

ORDINANCE NO. 3652-23

**AN ORDINANCE TO AMEND AND REVISE CHAPTER 7 ENTITLED
"ALCOHOLIC BEVERAGES" OF THE BOROUGH CODE OF THE BOROUGH
OF RUTHERFORD**

WHEREAS the Governing Body of the Borough of Rutherford believes it is in the best interest of the Borough to amend and revise Chapter 7 of the Borough Code, and specifically §7-13 entitled "Plenary Retail Consumption License" to include a use in conjunction with a theater in the Theater District Redevelopment Plan Area A and specifically **Section §7-20 entitled 'Hours of sale and consumption.**

BE IT ORDAINED by the Mayor and Council of Rutherford, County of Bergen, State of New Jersey, as follows:

SECTION 1. §7-13 of the Borough Code of the Borough of Rutherford, entitled "Plenary Retail Consumption License" is hereby amended and revised as follows:

§ 7-13Plenary retail consumption license.

[Added 10-16-1990 by Ord. No. 2586-90]

A.

The holder of such license shall be entitled, subject to rules and regulations, to sell for consumption on the licensed premises any alcoholic beverages by the glass or other open receptacle and also to sell all alcoholic beverages in original containers for consumption off the licensed premises; provided, however, that no license shall be issued except to the following:

[Amended 4-1-1997 by Ord. No. 2793-97]

(1)

A restaurant of 125 seats or more, excluding outdoor seats, located in the B-2, ORD Zone or Hackensack Meadowlands Development Commission District.

(2)

A hotel of 100 sleeping rooms or more located in the B-2, ORD Zone or Hackensack Meadowlands Development Commission District.

(3)

A restaurant as permitted by applicable zoning ordinances of the Borough of Rutherford; however, there cannot be more than 10 seats at a bar at which patrons are served alcoholic beverages.

[Added 6-27-2022 by Ord. No. 3616-22]

(4) in conjunction with a theater and located in the Theater District Redevelopment Plan Area A; however, if the license is used in conjunction with a restaurant use located in the Theater District Redevelopment Plan Area A, the license is subject to the limitations of § 7-13A(3).

B.

The fee for this license shall be \$2,500 per year.

SECTION 2. Section §7-20 of the Borough Code of the Borough of Rutherford, entitled "Hours of Sale and Consumption" is hereby amended and revised as follows:

§ 7-20 Hours of sale and consumption.

[Added 10-16-1990 by Ord. No. 2586-90; amended 6-27-2022 by Ord. No. 3616-22]

A.

No alcoholic beverages shall be sold, delivered or served to or consumed in any plenary retail consumption licensed premises on any day between the hours of 2:00 a.m. and 6:00 a.m., except New Year's Day, as hereinafter provided.

B.

For licenses issued pursuant to § 7-13A(1) and (2), on New Year's Day, no alcoholic beverages may be sold, served, delivered or consumed in the licensed premises between the hours of 5:00 a.m. and 6:00 a.m.

C.

For licenses issued pursuant to § 7-13A(3) and § 7-13A(4), no alcoholic beverages shall be sold, delivered or consumed in any licensed premises on any day between the hours of 11:00 p.m. and 10:00 a.m., except on New Year's Eve and New Year's Day when the permitted hours shall be from 10:00 a.m. on New Year's Eve until 5:00 a.m. New Year's Day.

SECTION 3. All ordinances of the Borough of Rutherford, which are inconsistent with the provisions of this ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

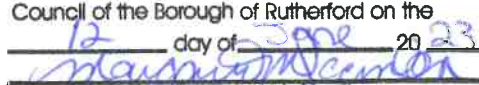
SECTION 5. All other provisions of Chapter 7 of the Code of the Borough of Rutherford are not further amended and remain in full force and effect.

ATTEST:

BOROUGH OF RUTHERFORD


Margaret M. Scanlon, Borough Clerk


Frank Nunziato, Mayor

I hereby certify that this is a true and exact copy
of an ordinance adopted by the Mayor and
Council of the Borough of Rutherford on the
12 day of June 2023

Margaret M. Scanlon
Borough Clerk