

Ordinance of the City of Paterson, N.J.

No. ...2.....1st Reading No. ...16-048.....

No. ...1.....Public Hearing
(2nd Rdg. & Final Passage)

Division ...LAW.....

TITLE: **ORDINANCE AMENDING T.C.O.P.
CHAPTER 113, ENTITLED ALCOHOLIC
BEVERAGES, TO INCLUDE A MANDATORY,
ANNUAL EDUCATION SEMINAR**

PLD- Ordinance amending TCOP 113 Annual Education RN 5.2016

Date JUNE 28, 2016.....

Date to Mayor JUNE 28, 2016.....

Date Returned

Date Submitted to
Council JUNE 14, 2016.....

Factual Contents Certified to By

[Signature].....
Title

[Signature]
Date

Approved As To Form and Legality
on Basis of Facts Set Forth

[Signature]
CORPORATION COUNSEL

6/6/16
Date

COUNCILPERSON DOMINGO "ALEX" MENDEZ Moved the Following Ordinance:

WHEREAS, pursuant to N.J.S.A. 33:1-31, the Legislature has entrusted the local issuing authority with primary responsibility for the administration and enforcement of the New Jersey Alcoholic Beverage Control Act (N.J.S.A. 33:1-1 et seq.); and

WHEREAS, the City of Paterson and the City's ABC Board believe that holders of liquor licenses will benefit from attending an annual Alcohol Beverage Education Seminar; and

WHEREAS, the City of Paterson and the City's ABC Board are hopeful that attendance at the annual Alcohol Beverage Education Seminar will result in the decrease of ABC Act violations within the City, benefitting the health, safety, and welfare of the Paterson community; and

WHEREAS, therefore, the City of Paterson and the City's ABC Board seek to have a mandatory, annual Paterson Alcohol Beverage Education Seminar to educate liquor licensees.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL FOR THE CITY OF PATERSON that the Paterson Code shall be amended and supplemented, with additions indicated by underlining and deletions indicated by [brackets], to state as follows:

SECTION 1:

§113-6 License Fees.

A. No Change.

B. No Change.

C. Any licensee under this chapter may apply for the renewal of his license prior to the expiration, provided that they are qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose. Such renewal privilege shall not be construed as a vested right which shall limit or prevent the decreasing of the number of licenses to be issued within the City of Paterson. All applications for renewal and payment of the annual license fee shall be submitted no later than June 1 of each year. Any application for a license renewal which is not completed within 30 days of the renewal date shall be subject to an additional late administrative charge equal to 10% of the cost of the license renewal.

D. [In addition to the sums referred to in Subsections A and B, a surcharge of \$200 shall be assessed against each license annually to fund the City of Paterson license retirement program consistent with N.J.S.A. 40:48-2.42.] For licenses effective on or after June 30, 2016, no license shall be renewed under this section unless the owner or manager of the licensed establishment first attends an annual liquor/law awareness training seminar, the Paterson Alcohol Beverage Education Seminar ("PABES"). The PABES shall be conducted annually, and it shall meet the minimum requirements for such training as

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periodically set forth by the City of Paterson. The PABES is detailed in §113-20 below.

- E. [Surcharge monies will continue to be collected annually until the total revenue derived from the surcharge equals the total amount expended by the City of Paterson to acquire and retire licenses pursuant to contracts authorized by ordinances adopted under this section and consistent with N.J.S.A. 40:48-2.39 through 40:48-2.43. If in the final license year in which the surcharge authorized by this section is in effect the total additional revenue derived from all years the surcharge has been in effect shall exceed the amount expended by the City of Paterson for the acquisition and retirement of licenses, such excess shall be rebated pro rata to the then current license holders or credited against the next renewal fee to be paid by the then license holders consistent with N.J.S.A. 40:48-2.42.] The failure of a liquor license owner, shareholder, partner, officer, manager, or director to attend the training seminar required in paragraph D above and §113-20A below shall constitute a violation of this chapter by the licensee.
- F. In addition to the sums referred to in Subsections A and B, a surcharge of \$200 shall be assessed against each license annually to fund the City of Paterson's license retirement program consistent with N.J.S.A. 40:48-2.42.
- G. Surcharge monies will continue to be collected annually until the total revenue derived from the surcharge equals the total amount expended by the City of Paterson to acquire and retire licenses pursuant to contracts authorized by ordinances adopted under this section and consistent with N.J.S.A. 40:48-2.39 through 40:48-2.43. If in the final license year in which the surcharge authorized by this section is in effect the total additional revenue derived from all years the surcharge has been in effect shall exceed the amount expended by the City of Paterson for the acquisition and retirement of licenses, such excess shall be rebated pro rata to the then current license holders or credited against the next renewal fee to be paid by the then license holders consistent with N.J.S.A. 40:48-2.42.

§ 113-20 Paterson Alcohol Beverage Education Seminar: PABES.

- A. As a precondition of the original or renewal application for a class C and D license, the licensee shall, on an annual basis, attend the mandatory Paterson Alcoholic Beverage Education Seminar (PABES) provided by the City, to be offered at a date, time, and location as determined by the City. The notice for the PABES shall be included with the annual renewal application. Attendance at the program shall be by any person listed as an owner, shareholder, partner, officer, or director on the application for a license, as modified at any time after issuance of the license, or by a general manager, manager, or other person who regularly performs as the primary person in charge of the daily operations of and in the licensed premises. A photograph of each individual attending the PABES on behalf of each liquor license shall accompany the annual renewal application.
- B. Any licensee who fails to attend the initial session of the PABES will have the opportunity to make up the session at a cost of \$250. There will be one make-up session per year, at a date and location as determined by the City.

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- C. Failure to attend either of the initial or make-up PABES session will be cause for nonrenewal of the liquor license.
- D. A photocopy of the certificate of completion of the PABES program will be maintained in the manager's office on the premises of the licensee.

Article II Consumption in Public

§ 113-2[0]1 Findings. No Change.

§ 113-2[1]2 Definitions. No Change.

§ 113-2[2]3 Public Consumption restricted; permit. No Change.

§ 113-2[3]4 Violations and penalties. No Change.

Article III Advertising Devices

§ 113-2[4]5 Signs and banners. No Change.

SECTION II: All Ordinances or portions of Ordinances inconsistent herewith are hereby repealed to the extent of their inconsistency only.

SECTION III: If any part of this Ordinance shall be declared to be invalid or inoperative, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

SECTION IV: The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Code of Paterson.

SECTION V: This Ordinance shall take effect upon passage, approval and publication as required by law.

SECTION VI: The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this Ordinance reveals a conflict between those numbers and the existing Code, in order to avoid confusion and possible accidental repealers of existing provisions.

SECTION VII: The City Clerk and the Corporation Counsel may correct any clerical errors in the printing, publication and codification of this Ordinance, provided both concur with the correction being made and both certify in writing to the Municipal Council as to the specifics of the clerical correction no later than seven (7) days before the correction is made, or, where a legal deadline for publication applies, no later than the date of the next Regular Meeting. The said certifications shall also be prominently posted no later than the date of the next Regular Meeting, and thereafter shall be annexed to the corrected original Ordinance and retained by the City Clerk.

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STATEMENT OF PURPOSE

This Ordinance authorizes an amendment to T.C.O.P. Chapter 113, entitled Alcoholic Beverages, to provide for a mandatory, annual Paterson Alcohol Beverage Education Seminar (PABES).

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SECONDED BY COUNCILPERSON MICHAEL JACKSON

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RECORD OF COUNCIL VOTE ON FINAL PASSAGE	AYE	NAY	ABSTAIN	ABSENT
1. AKHTARUZZAMAN, MOHAMMED	X			
2. COTTON, RUBY N.	X			
3. DAVILA, MARITZA	X			
4. JACKSON, MICHAEL	X			
5. MCKOY, WILLIAM C.	X			
6. MENDEZ, DOMINGO A.	X			
7. MORRIS, KENNETH	X			
8. SAYEGH, ANDRÉ	X			
9. TAVAREZ, JULIO	X			

Adopted on first reading at a meeting of the Council of the City of Paterson, N.J., on JUNE 14, 2016 Adopted on

second and final reading after hearing on JUNE 28, 2016

Approved Rejected By Mayor Date Over Ride Vote Aye Nay

JOSE "JOEY" TORRES
WILLIAM C. MCKOY
SONIA L. GORDON
ACTING City Clerk