**ORDINANCE 20-2013**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGALE**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, the code of the borough of bloomingdale BY amending Chapter VI, “ALCOHOLIC BEVERAGE CONTROL,” SECTION 6-4, “REGULATION OF LICENSES,” Section 6-4.4, “DISTANCE BETWEEN LICENSED PREMISES,” to ELIMINATE the requirement that there be a distance of 1000 feet between plenary retail consumption licenses**

**BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Bloomingdale, in the County of Passaic and State of New Jersey, as follows:

**Section 1**. Chapter VI, “Alcoholic Beverage Control,” Section 6-4, “Regulation of Licenses,” Section 6-4.4, “Distance Between Licensed Premises,” of the Code of the Borough of Bloomingdale is hereby amended to read as follows:

**6-4.4 Distance Between Licensed Premises.**

No license shall be issued and no transfer of a previously existing license shall be granted from its present location to a newly constructed or heretofore unlicensed premises unless the premises to which the transferee desires to have the license issued or transferred shall be at least one thousand (1,000) feet from any other presently established licensed premises. Additionally, in reviewing any place-to-place transfer application to a new location which is at least one thousand (1,000) feet from any presently licensed premises, the Governing Body may take into account an appropriate and harmonious distribution of licenses throughout the Borough. If it determines that such proposed new location would create a geographic disbalance, it may, in the exercise of its sound discretion, deny such place-to-place transfer application.

a. Waiver of Requirements. The distance requirements from licensed premises as contained in this subsection may be waived by the Mayor and Council of the Borough upon application to it by any licensee holding a Class C license for the sale of alcoholic beverages, after public hearing on such application. Notice of such public hearing shall be published by the applicant in the official newspaper of the Borough at least fourteen (14) days prior to the scheduled public hearing. The license shall have the burden of proof to establish good cause for the Mayor and Council to waive strict compliance and application of the minimum distance requirements. The Mayor and Council may waive the requirements based upon a majority vote of the Governing Body and shall set forth its reasons to waive the distance requirements in a written resolution made available for public inspection.

b. This section and all requirements or restrictions herein shall not apply to plenary retail consumption licenses.

**SECTION 2**. All ordinances or parts of ordinances of the Borough of Bloomingdale inconsistent herewith are repealed to the extent of such inconsistency.

**SECTION 3**. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

**SECTION 4**. This law shall take effect immediately upon final passage, approval and publication as required by law.

**PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the regular meeting of the Borough of Bloomingdale, County of Passaic, State of New Jersey held in the Municipal Building on the 14th day of May 2013, and the same shall come up for final passage at the regular meeting of the Mayor and Council to be held on the 28th day of May, 2013, at 7:30 P.M., at the Bloomingdale Municipal Building, at which time any persons interested shall be given the opportunity to be heard concerning said Ordinance.

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Jane McCarthy, RMC

Municipal Clerk