**CITY OF SEA ISLE CITY**
**NEW JERSEY**

**ORDINANCE NO. 1514 (2012)**

**AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE CITY OF SEA ISLE CITY, CHAPTER 6, "BEVERAGE CONTROL" AMENDING AND REGULATING OUTDOOR SALES OF ALCOHOL**

**WHEREAS**, the City of Sea Isle City seeks to amend the regulations on outdoor sales of alcohol;

**WHEREAS**, the authority for the amended regulations is found under the general police powers of the City;

**WHEREAS**, the regulations are designed to allow for an orderly and peaceful use of exterior bar areas;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Sea Isle City, County of Cape May and State of New Jersey as follows:

**SECTION I.** Chapter 6 Section 6-4.4 of the Revised General Ordinances of the City of Sea Isle City, entitled "Outdoor Sales; Hours" is hereby amended to delete the existing section in its entirety and to replace this section as follows:

**DELETED SECTION:**

**6-4.4 Outdoor Sales; Hours.**

The outdoor sales of alcoholic beverages shall be permitted to commence at 11:00 a.m., Monday through Saturday, and, on Sunday, at 12:00 noon. The outdoor sales of alcoholic beverages shall cease and the outdoor sales facilities shall close by 11:00 p.m., every day of the week. No outdoor sales of alcoholic beverages may be permitted at other times.

This subsection shall be reviewed by Council in the Spring of 2011 to determine whether the outdoor sales of alcoholic beverages shall continue until 11:00 p.m. or shall revert back to the previous prescribed times.

**REPLACEMENT SECTION:**

**6-4.4 Outdoor Sales; Hours.**

The outdoor sales of alcoholic beverages shall be permitted to commence at 11:00 a.m., Monday through Saturday, and, on Sunday, at 12:00 noon. The outdoor sales of alcoholic beverages shall cease and the outdoor sales facilities shall close by 11:00 p.m., every day of the week. No outdoor sales of alcoholic beverages may be permitted at other times. Sale of alcoholic beverages within a fully enclosed area shall not be subject to outside sales regulations.

A fully enclosed tavern or restaurant with liquor license means a typical building as one would recognize a building with retail sale to the public, which also includes any exterior of that establishment which is also fully enclosed and accessible only through the licensed establishment's main premises. This area shall be enclosed by some structure the height of which shall be a minimum of six (6) feet above ground level. Any windows or doors placed in said structure shall be closed by 11 p.m. and remain closed until closing. Such structure must comply with all applicable city codes, including, but

not limited to, building and fire codes, and shall function to prevent patrons from leaving the area with an alcoholic beverage.

**SECTION II.** Chapter 6 Section 6-4.8 of the Revised General Ordinances of the City of Sea Isle City, entitled "Licensed Premises; Hours when Music, Dancing and Entertainment Prohibited" is hereby amended to deleted the existing section in its entirety and replace same as follows:

**DELETED SECTION:**

**6-4.8 Licensed Premises; Hours When Music, Dancing and Entertainment Prohibited.**

a. No licensee shall allow, permit, or suffer in the interior portion of the licensed premises, or any part thereof, any music, dancing or entertainment from the time sales are required to stop until the hour established hereby when sales may be resumed.

b. No licensee shall allow, permit, or suffer on the exterior portion of the licensed premises, or any part thereof, any music, dancing or entertainment except between the hours of 11:00 a.m. and 8:00 p.m. weekdays, Saturdays and Sundays.

**REPLACEMENT SECTION:**

**6-4.8 Licensed Premises; Hours When Music, Dancing and Entertainment Prohibited.**

a. No licensee shall allow, permit, or suffer in the interior portion of the licensed premises, or any part thereof, any music, dancing or entertainment from the time sales are required to stop until the hour established hereby when sales may be resumed.

b. . No licensee shall allow, permit, or suffer on the exterior portion of the licensed premises, or any part thereof, any music, dancing or entertainment except between the hours of 11:00 a.m. and 9:00 p.m. weekdays, Saturdays and Sundays. The only exception is soft music, which shall be permitted to 11:00 p.m. Soft music shall mean music when played produces a relaxing peaceful ambiance and shall not include live or disc jockey entertainment or music.

**SECTION III.** Chapter 6 Section 4.14 of the Revised General Ordinances of the City of Sea Isle City is hereby created and entitled "Violations and Penalties for Regulation Violations".

**NEW SECTION:**

6-4.14 Violations and Penalties for Regulation Violations.

For violation of any provision of Regulations proscribed herein, unless specific penalty is otherwise provided, upon conviction the court shall impose a fine of $1,000.00 for the first violation; $2,000.00 for the second conviction occurring within (1) one year of the date of the previous violation, and $3,000.0 for a third or subsequent conviction, occurring within one (1) year of the date of a second or subsequent violation.

Each and every day in which a violation exists shall constitute a separate violation.

**SECTION IV.** Severability. If for any reason any section of this Ordinance shall be declared illegal by any Court of competent jurisdiction, the remaining section of the Ordinance shall remaining full force and effect notwithstanding. Council shall review this Ordinance one (1) year after enactment.

**SECTION VI** Repealer. Any Ordinance or provision thereof inconsistent with this Ordinance is hereby repealed to the extent of such inconsistency.

**SECTION VI.** Publication. This Ordinance shall take effect immediately upon the adoption and publication in accordance with the law.

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John J. Divney, Council President

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Leonard C. Desiderio, Mayor

I HEREBY CERTIFY THAT the foregoing ordinance was duly passed by the City Council of the City of Sea Isle City, New Jersey, on first reading at the regular meeting of said Council held on the 14th day of February, 2012 and was taken up for second reading, public hearing and final passage at the regular meeting of said Council to be held on the 13th day of March, 2012 in the Public Safety Building, 233 John F. Kennedy Blvd., Sea Isle City, New Jersey at 6:00 p.m.

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Cindy L. Griffith, Municipal Clerk