both the restaurant and nightclub sections may share the same bathrooms, as long as the establishment strictly enforces a rule prohibiting alcoholic beverages in the bathrooms.

§ 17-26.1 Violations and Penalties

- A. Any person violating and failing to comply with any of the provisions of this article shall, upon conviction thereof, be punishable by a fine of no less

than \$100 and no more than \$1,250, by imprisonment not to exceed 90 days or by community service of not more than 90 days or any combination of fine, imprisonment and community service, as determined in the discretion of the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

B. If any owner, operator or licensee is found in violation of the provisions of this article, the alcoholic beverage license shall be subject to suspension or revocation in accordance with the applicable provisions of the New Jersey Alcoholic Beverage Control Act and this article.

C. The violation of any provision of this article shall be subject to abatement summarily by restraining order or injunction issued by a court of competent jurisdiction

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting of the Borough Council of the Borough of Seaside Heights held on the **6th** day of **June, 2018**, and will be considered for second reading and final passage at a regular meeting of the Borough Council to be held on the **3rd day of July, 2018**, at 5:00 p.m., at the Municipal Courtroom located at 116 Sherman Avenue in Seaside

Heights, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

s/Diane B. Stabley

DIANE B. STABLEY, RMC

Clerk, Borough of Seaside Heights