

ALCOHOLIC BEVERAGES

Chapter 15

ALCOHOLIC BEVERAGES

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[HISTORY: Adopted by the Mayor and Common Council of the City of Gloucester City as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Adult Uses — See Ch. 12.  
Licensed amusements — See Ch. 17.  
Coin-controlled devices — See Ch. 36.  
Curfew — See Ch. 39.  
Disorderly persons — See Ch. 41.  
Minors — See Ch. 61.  
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Obscenity in theaters — See Ch. 83, Art. II.

ARTICLE I  
Licenses and Regulations  
[Adopted 2-3-1938]

§ 15-1. Purpose.

This ordinance is for the purpose of fixing license fees and regulating the sale of alcoholic beverages in the City of Gloucester City, County of Camden and State of New Jersey, in accordance with the provisions of an act of the Legislature entitled "An Act Concerning Alcoholic Beverages," Chapter 436, P.L. 1933, as amended and supplemented, and in accordance with the rules and regulations promulgated or to be promulgated by the State Commissioner of Alcoholic Beverage Control applicable hereto, and in accordance with the rules and

regulations existing herein or hereafter adopted by competent municipal authority not inconsistent with said act or said rules and regulations of said State Commissioner.

**§ 15-2. License fees. [Amended 2-7-1946; 5-17-1993 by Ord. No. 16A-1993; 4-7-1994 by Ord. No. 11-1994]**

A. **[Amended 4-19-2004 by Ord. No. O05-2004]** The license fees to be paid hereunder shall be as follows:

- (1) For each and every plenary retail consumption license, the sum of \$1,650. per annum. **[Amended 1-4-1996 by Ord. No. 1-1996; 1-2-1997 by Ord. No. 34-1996]**
- (2) For each and every plenary retail distribution license, the sum of \$1,150. per annum. **[Amended 1-4-1996 by Ord. No. 1-1996; 1-2-1997 by Ord. No. 34-1996]**
- (3) For each and every club license, the sum of \$188. per annum.

B. The City Clerk is hereby designated as the proper person to sign all licenses on behalf of the Common Council.

**§ 15-3. Hours of sale. [Amended 5-7-1953; 6-1-2000 by Ord. No. 11-2000; 7-23-2008 by Ord. No. O23-2009; 12-15-2011 by Ord. No. O20-2011]**

By A.B.C. regulation (NJAC 13:2-38), no retail licensee shall sell spirituous liquors in original containers before 9:00 a.m. and after 10:00 p.m. on any day of the week. However, by State Statute (N.J.S.A. 33:1-40.3), retail licensees can sell wine and malt beverage products in original containers at any time the municipality has permitted the sale of alcoholic beverages by the drink.

- A. Hours of sale for bars and restaurants. Alcoholic beverages may be sold, served or delivered upon the licensed premises between the hours of:

7:00 a.m. Monday until 2:00 a.m. Tuesday  
7:00 a.m. Tuesday until 2:00 a.m. Wednesday  
7:00 a.m. Wednesday until 2:00 a.m. Thursday  
7:00 a.m. Thursday until 2:00 a.m. Friday  
7:00 a.m. Friday until 2:00 a.m. Saturday  
7:00 a.m. Saturday until 2:00 a.m. Sunday  
12:00 noon Sunday until 2:00 a.m. Monday

**§ 15-3.1. Dry-opening permits. [Added 9-23-2009 by Ord. No. O23-2009]**

**§ 15-3.1.1. Business operations prior to the established hours of sale (Dry-opening). [Added 9-23-2009 by Ord. No. O23-2009]**

A retail consumption licensee may apply for a permit to open the licensed premises on Sunday(s) for the purpose of providing breakfast and brunch to its patrons, also known as a dry-opening permit. Such a permit may be issued by approval of the governing body after application is made by the licensee to the City Clerk on forms provided by the Clerk. The application shall contain the following information:

- A. Name of plenary retail consumption licensee.
- B. 12 digit liquor license number.
- C. Address of licensed premises.
- D. Name and contact information of person in charge of licensed premises during dry-openings.
- E. A listing of all dates of the license year that a licensee requests a dry-opening. (July 1 to June 30).
- F. An affidavit signed by the licensee wherein the licensee prescribes that he/she is fully aware of the regulations for the issuance of the dry-opening permit; and that violation of said regulations may be cause for penalty against the licensee, be it monetarily, by suspension, and/or by revocation in accordance with the law.

**§ 15-3.1.2. Requirements for the issuance of a dry-opening permit. [Added 7-23-2009 by Ord. No. O23-2009]**

Any plenary retail consumption licensee who applies for and receives a permit for a dry-opening is required to:

- A. Close the bar area of the licensed premises, ensuring that all beer taps are disabled and covered, and all alcoholic beverages, if remaining behind the bar area, are placed and secured behind closed cabinets, inside refrigeration units and the like, or in the alternative removed from the bar area altogether. No alcoholic beverage, be it beer, wine, distilled liquor, and/or malt beverage may be left in the general view of the patrons. Patrons shall not sit or stand at the bar; employees shall not sit or stand behind the bar.
- B. Allow no patron to bring their own alcoholic beverages into the licensed premises (No B.Y.O.B.) during a dry-opening.
- C. Post a sign in open view of all patrons legible upon entry to the premises which shall substantially state that "No alcoholic beverages may be sold, served, or delivered until 1:00 p.m. prevailing time. No B.Y.O.B. City Ordinance #O23-2009."
- D. Operate a full service kitchen, properly inspected and licensed, that shall offer a variety of food prepared on site for its patrons.
- E. Payment of \$25. dry-opening permit annually, which may be amended without charge.

**§ 15-3.1.3. Dry-opening hours. [Added 7-23-2009 by Ord. No. O23-2009]**

The hours for allowing a dry-opening shall be considered only for Sunday before 1:00 p.m. prevailing time but no earlier than 8:00 a.m. The licensee may sell, serve and/or deliver alcoholic beverages from 1:00 p.m. prevailing time until closing time only

in accordance with the law. No dry-opening hours shall be considered after 10:00 p.m.

**§ 15-3.1.4. Violations and penalties. [Added 7-22-2009 by Ord. No. 023-2009]**

Any person who has an interest in a license that has been issued a dry-opening permit and is found to be in violation of this section 15-3.1, shall, upon conviction, be penalized with a fine not to exceed \$1,250. and/or six (6) months in jail. The City of Gloucester City reserves the right to proffer charges against the license itself that may result in fines, and/or suspension or revocation of the plenary retail consumption license and/or the dry-opening permit after hearing requested by the licensee.

**§ 15-3.2 Hours of operation. [Added 2-16-2012 by Ord. No. 002-2012]**

Every premises licensed for the sale of alcoholic beverages within the City shall exclude all members of the public and cease all public operation within thirty (30) minutes of the last time permitted for the sale of alcoholic beverages as established in Section 15-3 of this Code. For the purposes of this provision members of the public include all persons not regularly employed by the licensed premises.



**§ 15-4. Display of license.**

Every license shall be exposed to public view in a conspicuous place in the place licensed, and any omission so to do shall be presumptive evidence that the place where alcoholic beverages are being sold is unlicensed.

**§ 15-5. Maximum number of licenses. [Amended 8-1-1940]**

No more than 35 plenary retail consumption licenses and no more than four plenary retail distribution licenses and no more than four club licenses shall be in effect in this municipality at any time.

**§ 15-6. Restrictions on issuance of retail consumption licenses. [Amended 6-3-1999 by Ord. No. 9-1999]**

- A. No plenary retail consumption license shall be issued to permit the sale of alcoholic beverages in or upon any premises in which a grocery, delicatessen, drugstore or other mercantile business (except the keeping of a hotel or restaurant, or the sale of cigars or cigarettes at retail as an accommodation to patrons of the licensee, or the retail sale of nonalcoholic beverages as an accessory beverage to alcoholic beverages) is carried on.
- B. No plenary retail consumption license shall be issued to permit the sale of alcoholic beverages in or upon any licensed premises which are located within 500 feet of a residence and include, or are proposed to include, an area which is not fully enclosed in a building, unless it conforms to the conditions as enumerated in § 15-6.1 of this Code. [Amended 5-3-2001 by Ord. No. 10-2001]
- C. Licensed premises offering adult entertainment.<sup>2</sup>  
[Added 6-1-2000 by Ord. No. 11-2000]

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<sup>2</sup> Editor's Note: See Ch. 12, Adult Uses.

- (1) No plenary retail consumption license shall be issued to permit the sale of alcoholic beverages in or upon any licensed premises which offers adult entertainment and which are located in a residential area as defined by the Gloucester City Development Ordinance or within 200 feet of the same or within 200 feet of any preexisting residence, school, church, park or playground, except as provided for below. For the purpose of this ordinance, "adult entertainment" shall mean any performance, such as erotic dances (also known as "go-go dancing") performed by men or women, employed by the licensee with or without pay, for the gratification of adult customers. Said adult entertainment is limited exclusively to that which is permitted under New Jersey statutes to be performed on premises licensed for the sale of alcoholic beverages.
- (2) No minor shall be permitted admittance to nor shall he/she work upon any licensed premises offering adult entertainment.
- (3) As of the date of adoption of this ordinance, plenary retail consumption licensees presently offering adult entertainment shall forthwith register (but in no case after 30 days of the adoption of this ordinance) as such with the City Clerk of Gloucester City on forms prescribed by him and forward a registration fee of \$25 for the same. A plenary retail consumption licensed premises offering adult entertainment at the time of the adoption of this ordinance which is located in the precluded area shall be considered preexisting. Said registration and fee shall expire on December 31 annually and shall be renewable before January 1 of the following year of issuance. Any licensee failing to apply before January 1 shall be considered late and a late surcharge of \$25 shall be assessed. Those licensees failing to register within 30 days after the adoption of this ordinance or reregister within 30 days after

the expiration of the previous year's registration shall be considered to no longer offer such "adult entertainment" and shall no longer be considered preexisting and must refrain from such activity.

- (4) Following the adoption of this ordinance, plenary retail consumption licensed premises which are not located in the precluded areas shall register prior to offering adult entertainment with the City Clerk of Gloucester City on forms prescribed by him and forward a registration fee of \$25 for the same. If the licensed premises offers adult entertainment at the time of adoption of this ordinance, licensee shall forthwith register (but in no case after 30 days of the adoption of this ordinance) as such with the City Clerk of Gloucester City on forms prescribed by him and forward a registration fee of \$25 for the same. Said registration and fee shall expire on December 31 annually and shall be renewable by January 1 of the following year of issuance. Any licensee failing to reregister before January 1 shall be considered late, and a late surcharge of \$25 shall be assessed.
- (5) Upon registration by the licensee(s), the Mayor and Common Council shall cause an investigation to be performed, such investigation to recommend which licenses may be issued in accordance with this ordinance allowing for adult entertainment. Such determination shall be affixed to the license as a condition when it is renewed at the subsequent renewal period, at the time of a person-to-person or place-to-place transfer, or when licensee's registration is otherwise approved by resolution of the governing body. Those licenses without said condition inscribed thereon shall not be permitted to offer adult entertainment on the licensed premises.
- (6) Failure to register as prescribed above may be sufficient cause for the governing body of Gloucester City to:

- (a) Deny application for renewal of liquor license;
- (b) Suspend liquor license; and/or
- (c) Revoke liquor license.

**§ 15-6.1. Outdoor cafes at premises licensed for plenary retail consumption. [Added 5-3-2001 by Ord. No. 10-2001]**

No plenary retail consumption license shall be issued to permit the sale of alcoholic beverages in or upon any premises where there is located or proposed to be established an outdoor cafe without the previous review and approval of the Gloucester City Planning Board in accordance with the New Jersey Municipal Land Use Law and the Gloucester City Development Ordinance and the municipal Alcoholic Beverage Control Board in accordance with municipal ordinances, N.J.S.A Title 33 and N.J.A.C. Title 13. For the purposes of this section, an "outdoor cafe" shall be any area which is not fully enclosed in a building where alcoholic beverages are dispensed and consumed. The licensee to which any plenary retail consumption license is issued following the above stated approval shall cause such outdoor cafe to be in compliance with any and all laws pertinent thereto and the following conditions:

- A. Any offensive or loud noise emanating from such establishment shall not be heard at the property lines of any residential property surrounding said premises. All other restrictions and/or prohibitions with regard to noise, as enumerated in Chapter 61 A of the Code of Gloucester City, shall be applicable.
- B. Outdoor cafes of licensed premises shall not be operated earlier than 11:30 a.m. or later than 10:00 p.m.
- C. Dates of outdoor cafe operation is permissible from May 1 until October 31.
- D. Temporary tables, with or without umbrellas, and chairs are encouraged.

- E. Food service, including the availability of lunch, dinner and snacks, is required.
- F. Service of alcoholic beverages and food shall be by waiter or waitress; there shall be no bar area or bartender located outside the building area.
- G. Any licensees operating in violation of this section shall be exposed to the revocation of their plenary retail consumption license for the entire licensed premises.

**§ 15-7. Restrictions on issuance of retail distribution licenses.**

No plenary retail distribution license shall be granted and issued for the sale of alcoholic beverages in or about or upon any premises whatsoever where any other business of any kind, nature or description is carried on, it being the intent of the Mayor and Common Council to restrict the issuance of plenary retail distribution licenses to those premises used solely for the sale and distribution of alcoholic beverages.

**§ 15-8. Construction requirements for premises used for retail distribution.**

The premises for which a plenary retail distribution license shall be granted shall be separate and distinct from any other premises in which other businesses may be carried on, and shall be divided from such other premises by a wall completely separating the licensed premises from the premises in which any other business is carried on. There shall be no communication by way of ingress or egress to and from said licensed premises to any other part of the premises carrying on any other kind of business. There shall be no glass partitions used whereby the goods in the licensed premises are visible to customers or patrons in an establishment or business adjacent thereto. Entrance to the licensed premises shall be from the main thoroughfare or thoroughfares, although a door in the rear shall be permissible for the purpose of exit.

**§ 15-9. Visibility requirements for premises used for retail consumption.**

Curtains and screens at the windows and doors of all licensed places shall be so arranged that the interior of the place licensed shall be fully exposed to public view at all times; provided that this rule shall not apply to hotels, clubs or

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fraternal organizations, unless the place of sale therein adjoins a public highway.

**§ 15-10. Additional hours of sale on New Year's Day.  
[Amended 6-1-2000 by Ord. No. 11-2000]**

Whenever New Year's Day falls on any day except Sunday, in addition to the opening hours above provided for, the said opening hours shall also be from 2:00 a.m. to 3:00 a.m. on New Year's Day.

**§ 15-11. Sales to minors prohibited.**

No licensee shall sell, serve, deliver, or allow, permit or suffer the service or delivery of, any alcoholic beverage, directly or indirectly, to any person under the age of 21 years, or allow, permit or suffer the consumption of alcoholic beverages by any such person upon the licensed premises.

**§ 15-12. (Reserved)<sup>3</sup>**

**§ 15-13. Violations and penalties; revocation or suspension of license.**

- A. Any person who shall sell or distribute any alcoholic beverage without having complied with, or in violation of, any of the provisions of this ordinance shall be subject to a fine of not more than \$500 or imprisonment for not more than 90 days, or by both such fine and imprisonment, in the discretion of the court. **[Amended 12-5-1974<sup>4</sup>]**

<sup>3</sup> Editor's Note: Former § 15-12, Sales during hours of election prohibited, was repealed 8-5-1971.

<sup>4</sup> Editor's Note: Former § 15-12, Sales during hours of election prohibited, was repealed 8-5-1971.

B. Any license issued pursuant to this ordinance may be suspended or revoked for violation of any of the provisions of this ordinance or for violations of any of the provisions of said act or any of the rules or regulations provided by the State Commissioner of Alcoholic Beverage Control.

**§ 15-14. Severability.**

If for any reason any section or part of any section or provision of this ordinance shall be questioned in any court and shall be held to be unconstitutional or invalid, same shall not be held to affect any other section or any part of a section or provision of this ordinance.

**§ 15-15. Repealer; when effective.**

All resolutions and ordinances or parts of resolutions or ordinances inconsistent with this ordinance, to the extent of such inconsistency only, be and the same are hereby repealed, and this ordinance shall take effect immediately.

ARTICLE II  
**Purchases by Minors**  
[Adopted 2-3-1955]

**§ 15-16. Purchase or procurement of alcoholic beverages by minors prohibited.**

No person under the age of 21 years shall enter into any premises licensed for the sale of alcoholic beverages for the purpose of securing alcoholic beverages for himself, herself or any other person under the age of 21 years for consumption either on or off the premises; nor shall any person under the age of 21 years enter into any premises licensed for the sale of alcoholic beverages in an attempt to secure alcoholic beverages for himself, herself or any other person under the age of 21 years; nor shall any person under the age of 21 years have or

attempt to have any person over the age of 21 years purchase alcoholic beverages for a person under the age of 21 years for consumption either on or off the premises; nor shall any person under the age of 21 years attempt to purchase or have served him or her or others underage any alcoholic beverages, by misstating or misrepresenting his, her or their ages.

**§ 15-17. Violations and penalties. [Amended 12-5-1974<sup>5</sup>]**

Any person violating any of the provisions of this ordinance shall be subject to a fine not exceeding \$500 or imprisonment in the county jail for a term not exceeding 90 days, or by both such fine and imprisonment, in the discretion of the Judge before whom such conviction shall be had.

**§ 15-18. When effective.**

This ordinance shall take effect immediately upon its final passage and publication as required by law.

**ARTICLE III**

**Consumption in Public; Open Containers  
[Adopted 9-4-1975]**

**§ 15-19. Certain acts prohibited.**

Any person who shall consume alcoholic beverages while in or on a public street, lane, sidewalk, public parking lot, public or quasi-public place or in any public conveyance; or in a private motor vehicle while same is in motion or parked in any public street, lane or public parking lot; or while upon any private property not his own without the express permission of the owner or other person having authority to grant such permission; and any person who shall discard alcoholic beverage containers upon any public street, lane, sidewalk,

<sup>5</sup> Editor's Note: See Ch. 1, § 1-6B(1).

public parking lot, public or quasi-public place or upon any private property not his own without the express permission of the owner, is a disorderly person.

**§ 15-19.1. Exceptions. [Added 4-3-1997 by Ord. No. 5-1997]**

Nothing herein shall be construed to prohibit the possession or consumption of alcoholic beverages upon one's own private property, nor within, or upon, premises duly licensed for the possession or consumption of the same, or a restaurant duly licensed for the consumption of food, nor the distribution, possession or consumption in any public place in connection with a recognized function for which express prior permission has been received in writing from the City of Gloucester City's Mayor and Chief of Police and a duly authorized permit has been obtained for the occurrence of the recognized function.

**§ 15-20. Violations and penalties.**

Any person who shall violate the provisions of this ordinance shall, upon conviction, be punished by a fine of not more than \$200 or be imprisoned for not more than 30 days, or both.

**§ 15-21. Repealer; when effective.**

All ordinances or parts of ordinances inconsistent with the terms of this ordinance be and the same are hereby repealed, and this ordinance shall take effect immediately after final passage, approval and publication as provided by law.

ARTICLE IV  
**Temporary Use Permit Required  
for Social Events for Minors  
[Adopted 4-2-1998 by Ord. No. 2-1998]**

**§ 15-22. Intent.**

Any premises heretofore licensed by the City of Gloucester City to sell alcoholic beverages pursuant to state law must apply for and receive a temporary use permit from the governing body of Gloucester City for the use of the premises for social events for minors (teen nights).

**§ 15-23. Definitions.**

As used in this ordinance, the following terms shall have the meanings indicated:

TEEN NIGHT — Any scheduled dance or event held on the premises of a licensed plenary retail alcoholic beverage establishment and restricted to those patrons between the ages of 15 and 20.

**§ 15-24. Requirements for permit; regulations; permit fee; security.**

- A. An establishment holding a teen night may not serve, sell or otherwise deliver alcohol, in any form, on any part of the premises, including decks and parking lots, nor shall the establishment allow any alcohol to be served, sold or otherwise delivered on the teen night.
- B. All alcohol must be secured in a manner which shall ensure that the same shall not be either visible or accessible, and the means of securing such alcohol shall be approved by the Gloucester City Police Department, who shall have the sole and exclusive authority to either approve or disapprove the means of securing such alcohol.

- C. Teen nights must be designated as the same, and no patron over the age of 20 shall be allowed to enter the premises, nor shall any patron under the age of 15 be allowed to enter the premises. The establishment holding a teen night shall make provisions for assuring that the ages are confirmed. Picture identification may be required.
- D. In order to schedule a teen night, the premises owner must apply for a temporary use permit through the office of the City Clerk. The fee for the temporary use permit shall be \$100 per licensed premises for the initial event and \$25 per licensed premises per event thereafter.
- E. Teen nights shall be scheduled at least one month in advance and shall not have hours extending beyond one half hour before the curfew (see Chapter 39, Curfew).
- F. Teen nights must be approved by resolution of the Mayor and Common Council of Gloucester City. The resolution permitting minors to be in the premises otherwise licensed for the consumption of alcoholic beverages shall contain such terms and conditions that are deemed appropriate by the governing body.
- G. The security personnel necessary for teen nights shall be established by the Gloucester City Police Department on an individual establishment/premises basis and shall be included as part of the temporary use application.

**§ 15-25. Violations and penalties.**

Violations of the provisions of this ordinance may result in the imposition of a fine of not more than \$1,000 per violation.

ARTICLE V  
**Employees of Retail Licensee**  
[Adopted 6-1-2000 by Ord. No. 11-2000]

**§ 15-26. Definitions.**

As used in this ordinance, the following terms shall have the meanings indicated:

**EMPLOYEE** — Any person who performs services in connection with the licensed business. The term shall extend to persons who are included on the payroll of the licensee, persons who perform services on the licensed premises pursuant to a contract (independent contractor) and who are not included on the licensee's payroll, as well as persons who are not paid for their work or services, including family members, who may be temporarily "minding" the business while the owner is away from the premises. Some common examples of persons considered "employees" include those persons who perform tasks and services on behalf of the licensee such as managers, bartenders, waiters and waitresses, cooks, janitors, door-persons, cashiers, dishwashers, bus-persons, clerks, stock clerks, delivery people; and those hired under contract, such as band member, singer, disc jockey, dancer, private security guard, private parking attendant, janitorial service person, owner and operator of amusement devices and vending machines, and others who perform services required in the operation of the licensed business. Persons who are engaged to perform extraordinary repairs to the licensed premises, such as an electrician or plumber, provided that they are independent businesspersons and are not under the direct supervision of the licensee, are not generally considered employees.

**E-141-A FORM** — The employment list and form prescribed by the Director of ABC containing the names, addresses and other required information of all persons considered to be employees of the licensed premises.

**§ 15-27. Qualifications of employees.**

Each employee of a licensee shall meet the following qualifications:

- A. Must be at least 18 years of age or have the necessary employment permit as required by law;
- B. Has not been convicted of a crime unless the disqualification has been removed or a rehabilitation employment permit has been issued by the ABC Director;
- C. Is not a full-time law enforcement officer in the City of Gloucester City;
- D. Does not have an interest in any manufacturer or wholesaler of alcoholic beverages (N.J.S.A. 33:1-43) or is not employed as a solicitor (N.J.A.C. 13:2-16 7);
- E. Has no disqualification resulting from having had an interest in a revoked license (N.J.S.A. 33:1-31); and
- F. Does not have an interest in more than two retail licenses, unless grandfathered or covered by exception (N.J.S.A. 33:1-12.31).

**§ 15-28. Employment list.**

Each retail licensee is required by state law to maintain an E-141-A form, current and up to date at all times, on the licensed premises. Each retail licensee shall also be required to file said employment list with the local licensing authority in the manner described below. For the purposes of this ordinance, current E-141-A forms shall be filed within 10 days of the adoption of this ordinance and any subsequent amendments to the current E-141-A forms shall be filed without delay (but in no case more than two business days, weekends and holidays excluded) in the office of the City Clerk, who shall forthwith forward a copy of said form to the Police Department.

**§ 15-29. Violations and penalties.**

Violations of the provisions of this ordinance may result in the imposition of a fine not to exceed \$1,000 per violation.



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