

BOROUGH OF EATONTOWN NOTICE OF PENDING ORDINANCE 18-2010

The ordinance published herewith was introduced and passed on first reading at a meeting of the governing body of the Borough of Eatontown in the County of Monmouth, State of New Jersey, held on Wednesday, August 11, 2010. It will be further considered for final passage after public hearing thereon, at a meeting of said governing body to be held in the Eatontown Borough Hall, 47 Broad Street, Eatontown, New Jersey, on Wednesday, September 8, 2010, at 7:30 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning the same. A copy of this ordinance has been posted on the bulletin board upon which public notices are customarily posted in the Borough Hall of Eatontown during the week prior to and up to and including the date of such meeting; copies of the ordinance are available to members of the general public who shall request such copies, at the office of the Borough Clerk in said Borough of Eatontown. Any exhibits and/or attachments referred to are on file in the Borough Clerk's office, according to the New Jersey State Records Retention Schedule established by N.J.S.A. 47:3-15 et seq. and approved by the State Records Committee.

BY ORDER OF MAYOR AND COUNCIL OF THE BOROUGH OF EATONTOWN
KAREN R. SIANO, MMC, BOROUGH CLERK

ORDINANCE 18-2010 OF THE BOROUGH OF EATONTOWN AMENDING CHAPTER 233-19,
"POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES RESTRICTED" IN ORDER TO
COMPLY WITH STATE LEGISLATION

WHEREAS, the New Jersey Alcoholism Treatment and Rehabilitation Act (N.J.S.A. 26:2B-1 et seq.) ("ATRA") provides that alcoholics and intoxicated persons may not be subject to criminal prosecution because of their consumption of alcoholic beverages, but rather should be afforded a continuum of treatment; and

WHEREAS, in furtherance of that goal, ATRA provides that no municipality shall adopt an ordinance creating an offense of public intoxication or any equivalent offense, and that any existing ordinance creating such an offense is repealed; and

WHEREAS, the Borough Council has determined that it is appropriate to amend the municipal code of the Borough of Eatontown in order to comply with ATRA.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Eatontown, County of Monmouth and State of New Jersey that Chapter 233-19 of the municipal code, entitled "Possession and consumption of alcoholic beverages restricted" is hereby amended as follows (Additions are in bold type and underlined and deletions are struck-through):

- 1. § 233-19 Possession and consumption of alcoholic beverages restricted.

~~No person shall be permitted within a public park while under the influence of intoxicating beverages, drugs or narcotics.~~ No person shall possess or consume alcoholic beverages at any time in any public park, except with permission as provided in the ordinances of the Borough.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

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**BY ORDER OF MAYOR AND COUNCIL OF THE BOROUGH OF EATONTOWN
KAREN R. SIANO, MMC, BOROUGH CLERK**

**ORDINANCE 19-2010 OF THE BOROUGH OF EATONTOWN ESTABLISHING CHAPTER 254 ENTITLED
"RAFFLES" OF THE BOROUGH CODE**

WHEREAS, the State Raffle Licensing Law, N.J.S.A. 5:8-50 et. seq. permits all games of chance to be held, operated or conducted in a municipality provided that a license is granted by the municipality; and

WHEREAS, N.J.A.C. 13:47-1.1 permits the governing body of a municipality to delegate, by ordinance, authority to a person to approve the granting of raffle licenses; and

WHEREAS, the Borough of Eatontown (the "Borough") wishes to allow raffles and other games of chance to be held within the Borough and further designates the Borough Clerk and the Deputy Clerk as the proper approving authorities.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Borough Council of the Borough of Eatontown, in the County of Monmouth and State of New Jersey that a new chapter entitled Chapter 254 "Raffles" be and hereby is adopted within the Code of the Borough of Eatontown to read in its entirety as follows:

Chapter 254 "Raffles"

ARTICLE I RAFFLES

§ 254-1 Authorization to Conduct Games.

The Borough of Eatontown, pursuant to the provisions of N.J.S.A. 5:8-50 et. seq. hereby finds and determines that it shall be lawful for certain organizations, hereinafter specified, to conduct raffles within the Borough when the entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, religious and public-spirited uses.

§ 254-2 Authorized Organizations.

Only the after-described organizations or types of organizations shall be authorized to conduct raffles or games of chance in the Borough: bona fide organizations or associations of veterans of any war in which the United States has been engaged; churches or religious congregations and religious organizations; charitable, educational and fraternal organizations; civic and service clubs; officially recognized volunteer fire companies; officially recognized volunteer first-aid or rescue squads; and senior citizen associations and clubs.

§ 254-3 Authorized Games.

The games of chance authorized by this article are those games of chance commonly known as "raffles", which are played by drawing for prizes or the allotment of prizes by chance by the selling of shares or tickets or rights to

participate in such games of chance. Such games of chance shall be held, operated and conducted by the active members of the organizations and associations as herein described.

§ 254-4 License Required.

All of those organizations and associations desiring to conduct raffles as herein described shall submit applications to the Borough Clerk. Such applications shall be available in the office of the Borough Clerk.

§ 254-5 Sunday Conduct of Games.

No games of chance shall be conducted under any license issued under this article on the first day of the week, commonly known and designated as "Sunday" unless it shall be provided in the license issued for the holding, operating and conducting of a game of chance that games of chance may be conducted on said day.

§ 254-6 Violations and Penalties.

Any person, company, association or organization other than those expressly described in this article conducting a raffle in the Borough or any organization or association conducting a raffle without the express authorization from the Borough shall be deemed to be in violation of this article and, upon conviction thereof, shall be punishable as provided in N.J.S.A. 40:49-5.

ARTICLE II FEES

§ 254-7 Establishment of Fees

The Borough shall charge a municipal license fee for raffles in accordance with N.J.A.C. 13:47-4.10, in an amount equal to the amount charged by the State Legalized Games of Chance Control Commission.

ARTICLE III AUTHORITY TO ISSUE LICENSES

§ 254-8 Authority Granted.

The Borough Council designates the Borough Clerk or Deputy Borough Clerk of the Borough of Eatontown as the person having the authority to approve the granting of raffle licenses pursuant to the terms of N.J.A.C. 13:47-1.1.

§ 254-9 Filing with the State.

The Borough Clerk shall file a certified copy of this article with the New Jersey Legalized Games of Chance Control Commission.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect on upon passage and publication in accordance with applicable law.