

# ASSEMBLY, No. 5509

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MAY 18, 2023

**Sponsored by:**

**Assemblyman JOE DANIELSEN**

**District 17 (Middlesex and Somerset)**

**SYNOPSIS**

Allows municipalities to adopt ordinance to reduce population limit for certain alcoholic beverage retail consumption licenses.

**CURRENT VERSION OF TEXT**

As introduced.



A5509 DANIELSEN

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1 AN ACT concerning alcoholic beverage retail licenses and amending  
2 P.L.1947, c.94.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 2 of P.L.1947, c.94 (C.33:1-12.14) is amended to  
8 read as follows:

9 2. a. Except as otherwise provided in this **[act]** Title and  
10 subsection b. of this section, a new plenary retail consumption or  
11 seasonal retail consumption license shall not be issued in a  
12 municipality unless and until the combined total number of such  
13 licenses existing in the municipality is fewer than one for each  
14 3,000 of its population **[according to the most recent estimates**  
15 **issued by the U.S. Bureau of the Census; provided, however, in the**  
16 **year that the official federal decennial counts are received by the**  
17 **Governor, those federal decennial counts shall be used]** .

18 b. The governing body of a municipality may adopt an ordinance  
19 to decrease over the course of five years the population limit  
20 necessary to issue plenary retail consumption licenses or seasonal  
21 retail consumption licenses established pursuant to subsection a. of  
22 this section. A municipal ordinance adopted pursuant to this  
23 subsection shall establish that a new plenary retail consumption or  
24 seasonal retail consumption license shall not be issued in the  
25 municipality unless and until:

26 (1) prior to the first day of the 13th month following the adoption  
27 of the ordinance, the combined total number of such licenses  
28 existing in the municipality is fewer than one for each 3,000 of its  
29 population;

30 (2) on the first day of the 13th month following the adoption of  
31 the ordinance, the combined total number of such licenses existing  
32 in the municipality is fewer than one for each 2,800 of its  
33 population;

34 (3) on the first day of the 25th month following the adoption of  
35 the ordinance, the combined total number of such licenses existing  
36 in the municipality is fewer than one for each 2,600 of its  
37 population;

38 (4) on the first day of the 37th month following the adoption of  
39 the ordinance, the combined total number of such licenses existing  
40 in the municipality is fewer than one for each 2,400 of its  
41 population;

42 (5) on the first day of the 49th month following the adoption of  
43 the ordinance, the combined total number of such licenses existing  
44 in the municipality is fewer than one for each 2,200 of its  
45 population; and

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1       (6) on the first day of the 61st month following the adoption of  
2 the ordinance, the combined total number of such licenses existing  
3 in the municipality is fewer than one for each 2,000 of its  
4 population.

5       **【No】** c. A new plenary retail distribution license shall not be  
6 issued in a municipality unless and until the number of such  
7 licenses existing in the municipality is fewer than one for each  
8 7,500 of its population **【according to the most recent estimates**  
9 **issued by the U.S. Bureau of the Census; provided, however, in the**  
10 **year that the official federal decennial counts are received by the**  
11 **Governor, those federal decennial counts shall be used】.**

12       d. A municipality's population shall be determined pursuant to  
13 this section according to the most recent estimates issued by the  
14 U.S. Bureau of the Census; provided, however, in the year that the  
15 official federal decennial counts are received by the Governor,  
16 those federal decennial counts shall be used.

17 (cf: P.L.1999, c.189, s.1)

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19       2. This act shall take effect immediately.

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STATEMENT

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24       This bill allows the governing body of a municipality to adopt an  
25 ordinance to reduce the population limit necessary to issue  
26 additional plenary retail consumption licenses.

27       Under current law, plenary retail consumption licenses authorize  
28 the sale of alcoholic beverages for consumption on the licensed  
29 premises, which generally applies to bars and restaurants. The  
30 number of plenary retail consumption licenses issued by a  
31 municipality is limited based on the population of that municipality.  
32 A municipality may issue plenary retail and seasonal retail  
33 consumption licenses until the combined total number in the  
34 municipality is fewer than one license for each 3,000 municipal  
35 residents. Due to this restriction, there is a shortage of these  
36 licenses in some municipalities.

37       To address this shortage, this bill allows municipalities to adopt  
38 an ordinance to decrease the current population limit of one license  
39 for every 3,000 municipal residents by 200 municipal residents each  
40 year over the course of the next five years until the population limit  
41 is one license for every 2,000 municipal residents. This would  
42 allow municipalities to issue additional retail consumption licenses.