

ORDINANCE MC- 5501

On Motion Of: Nohemi Soria-Perez

APPROVED: April 9th, 2024

ADOPTED: May 14th, 2024

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DB:HM
04-09-24

ORDINANCE ESTABLISHING AND PERMITTING "BRING YOUR OWN BOTTLE" (BYOB) IN THE CAMDEN CITY CODE FOR CERTAIN ESTABLISHMENTS DEFINED AS A "RESTAURANT-BYOB" IN THE CAMDEN, THEREBY AMENDING CHAPTERS 181, 400 AND 485 OF THE CAMDEN CODE

WHEREAS, N.J.S.A. 2C: 33-27, permits the consumption of wine or malt beverages "in a restaurant, dining room or other public place where food or liquid refreshments are sold or served to the general public"; and

WHEREAS, the City Council of the City of Camden, pursuant to law, seeks to prohibit "Bring Your Own Bottle" ("BYOB") in all establishments except those restaurants defined herein; and

WHEREAS, the City Council of the City of Camden has determined that restaurants as defined herein as "Restaurant-BYOB" which are permitted to have BYOB constitute an objectively, clearly and rationally defined exempted class of unlicensed premises permitted to allow BYOB on their premises; and

WHEREAS, while restaurants meeting the provisions of this ordinance will now be permitted to have BYOB on their premises, owners of certain other restaurants shall retain the authority to prohibit BYOB in their specific establishments; now therefore

BE IT ORDAINED by the City Council of the City of Camden that Chapter 400 is amended as follows:

Section 400-1. Definitions

RESTAURANT – a food service entity which provides seating for customers and/or drive-through service for motor vehicles. A Restaurant must meet the definition of a "Restaurant-BYOB" in order to provide BYOB services at such establishment.

RESTAURANT – BYOB - an establishment in which cooking facilities are maintained and which shall not include a "Restaurant-Carry-Out/Fast Food" as defined herein where no alcoholic beverages are sold and where food and beverages are prepared and sold primarily for consumption on the premises and within a building or similar structure by customers who are served at tables by staff serving them and in which no drive-through facilities are provided at this establishment and which also meets the requirements of Section 181-34 of the Camden Code.

RESTAURANT-CARRY-OUT/FAST-FOOD - A commercial fast-food establishment serving primarily prepared or rapidly prepared food ordered using either a drive-through window service, over the counter service, or by use of an App, which generally is prepared in disposable containers, bags or packages for consumption either on or off the premises.

BE IT FURTHER ORDAINED by the City Council of the City of Camden that Chapter 485 is amended as follows:

RESTAURANT – BYOB – an establishment in which cooking facilities are maintained and which shall not include a "Restaurant-Carry-Out/Fast Food" as defined in Section 400-1, Definitions, where no alcoholic beverages are sold and where food and beverages are prepared and sold primarily for consumption on the premises and within a building or similar structure by customers who are served at tables by staff serving them and in which no drive-through facilities are provided at this establishment and which also meets the requirements of Section 181-34 of the Camden Code.

BE IT FURTHER ORDAINED, by the City Council of the City of Camden that Chapter 181 is amended as follows:

ARTICLE VII. BYOB – Consumption in Unlicensed Premises

§181-34 The prohibitions of Chapter 181, Article I, shall not apply to the following:

- A. An establishment which falls within the definition of a "RESTAURANT-BYOB as such is defined in Chapter 400 and Chapter 485 of the Camden Code and which:
1. An owner or operator has determined, pursuant to N.J.S.A. 2C:33-27, to permit the consumption of wine or malt alcoholic beverages in the portion of its premises which are open to the public.
 2. Complies with all state, federal and City rules, regulations and ordinances.
 3. Prohibits consumption of alcoholic beverages on its public premises with the exception of wine and malt alcoholic beverages.
 4. Permits consumption only by patrons who are seated in the restaurant for meal service.
 5. Prohibits patrons who are not seated, are waiting for seating or waiting for take-out service from consuming wine or malt alcoholic beverages in the establishment.
 6. Prohibits employees from consuming wine or malt alcoholic beverages on the premises.
 7. Permits the consumption of wine or malt alcoholic beverages by patrons only while the establishment is open to the public and seated patrons are permitted in establishment.
 8. The establishment is prohibited from charging an admission fee or cover, corkage or service charge.
 9. Prohibits consumption of wine and malt alcoholic beverages by those who are under 21 years of age.
 10. Permits servers to check the identification of anyone who appears under 21 years of age and who seeks to consume or is consuming wine or malt alcoholic beverages.
 11. Prohibits consumption of wine and malt alcoholic beverages by those who appear intoxicated.
 12. Permits the consumption of wine or malt alcoholic beverages only in a fully enclosed dining area on the premises except where:
 - a. An attached outdoor area is fully enclosed by a permanent structure or fence; and
 - b. Access to the outdoor facility is through the main establishment or where an employee, at least 21 years of age, is stationed during the hours of outdoor operation at the entrance to the outdoor area.
 13. Prohibits the storage or display of wine or malt alcoholic beverages on the premises.
 14. Patrons must be required to bring the wine or malt alcoholic beverages with them at the time of seating.
 15. No wine or malt alcoholic beverages are permitted to be delivered to a patron while in the establishment by any other person, including a licensed alcoholic beverage establishment.
 16. Can permit the server to assist seated patrons with wine or malt alcoholic beverages by providing glasses, opening bottles, providing bottle openers or providing ice, as appropriate.
 17. Can permit the server to open the wine or malt alcoholic beverage and pour it for the convenience of the seated patrons [or open but not serve or pour].
 18. Requires that the wine or malt alcoholic beverages to remain on the patron's table at all times.
 19. Prohibits patrons who are not seated together from sharing wine and malt alcoholic beverages with patrons at other tables.
 20. Prohibits large groups who are not seated together at one large table from sharing wine and malt alcoholic beverages with patrons at other tables.
 21. Requires the establishment to report any underage drinking to the Camden County Police Department.

- B. Nothing in this Section shall be seen to restrict an owner or operator of an establishment qualifying as a Restaurant- BYOB, from prohibiting the consumption of wine or malt alcoholic beverages on its premises.
- C. Nothing herein shall be seen as allowing or permitting a licensed facility governed by the Municipal Board of Alcoholic Beverage Control from complying with that Board's rules or regulations or those of the New Jersey Division of Alcoholic Beverage Control.
- D. A Restaurant-BYOB, shall have the authority to advertise its status as a "BYOB" both inside and outside of such premises. The owner or operator of an establishment seeking to advertise its status as a "BYOB" shall take into account neighborhood aesthetics in utilizing advertisements on the outside of such establishment.
- E. Violations and penalties.

Penalties shall be imposed in accordance with the provisions of §1-15 of the Camden Code.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency only.

BE IT FURTHER ORDAINED that this ordinance shall take effect twenty (20) days after its final passage and publication as provided by law.

BE IT FURTHER ORDAINED that if any provision of this ordinance is declared invalid, such invalidity shall not affect the other provisions of this ordinance. Furthermore, the other provisions of this ordinance are deemed to be severable and remain in full force and effect.

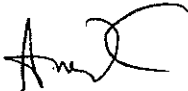
BE IT FURTHER ORDAINED that pursuant to N.J.S.A. 52:27BBB-23 and N.J.S.A. 40:69A-41, a true copy of this Ordinance shall be forwarded to the Mayor, who shall have ten (10) days from the receipt thereof to approve or veto this Ordinance. Additionally, pursuant to N.J.S.A. 52:27BBB-23, a true copy of this Ordinance shall be forwarded to the State Commissioner of Community Affairs, who shall have ten (10) days from the receipt thereof to veto this Ordinance, and the action by the Commissioner regarding this Ordinance shall supersede any action by the Mayor on the same Ordinance. All notices of approval and/or veto shall be filed in the Office of the Municipal Clerk.

Date of Introduction: April 9, 2024


The above has been reviewed and approved as to form.



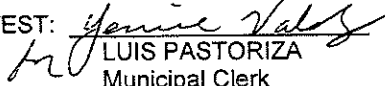
DANIEL S. BLACKBURN
City Attorney



ANGEL FUENTES
President City Council



VICTOR CARSTARPHEN
Mayor

ATTEST: 
LUIS PASTORIZA
Municipal Clerk

Angel Fuentes, President
Councilperson-at-Large

Sheila Davis, Vice-President
Councilperson-at-Large

Nohemi Soria-Perez
Councilperson-at-Large

Luis Pastoriza, RMC, CMR
Municipal Clerk

Yenise E. Valdez
Assistant Municipal Clerk

Howard McCoach
Council-For-Council

Arthur Barclay
Councilperson, 1st Ward

Chris Collins
Councilperson, 2nd Ward

Falio Leyba-Martinez
Councilperson, 3rd Ward

Jannette Ramos
Councilperson, 4th Ward



MUNICIPAL CLERK
CITY OF CAMDEN
NEW JERSEY

PO Box 95120
Room 105, City Hall
Camden, NJ 08101
Tele: (856) 757-7223 / Fax: (856) 757-7220
Email: clerk@ci.camden.nj.us Website: www.ci.camden.nj.us

MEMORANDUM

DATE: May 20, 2024
TO: Victor Carstarphen, Mayor
FROM: Luis Pastoriza, Municipal Clerk
RE: Ordinance Final Passage – (MC-5501)

Ordinance Establishing And Permitting “Bring Your Own Bottle” (BYOB) In The Camden City Code For Certain Establishments Defined As A “Restaurant-BYOB” In The Camden, Thereby Amending Chapters 181, 400 And 485 Of The Camden Code

In accordance with Rule XIX of the Administrative Code of the City of Camden (Rules of Procedure governing the City Council), I am delivering to you the attached ordinance adopted by City Council at a **Regular** meeting held on **5-14-2024**. Said article provides that “each ordinance shall be returned by the Mayor to the Municipal Clerk after the Mayor has affixed his /her signature thereto or after the expiration of **ten (10) days** from the date of its delivery to the Mayor in any event.”

OFFICE OF THE MAYOR

Received by: Keyon's A. Williams Date: 5-20-24
Date of Approval: 5/24/24