

**BERNARDSVILLE BOROUGH
ORDINANCE #2022-1912**

**ALLOWING HOLDERS OF CERTAIN ALCOHOLIC BEVERAGE
MANUFACTURING LICENSES TO SELL THEIR PRODUCTS AT THE
BERNARDSVILLE FARMERS' MARKET AND AMENDING CHAPTER 3 OF THE
BOROUGH CODE ENTITLED "POLICE REGULATIONS"**

WHEREAS, on February 5, 2021, Governor Murphy signed into law P.L. 2021, c. 15 which required the Director of the Division of Alcoholic Beverage Control (the "ABC") to establish a permit that would allow the holders of certain manufacturing licenses to sell their products in original containers at seasonal farm markets and authorized the creation of daily and annual seasonal farm market permits by way of a special ruling by the Director of the ABC; and

WHEREAS, the ABC thereafter issued Special Ruling S.R. 2021-01 Establishing Daily and Annual Seasonal Farm Market Permits; and

WHEREAS, pursuant to S.R. 2021-01, Daily and Annual Seasonal Farm Market Permits are available to the holders of a limited brewery license, restrictive brewery license, craft distillery license, plenary winery license, farm winery license or cidery and meadery license; and

WHEREAS, S.R. 2021-01 goes on to provide in relevant party that:

"A. Holders of Daily or Annual Seasonal Farm Market Permits are authorized to:

- (1) sell any of their products in sealed, original containers at a seasonal farm market for consumption off of the premises of the seasonal farm market;
- (2) transport the licensee's products in sealed, original containers to and from a seasonal farm market; and
- (3) offer samples for sampling purposes, to be consumed by persons of the legal age to consume alcoholic beverages in areas in the immediate vicinity of the alcoholic beverage vendor, during each day the seasonal farm market is operating in the amounts authorized pursuant to N.J.S.A. 33:1-10 and N.J.S.A. 33:1-12d . . ."; and

WHEREAS, the Bernardsville Farmers' Market is a "Seasonal Farm Market" as that term is defined in S.R. 2021-01; and

WHEREAS, on July 12, 2021, the Council, at the request of Ed English, the coordinator of the Farmers' Market, adopted Ordinance 2021-1887 allowing wine tasting at the Farmers' Market; and

WHEREAS, Mr. English has now asked that a craft distillery be permitted to be a vendor at the Bernardsville Farmers' Market; and

WHEREAS, the governing body supports Mr. English's request;

NOW THEREFORE, BE IT ORDAINED by the Council of the Borough of Bernardsville in the County of Somerset, State of New Jersey that Chapter 3 of the Borough Code entitled "Police Regulations" is hereby amended as follows:

Section 1. Paragraph "d" of Section 3-9 entitled "Consumption of Alcoholic Beverages in Public Places" is hereby amended to read as follows:

"d. Notwithstanding the provisions contained herein, the governing body may authorize the holder of a Daily or Annual Seasonal Farm Market Permit issued pursuant to New Jersey Division of Alcoholic Beverage Control Special Ruling S.R. 2021-01 to

(1) sell any of their products in sealed, original containers at the Bernardsville Farmers' Market for consumption off of the premises of the Bernardsville Farmers' Market;

(2) transport the licensee's products in sealed, original containers to and from the Bernardsville Farmers' Market; and

(3) offer samples for sampling purposes, to be consumed by persons of the legal age to consume alcoholic beverages in areas in the immediate vicinity of the alcoholic beverage vendor, during each day the Bernardsville Farmers' Market is operating in the amounts authorized pursuant to N.J.S.A. 33:1-10 and N.J.S.A. 33:1-12d.

Such authorization shall be subject to the following conditions:

1. The vendor shall obtain the appropriate permit from the Division of Alcoholic Beverage Control in the New Jersey Department of Law and Public Safety.
2. The vendor shall not sell, serve or deliver or allow, permit or suffer the sale,

service or delivery of any alcoholic beverage directly or indirectly to or consumption by any person under the legal age to consume alcoholic beverages nor to any person who is actually or apparently intoxicated.

- 3. The permit issued by the Division of Alcoholic Beverage Control must be conspicuously displayed on the permitted premises.
- 4. This exception is expressly subject to all limitations and conditions set forth or imposed and to all rules and regulations promulgated by the Director of the Division of Alcoholic Beverage Control, including but not limited to Special Ruling S.R. 2021-01 establishing daily and annual seasonal farm market permits.”

Section 2. In all other respects, § 3-9 shall remain unchanged

Section 3. Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 4. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 5. This ordinance shall become effective immediately upon final passage and publication as required by law.

COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET

ATTEST:

Anthony Suriano, Borough Clerk

By: _____
Mary Jane Canose, Mayor

Introduction:

1st Publication:

Public Hearing and Adoption:

2nd Publication: