TOWNSHIP OF WALL

ORDINANCE NO. 17-2019

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AMENDING CHAPTER 62, ARTICLE III, SECTION 62-16 OF THE TOWNSHIP CODE TO PERMIT BRING YOUR OWN BEVERAGE ("BYOB") BY CERTAIN BUSINESSES THAT OFFER INDOOR VIRTUAL GOLF SIMULATOR FACILITIES

WHEREAS, pursuant to N.J.S.A. 2C:33-27, a municipality shall not regulate the consumption of alcoholic beverages in a restaurant, dining room or other public place where food or liquid refreshments are sold or served to the general public; and,

WHEREAS, pursuant to the aforementioned statute, an owner or operator of a restaurant may permit Bring Your Own Beverage ("BYOB"); and,

WHEREAS, the Township Committee has recommended to amend its BYOB ordinance to authorize certain businesses that offer Indoor Virtual Golf Simulator Facilities to permit its customers to BYOB; and,

WHEREAS, the Township Committee has determined that it would be appropriate, proper and in the best interests of the residents of the Township of Wall to amend certain provisions in Chapter 62, Article III, Section 62-16 of the Township Code.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Wall as follows:

Section 1. Chapter 62, Article III, Section 62-16 of the Township Code shall be amended as follows:

Section 62-16 Consumption in unlicensed public premised prohibited; BYOB Exception.

A. No person shall drink or otherwise consume, or offer to another person for the purpose of consumption, in any public place, lane or sidewalk, public parking lot, public or quasi-public place other than a place licensed to sell alcoholic beverages and dispense alcoholic beverages for consumption on the premises, or in public conveyance; provided, however, that the provisions of this subsection shall not apply to any place or establishment for which a valid alcoholic beverage consumption license has been issued by the New Jersey Division of Alcoholic Beverage Control. No person owning or operating any commercial establishment, whether or not food or beverages are sold or served on the premises, shall permit or allow the consumption of alcoholic beverages on the premises whether or not said alcoholic beverages are brought onto the premises by the owner or operator of the establishment or by any member of the general public.

B. Except as defined below in section B. (1), and B. (2) only restaurants shall be permitted to offer customers BYOB services. The word "restaurant" shall have the meaning set forth in § 140-17 of the Land Use and Development Regulations of the Township and shall not include "fast-food/carry-out restaurants" as defined therein.

(1) In addition to restaurants, art galleries that charge customers a fee to participate in art classes may offer customers BYOB services at art gallery premises. Art classes require instructors who are compensated for teaching customers to paint or to engage in a similar artistic endeavor.

(2) Indoor Virtual Golf Simulator Facilities with 5 or more bays that charge customers a fee to participate may offer customers BYOB services on premises. Bays shall be a minimum of 15 feet by 23 feet in dimension.

(3) Art galleries and Indoor Virtual Golf Simulator Facilities shall be subject to all of the requirements of the Land Use and Development Regulations of the Township.

C. Rules and regulations. The following rules and regulations are applicable to all premises allowing patrons to BYOB:

(7) No BYOB establishment shall charge any admission fee or cover, corkage or service charge. Fees may be charged for art instruction and use of Indoor Virtual Golf Simulator Facilities.

Section 2. All Ordinances, or parts thereof, inconsistent with the provisions of this Ordinance, be and the same are hereby repealed to the extent of such inconsistency.

Section 3. The Mayor, Clerk, and such other Township officials are hereby authorized to take such ministerial actions as are necessary to effectuate the purposes of this Ordinance.

Section 4. Should any section, paragraph, clause or any other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

Section 5. This Ordinance shall take effect upon final passage and publication as provided by law.

Introduced: October 23, 2019

Adopted: November 26, 2019

Attest: Roberta M. Lang, RMC
Township Clerk

Approve: Kevin Orender
Mayor

SUMMARY AND NOTICE
TOWNSHIP OF WALL
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Adoption of this Ordinance will amend certain provisions in Chapter 62, Article III, § 62-16 of the Township of Wall Code, which regulates Bring Your Own Beverage ("BYOB") establishments.

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on October 23, 2019, and will further be considered for final passage and adoption at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey, on November 26, 2019, at 7:30 p.m., or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in the Township of Wall, Town Hall, to the members of the general public who shall request the same or may be viewed on our website at www.wallnj.com.

Roberta M. Lang, R.M.C.
Township Clerk