

ORDINANCE NO. 17-04

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VI, SECTION 6-8 OF THE CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED "EMPLOYEE REGULATIONS IN FACILITIES HOLDING A PLENARY RETAIL CONSUMPTION LICENSE, PLENARY RETAIL DISTRIBUTION LICENSE, AND/OR CLUB LICENSE FOR ALCOHOLIC BEVERAGES"

BE IT ORDAINED by the Township Committee of the Township of Neptune of the County of Monmouth of the State of New Jersey that Neptune Township's Code of Ordinances, Chapter VI, Section 6-8 shall be amended in its entirety as follows:

Section 6-8 – Employee Regulation in facilities holding a Plenary Retail Consumption License, Plenary Retail Distribution License, and/or Club License for alcoholic beverages.

Section 6-8.1 – Employee Regulations; identification card; fees.

A. Information of employees to Police Department

- (1) Every person, partnership or corporation holding any Plenary Retail Consumption License, any Plenary Retail Distribution License, or any Club License issued or to be issued in the Township of Neptune shall furnish to the Police Department of Neptune Township the name, address, date of birth and social security number of each employee who is required to register with the police in Subsection B. The names, addresses, dates of birth and social security numbers shall be furnished to the Police Department prior to the commencement of such employment.
- (2) Every person, partnership or corporation holding any Plenary Retail Consumption License, any Plenary Retail Distribution License, or any Club License issued or to be issued in the Township of Neptune shall be required to notify employees prior to their employment of their requirement to register with the police in Subsection B.
- (3) Every person, partnership or corporation holding any Plenary Retail Consumption License, any Plenary Retail Distribution License, or any Club License issued or to be issued in the Township of Neptune shall not employ any person who is required to register with the police or Division of Alcoholic Beverage Control who has failed, neglected or refused to do so.

B. Registration with Police. All persons who shall sell, solicit the sale of, mix, process or prepare any alcoholic beverage at or from any bar or establishment selling alcoholic beverages from the original package or container under a Plenary Retail Consumption License, a Plenary Retail Distribution License, or a Club License, shall register with the Police Department; provided, however, that this subsection shall not apply to:

- (1) Bus boys or bus girls.

- (2) Entertainers.
- (3) Cooks.
- (4) Kitchen help.
- (5) Bouncers, identification and age checkers, doormen or any other security personnel.
- (6) Other persons performing strictly restaurant-related functions.
- (7) Any person who individually or as a partnership or as an officer, director or holder of more than 10% of the stock of a corporation holding a Plenary Retail Consumption License or any Plenary Retail Distribution License is required to execute a questionnaire in a form provided by the Director of the Division of Alcoholic Beverage Control and maintain such form upon the licensed premises.
- (8) All persons who shall sell, solicit the sale of, process or prepare any alcoholic beverage at or from the original package or container under a club license unless such person's employment exceeds 10 days in any one calendar year, and/or said person receives regular recurring monetary remuneration in connection with said employment, who then shall register with the Police Department. For purposes of this section, Club licenses shall maintain a log indicating the days of work for each employee.

C. Application for identification card; fingerprints and photographs. Said registration with the Police Department shall be accomplished by completing or furnishing the following:

- (1) An application for an identification card, which application shall contain such information as the usual specifics of personal identification, date and place of birth, address and other employment, and such other information as deemed necessary and proper by the Chief of Police, or designee, to aid and assist in proper enforcement of the law.
- (2) A photograph and a set of fingerprints are to be taken under the direction of the Department of Public Safety. The fingerprint records shall be submitted to the State of New Jersey Division of State Police Bureau of Identification for a thorough and complete criminal history check. An applicant shall pay a fee in accordance with a fee schedule set by the New Jersey State Police. Upon receipt of a report from the State, the Chief of Police, or designee, shall prepare a report to the Director of Public Safety, or other designee of the Township Committee, outlining any arrests or convictions recorded pertaining to any crimes. The Director of Public Safety, or other designee of the Township Committee shall then prepare a report to the Township Committee outlining any arrests or convictions recorded pertaining to any crime. A "crime" for purposes of this section shall be a criminal offense defined as a first degree crime, second degree crime, third degree crime and fourth degree crime as defined by N.J.S.A 2C:1-4a.

- (3) No identification card will be issued to any person convicted of a crime of moral turpitude. Such a crime is defined as an act of baseness, vileness or depravity in the private and social duties which a person owes to a fellow person, to society in general, contrary to accepted and customary rule of right and duty. Black's Law Dictionary.
- (4) No licensee shall employ a person convicted of a crime of moral turpitude.
- (5) If at any time within the licensed year a holder of an alcoholic beverage control identification card is found guilty of a crime of moral turpitude, the Township Committee shall immediately suspend the alcoholic beverage control license.
- (6) No person shall be issued a renewal to his/her alcoholic beverage card if he/she has been convicted of a crime of moral turpitude.

D. Possession of identification card; temporary receipt.

- (1) Possession of identification card. All persons required to register under Subsection B of this section shall be required to have in their possession, at all times, when in or about the licensed premises, an identification card on a form furnished by the Police Department, which shall contain such information as deemed necessary and proper by the Director of Public Safety to aid and assist in proper enforcement of the law. An owner or licensee shall be required to register and obtain an identification card, although such person may not be personally engaged in the sale, mixing, processing or preparation of alcoholic beverages.
- (2) Temporary receipt. Upon registering with the Township of Neptune as required by Subsection B, a temporary receipt will be issued which may be used as a temporary identification card for the purpose of satisfying this section only. This temporary receipt shall contain the applicant's name and expire 60 days upon application.

E. Term of identification card.

- (1) An original identification card shall be valid until December 31st of the calendar in which it was obtained. All identification cards shall be renewed each year by December 31st and will be valid through December 31st of the subsequent year.
- (2) The following fees shall be imposed for the issuance of each identification card:
 - (a) For each original card, the sum of that amount charged by any state agency for a fingerprint inquiry, which such an inquiry is permitted by law, which shall be paid by certified check or money order payable to the agency and a \$25.00 processing fee.
 - (b) For each renewal of an original card, the sum of \$10.00.
 - (c) For any owner or licensee, the original fee and renewal fee for the identification card is waived.

F. Age limits.

- (1) Bartender, waiter or sales clerk; 18 years.
- (2) Entertainer; 18 years.
- (3) Restaurant/hotel worker (must qualify as a restaurant as defined); 16 years.
- (4) Stock clerk in distribution license (permits for the employment of minors under 18 years must first be obtained); 15 years.
- (5) Pinsetter (permits for the employment of minors under 18 years of age must first be obtained); 15 years.
- (6) Worker (not selling alcohol) for consumption license, not a restaurant or hotel (permits for the employment of minors under 18 years of age must first be obtained); 16 years.

G. Violations and Penalties

Violation of any provision of this chapter by any owner and/or employee shall, upon conviction thereof, be punished by a fine not in excess of the limitations of N.J.S.A. 40:49-5 or by a term of imprisonment or a period of community service not exceeding 90 days on both the owner and employee in violation. Each and every violation shall be considered a separate violation. Any person who is found guilty of violating the provisions of this chapter within one year of the date of a previous violation and who was fined for the previous violation may be sentenced by the court to an additional fine as a repeat offender and, in addition, will be subject to a hearing before the Neptune Township Committee where additional penalties may be imposed in accordance with New Jersey State Alcoholic Beverage Control regulations.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

BE IT FURTHER ORDAINED that the amended ordinance shall become effective immediately upon its passage and publication as required by law.

APPROVED ON FIRST READING: January 23, 2017

APPROVED, PASSED, AND ADOPTED: February 13, 2017

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor