

**TOWN OF WEST NEW YORK
COUNTY OF HUDSON**

ORDINANCE #25/11

AN ORDINANCE AMENDING CHAPTER 114, SECTION 54, ARTICLE 10, RE: "HOURS OF SALE FOR PLENARY RETAIL CONSUMPTION LICENSEE OR CLUB LICENSEE"

Whereas, there is a concern in the Town that establishments having a plenary retail consumption licensee or club licensee located within the Controlled Waterfront Development District ("CWD") serve alcohol during hours that are conducive to maintaining the enhanced quality of life expected in the CWD and throughout the Town;

Whereas, there is a concern in the Town that establishments having a plenary retail consumption licensee or club licensee located within the CWD are not properly monitoring and controlling the consumption of alcoholic beverages by patrons within their premises; and

Whereas, the Board of Commissioners has determined that it is in the best interests of the business community of the CDW and the Town, upon review, that the interests of diners who wish to drink responsibly can be accommodated while protecting the public interests in the prevention of disorderly behavior;

NOW THEREFORE BE IT ORDAINED by the Mayor and Board of Commissioners of the Town of West New York, County of Hudson, as follows:

Chapter 114-54 is hereby amended, by adding additional paragraphs labeled C, D, E and F, to read as follows:

§ 114-54. Hours of Sale.

A. A plenary retail consumption licensee or club licensee or holder of a plenary retail distribution license shall only sell, serve, permit or suffer the sale, service or allow the consumption of beer and wine on or off the licensed premises only during the following hours: Monday through Saturday, 7:00 a.m. to 2:00 a.m.; Sunday, 12:00 noon to 2:00 a.m.; and on New Year's Eve from 7:00 a.m. through 3:00 a.m.

B. The holder of each plenary retail distribution license issued hereunder shall be entitled, subject to rules and regulations, to sell all alcoholic beverages excluding beer and wine for consumption on or off the premises only during the following hours, to wit: 9:00 a.m. to 10:00 p.m., Monday through Saturday, and 12:00 noon to 10:00 p.m. on Sunday. The above-mentioned hours of sale shall be in accordance with Eastern Standard Time or Eastern daylight saving time, whichever is in effect at the time.

C. Notwithstanding the provisions of paragraphs A and B above, the holder of a plenary retail consumption licensee or club licensee located within, and/or within a 100 feet, of an existing residential building, mixed use residential-commercial building, existing house, existing residential condominium unit or existing residential cooperative unit located within the Controlled Waterfront Development District ("CWD"), as defined in Chapter 414-29 of the Code, or within 100 feet of shall sell, serve, permit or suffer the sale, service or allow the consumption of alcoholic beverages, including beer and wine, on or off the licensed premises only during the following hours, to wit: Sunday through Thursday, 7:00 a.m. to 11:30 p.m. and Friday and Saturday 7:00 a.m. to 12:00

midnight. The above mentioned hours of sale shall be in accordance with Eastern Standard Time or Eastern Daylight Saving Time, whichever is in effect at the time.

D. Notwithstanding the provisions of paragraphs A and B above, the holder of a plenary retail consumption licensee or club licensee located within, and/or within a 100 feet, of an existing residential building, mixed use residential-commercial building, existing house, existing residential condominium unit or existing residential cooperative unit located within the CWD shall not provide, cause to provide or allow any valet parking for newly arriving motor vehicles after 11:00 p.m. Sunday through Saturday. The above mentioned valet parking time shall be in accordance with Eastern Standard Time or Eastern Daylight Saving Time, whichever is in effect at the time.

E. Notwithstanding the provisions of paragraphs A and B above, the holder of a plenary retail consumption licensee or club licensee located within, and/or within a 100 feet, of an existing residential building, mixed use residential-commercial building, existing house, existing residential condominium unit or existing residential cooperative unit located within the CWD which includes an outdoor service area or patio area as a part of the licensed premises shall only sell, serve, permit or suffer the sale, service or allow the consumption of alcoholic beverages, including beer and wine, at such outdoor service area or patio area only during the following hours, to wit: Sunday through Saturday, 7:00 a.m. to 10:00 p.m.. The above mentioned hours of sale shall be in accordance with Eastern Standard Time or Eastern Daylight Saving Time, whichever is in effect at the time.

F. Notwithstanding the provisions of paragraphs A and B above, the holder of a plenary retail consumption licensee or club licensee located within, and/or within a 100 feet, of an existing residential building, mixed use residential-commercial building existing house, existing residential condominium unit or existing residential cooperative unit located within the CWD which includes an outdoor service area or patio area as a part of the licensed premises shall not permit any music or other entertainment such as television or radio broadcasts to be played or allowed at such outdoor service area or patio area only during the following hours, to wit: Sunday through Saturday, 7:00 a.m. to 11:00 p.m..

G. Notwithstanding anything to the contrary set forth in Section 114-55 of this article, during the hours that sale of alcoholic beverages are prohibited within the CWD, all premises licensed under a plenary retail consumption license or club license within the CWD shall also be closed and no person shall be allowed thereon except the licensee and bona fide employees of the licensee.

Introduced: October 19, 2011

NOTICE

The foregoing Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on October 19, 2011, and ordered published, and will be further considered before final passage at a public hearing on November 21, 2011 at 7:00 p.m. at the Commission Chambers, Municipal Building, West New York, New Jersey. A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to, and including, the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, NJ.

**Carmela Riccio, RMC
Town Clerk**