

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.