

STATE OF NEW JERSEY

INTRODUCED MAY 6, 1957

By Senator DUMONT

Referred to Committee on Revision and Amendment of Laws

An Act concerning alcoholic beverage plenary retail distribution licenses, and amending section 33:1-12 of the Revised Statutes.

**1 BE IT ENACTED by the Senate and General Assembly of the State of New
2 Jersey:**

1 1. Section 33:1-12 of the Revised Statutes is amended to read as follows:

2 33:1-12. Class C licenses shall be subdivided and classified as follows:

**3 Plenary retail consumption license. 1. The holder of this license shall be
4 entitled, subject to rules and regulations, to sell any alcoholic beverages for
5 consumption on the licensed premises by the glass or other open receptacle,
6 and also to sell any alcoholic beverages in original containers for consump-
7 tion off the licensed premises; but this license shall not be issued to permit
8 the sale of alcoholic beverages in or upon any premises in which a grocery,
9 delicatessen, drug store or other mercantile business (except the keeping of
10 a hotel or restaurant, or the sale of cigars and cigarettes at retail as an
11 accommodation to patrons, or the retail sale of nonalcoholic beverages as
12 accessory beverages to alcoholic beverages) is carried on. The fee for this
13 license shall be fixed by the governing board or body of the municipality in
14 which the licensed premises are situated, by ordinance, at not less than
15 \$200.00 and not more than \$2,000.00. No ordinance shall be enacted which shall
16 raise or lower the fee to be charged for this license by more than [100%]**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

17 20% from that charged in the preceding license year or \$500.00, whichever
17a is the lesser. The governing board or body of each municipality
17b may, by ordinance, enact that no plenary retail consumption license shall
17c be granted within its respective municipality.

18 Seasonal retail consumption license. 2. The holder of this license shall
19 be entitled, subject to rules and regulations, to sell any alcoholic beverages
20 for consumption on the licensed premises by the glass or other open recep-
21 tacle, and also to sell any alcoholic beverages in original containers for con-
22 sumption off the licensed premises, during the summer season from May 1
23 until November 1, inclusive, or during the winter season from November 15
24 until April 15, inclusive; but this license shall not be issued to permit the
25 sale of alcoholic beverages in or upon any premises in which a grocery, deli-
26 catessen, drug store or other mercantile business (except the keeping of a
27 hotel or restaurant, or the sale of cigars and cigarettes at retail as an accom-
28 modation to patrons, or the retail sale of nonalcoholic beverages as acces-
29 sory beverages to alcoholic beverages) is carried on. The fee for this license
30 shall be fixed by the governing board or body of the municipality in which
31 the licensed premises are situated, by ordinance, at 75% of the fee fixed by
32 said board or body for plenary retail consumption licenses. The governing
33 board or body of each municipality may, by ordinance, enact that no sea-
34 sonal retail consumption license shall be granted within its respective mu-
35 nicipality.

36 Plenary retail distribution license. 3a. The holder of this license shall
37 be entitled, subject to rules and regulations, to sell any alcoholic beverages
38 for consumption off the licensed premises, but only in original containers.
39 The governing board or body of each municipality may, by ordinance, enact
40 that this license shall not be issued to permit the sale of alcoholic beverages
41 in or upon any premises in which any other mercantile business is carried
42 on, except that any such ordinance, heretofore or hereafter adopted, shall
43 not prohibit the retail sale of nonalcoholic beverages as accessory beverages
44 to alcoholic beverages. The fee for this license shall be fixed by the gov-

45: erning board or body of the municipality in which the licensed premises are
46: situated, by ordinance, at not less than \$100.00, and not more than \$2,000.00.
47: No ordinance shall be enacted which shall raise or lower the fee to be
48: charged for this license by more than [100%] 50% from that charged in
49: the preceding license year or \$500.00, whichever is the lesser. The governing
50: board or body of each municipality may, by ordinance, enact that no plenary
51: retail distribution license shall be granted within its respective municipality.

52: Limited retail distribution license. 3b. The holder of this license shall
53: be entitled, subject to rules and regulations, to sell any unchilled, brewed,
54: malt alcoholic beverages in quantities of not less than 72 fluid ounces for
55: consumption off the licensed premises, but only in original containers; pro-
56: vided, however, that this license shall be issued only for premises operated
57: and conducted by the licensee as a bona fide grocery store, meat market,
58: meat and grocery store, delicatessen, or other type of bona fide food store
59: at which groceries or other foodstuffs are sold at retail; and provided fur-
60: ther, that this license shall not be issued except for premises at which the
61: sale of groceries or other foodstuffs is the primary and principal business
62: and at which the sale of alcoholic beverages is merely incidental and sub-
63: ordinate thereto. The fee for this license shall be fixed by the governing
64: body or board of the municipality in which the licensed premises are situ-
65: ated, by ordinance, at not less than \$25.00 and not more than \$50.00. The
66: governing board or body of each municipality may, by ordinance, enact that
67: no limited retail distribution license shall be granted within its respective
68: municipality.

69: Plenary retail transit license. 4. The holder of this license shall be en-
70: titled, subject to rules and regulations, to sell any alcoholic beverages for
71: consumption only on railroad trains, airplanes and boats, while in transit.
72: The fee for this license shall be \$150.00, except for boats not exceeding 25
73: tons gross tonnage the fee for which shall be \$25.00, and further except for
74: boats under 5 tons gross tonnage, the fee for which shall be \$10.00. A li-
75: cense issued under this provision to a railroad or air transport company

76 shall cover all dining and club cars and planes operated by any such com-
77 pany within the State of New Jersey. A license for a boat issued under this
78-79 provision shall apply only to the particular boat for which issued.

80 Club license. 5. The holder of this license shall be entitled, subject to
81 rules and regulations, to sell any alcoholic beverages but only for immedi-
82 ate consumption on the licensed premises and only to bona fide club members
83 and their guests. The fee for this license shall be fixed by the governing
84 board or body of the municipality in which the licensed premises are situ-
85 ated, by ordinance, at not less than \$50.00 and not more than \$150.00. The
86 governing board or body of each municipality may, by ordinance, enact that
87 no club licenses shall be granted within its respective municipality. Club
88 licenses may be issued only to such corporations, associations and organiza-
89 tions as are operated for benevolent, charitable, fraternal, social, religious,
90 recreational, athletic, or similar purposes, and not for private gain, and
91 which comply with all conditions which may be imposed by the Commissioner
92 of Alcoholic Beverage Control by rules and regulations.

1 2. This act shall take effect immediately.