

P.L. 1997, CHAPTER 54, *approved April 1, 1997*
Senate, No. 910

1 **ANACT** concerning certain sales of alcoholic beverages in cities of the
2 first class and amending P.L.1971, c.184.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. Section 1 of P.L.1971, c.184 (C.33:1-40.3) is amended to read
8 as follows:

9 1. [Except in a city of the first class whenever] Whenever the sale
10 of alcoholic beverages for consumption on the premises and off the
11 premises or either thereof is authorized in any municipality by
12 ordinance or rule or regulation of the Division of Alcoholic Beverage
13 Control, by the holder of a retail consumption or retail distribution
14 license, such ordinance or rule shall authorize the sale of wine and malt
15 alcoholic beverages in original bottle or can containers for
16 consumption off the premises on the same days and during the same
17 hours as the sale of alcoholic beverages for consumption on the
18 premises is permitted and authorized in the municipality. If a
19 municipality has no ordinance or local law that authorizes the sale of
20 alcoholic beverages for consumption on the premises, then the
21 municipality may by ordinance authorize the sale of wine and malt
22 alcoholic beverages in original bottle or can containers by retail
23 distribution licensees any time between the hours of 12:30 p.m. and
24 6:30 p.m. on Sunday, in addition to such weekday hours as may be
25 authorized by ordinance.

26 [Notwithstanding the provisions of this section or any other law to
27 the contrary, a city of the first class which prohibits the Sunday sale of
28 alcoholic beverages for consumption on the premises shall not permit
29 the sale on Sunday of wine and malt alcoholic beverages in original
30 bottle or can containers for consumption off the premises.]

31 Notwithstanding the provisions of this section or any other law to
32 the contrary, a city of the first class may establish by ordinance
33 separate hours for:

34 (1) sales by each type of retail license set forth in R.S.33:1-12, and
35 (2) sales by such licensees for consumption on the premises and
36 consumption off the premises.

37 All parts of ordinances and regulations of the Director of the

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

Matter underlined thus is new matter.

1 Division of Alcoholic Beverage Control inconsistent with the
2 provisions of this act are superseded to the extent of such
3 inconsistency.

4 (cf: P.L.1991, c.370, s.1)

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6 2. This act shall take effect immediately.

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STATEMENT

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11 P.L.1971, c.184 (C.33:1-40.3) provided that municipalities must
12 permit the sale of wine and beer in original bottle or can containers for
13 off-premise consumption on the same days and during the same hours
14 as the sale of alcoholic beverages for on-premise consumption is
15 permitted. P.L.1991, c.370 amended that law to provide an exception
16 for cities of the first class. It also provided that a city of the first class
17 which prohibits Sunday sales of alcoholic beverages for on-premise
18 consumption could not permit Sunday sales of wine and beer for
19 off-premise consumption.

20 The bill limits those restrictions to a city of the first class located in
21 a county having a population of less than 700,000 according to the
22 1990 federal decennial census.

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28 Makes certain restrictions on sale of package goods applicable only to
certain cities of the first class.