

**ORDINANCE NO. 06-19**

**AN ORDINANCE AMENDING SECTION 87-9.A. OF CHAPTER 87, ALCOHOLIC BEVERAGES, OF THE CODE OF THE BOROUGH OF KINNELON**

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

**WHEREAS**, Section 87-9.A. of Chapter 87, Alcoholic Beverages, of the Code of the Borough of Kinnelon states that no person shall consume alcoholic beverages while in or upon any public street, roadway, sidewalk, parking area, park or recreation area or any other public or quasi-public place to which the public generally invited, whether publicly or privately owned; and

**WHEREAS**, the Borough of Kinnelon desires to amend and supplement Section 87-9.A. to create an exception to the prohibition on the consumption of alcoholic beverages in such instances when permission shall be given by the Mayor and Council for a specific use, such as K-Fest.

**NOW, THEREFORE, BE IT ORDAINED**, by the Governing Body of the Borough of Kinnelon, County of Morris, State of New Jersey as follows:

**SECTION ONE.**Section 87-9.A. of Chapter 87, Alcoholic Beverages, of the Code of the Borough of Kinnelon, Morris County, New Jersey is hereby deleted in its entirety and replaced by the following:

A.No person shall consume alcoholic beverages or have in his possession any unsealed container with alcoholic beverages therein while in or upon any public street, roadway, sidewalks, parking area, park or recreation area or any other public or quasi-public place to which the public is generally invited, whether publicly or privately owned, except in such instances when permission shall be given by the Mayor and Council for a specific use, in which event a resolution shall set forth the name of the organization receiving such permission, the date and hours of permitted use, and any other limitations or restrictions which might be deemed appropriate. This Subsection **A** shall include, but not be limited to, shopping centers, parking areas and roadways. This Subsection **A** shall not apply to restaurants which permit patrons to bring beer and/or wine to the establishments (commonly known as "BYOB") in accordance with applicable statute.


**SECTION TWO.** All Ordinances of the Borough of Kinnelon which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

**SECTION THREE.** If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

**SECTION FOUR.** This Ordinance shall take effect as provided by law.

ATTEST:


BOROUGH OF KINNELON

  
\_\_\_\_\_  
Karen M. Iuele, Borough Clerk

  
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James J. Freda, Mayor

**CERTIFICATION**

I, Karen M. Iuele, Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading at the regular meeting of the Borough held on May 16, 2019 and adopted by the Governing Body at a regular meeting of the Borough held on June 26, 2019.

  
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Karen M. Iuele, Borough Clerk