

Limited retail distribution license. 3. b. The holder of this license shall be entitled, subject to rules and regulations, to sell any unchilled, brewed, malt alcoholic beverages in quantities of not less than 72 fluid ounces for consumption off the licensed premises, but only in original containers; provided, however, that this license shall be issued only for premises operated and conducted by the licensee as a bona fide grocery store, meat market, meat and grocery store, delicatessen, or other type of bona fide food store at which groceries or other foodstuffs are sold at retail; and provided further that this license shall not be issued except for premises at which the sale of groceries or other foodstuffs is the primary and principal business and at which the sale of alcoholic beverages is merely incidental and subordinate thereto. The fee for this license shall be fixed by the governing body or board of the municipality in which the licensed premises are situated, by ordinance, at not less than \$25.00 and not more than \$50.00. The governing board or body of each municipality may, by ordinance, enact that no limited retail distribution license shall be granted within its respective municipality.

Plenary retail transit license. 4. The holder of this license shall be entitled, subject to rules and regulations, to sell any alcoholic beverages, for consumption only, on railroad trains, airplanes, limousines and boats, while in transit. The fee for this license for use by a railroad or air transport company shall be \$300.00, for use by the owners of limousines shall be \$25.00 per vehicle, and for use on a boat shall be \$50.00 on a boat 65 feet or less in length, \$100.00 on a boat more than 65 feet in length but not more than 110 feet in length, and \$300.00 on a boat more than 110 feet in length; such boat lengths shall be determined in the manner prescribed by the Bureau of Customs of the United States Government or any federal agency successor thereto for boat measurement in connection with issuance of marine documents. A license issued under this provision to a railroad or air transport company shall cover all railroad cars and planes operated by any such company within the State of New Jersey. A license for a boat or limousine issued under this provision shall apply only to the particular boat or limousine for which issued, and shall permit the purchase of alcoholic beverages for sale or service in a boat or limousine to be made from any Class A and B licensee or from any Class C licensee whose license privilege permits the sale of alcoholic beverages in original containers for off-premises consumption. An interest in a plenary retail transit license issued in accordance with this section shall be excluded in determining the maximum number of retail licenses permitted under P.L.1962, c. 152 (C.33:1-12.3 (c) seq.).

Club license. 5. The holder of this license shall be entitled, subject to rules and regulations, to sell any alcoholic beverages but

only for immediate consumption on the licensed premises and only to bona fide club members and their guests. The fee for this license shall be fixed by the governing board or body of the municipality in which the licensed premises are situated, by ordinance, at not less than \$50.00 and not more than \$150.00. The governing board or body of each municipality may, by ordinance, enact that no club licenses shall be granted within its respective municipality. Club licenses may be issued only to such corporations, associations and organizations as are operated for benevolent, charitable, fraternal, social, religious, recreational, athletic, or similar purposes, and not for private gain, and which comply with all conditions which may be imposed by the Commissioner of Alcoholic Beverage Control by rules and regulations.

Amended by L.1942, c. 156, p. 460, § 1; L.1946, c. 272, p. 932, § 1; L.1951, c. 163, p. 632, § 1; L.1956, c. 215, p. 772, § 1; L.1957, c. 179, p. 620, § 1; L.1966, c. 180, § 1, eff. June 22, 1966; L.1967, c. 296, § 1, eff. Feb. 15, 1968; L.1968, c. 335, § 1, eff. Nov. 13, 1968; L.1969, c. 183, § 1, eff. Nov. 5, 1969; L.1976, c. 44, § 3, eff. June 30, 1976; L.1976, c. 54, § 1, eff. July 26, 1976; L.1985, c. 157, § 2, eff. April 26, 1985; L.1993, c. 198, § 1, eff. July 23, 1993; L.1993, c. 216, § 2, eff. July 30, 1993.

Historical and Statutory Notes

Source: L.1933, c. 436, § 13, p. 1189, amended by L.1934, c. 85, § 11, p. 231, L.1935, c. 180, § 1, p. 445, L.1935, c. 257, § 7, p. 798.

1985 Legislation

L.1985, c. 157, § 2, in subsec. 3.b., substituted "license" for "license" in the first sentence; and in subsec. 4., in the first sentence, inserted "the fee for the second sentence, inserted "the fee for limousines" and deleted "the fee for this license" preceding "shall be \$50.00"; in the third sentence, substituted "railroad" for "dining and club" cars, in the fourth sentence, inserted "or limousine" twice and added the provisions relating to this permit for the purchase of alcoholic beverages following "for which issued", and added the fifth sentence.

1993 Legislation

L.1993, c. 198, § 1, in subsec. 1., authorized plenary retail licenses to sell alcoholic beverages on premises where brewers' packaged holiday merchandise packaged as a unit with other suitable objects, rather than with glassware, are sold; in subsec. 2., authorized seasonal retail consumption licenses to sell alco-

holic beverages on premises where brewers' packaged holiday merchandise packaged as a unit with other suitable objects, rather than with glassware, are sold; in subsec. 3a., authorized plenary retail consumption licenses to sell alcoholic beverages on premises where brewers' packaged holiday merchandise packaged with other suitable objects, rather than with glassware, are sold.

L.1993, c. 216, § 2, without incorporating amendment by L.1993, c. 198, § 1, in subsec. a., added the second undesignated par. relating to licensing and operation of a restricted brewery.

L.1993, c. 216, § 2, was corrected by the Legislative Counsel with the concurrence of the Attorney General under the authority of § 1:3-1 to incorporate the inadvertently omitted provisions of the amendment of this section by L.1993, c. 198, § 1, in subsecs. 1., 2. and 3a., by including reference to brewers' packaged holiday merchandise and by substituting "other suitable objects" for "suitable glassware".

Statement: Committee statement to Assembly, No. 661-L.1985, c. 157, § 33:1-1.

Case Notes

13:2-8.1 Definitions

The following words and terms when used in this subchapter shall have the following meanings unless the context clearly indicates otherwise.

“Club” means an organization, corporation or association controlled by and consisting of 60 or more persons, of legal drinking age, operating solely for benevolent, charitable, fraternal, social, religious, recreational, athletic or similar purposes and not for private gain.

“Club member” means any individual in good standing who has been admitted to voting membership in the manner regularly prescribed by the bylaws of a club, and who maintains such membership in a bona fide manner and whose name and address are entered on the list of members. No individual shall be eligible for such club membership unless he has filed written application with the appropriate body, as set forth in the club bylaws, and such application is approved by said body at least three days subsequent to the filing thereof. Persons holding limited or auxiliary club membership shall not be deemed to be club members.

“Guest of club member” means an individual who is expressly invited to the club licensed premises by an individual member of the club and who is sponsored by and personally attended by the member at such premises. An individual club member may have as his guest no more than nine individuals on any one occasion unless such individuals are attending a private affair, such as a wedding, anniversary, confirmation, bar mitzvah or birthday party, honoring a spouse, child, parent, brother or sister of a club member.

Administrative Correction:

See: 15 N.J.R. 1876(b).
 Amended by R.1990 d.412, effective August 20, 1990.
 See: 22 N.J.R. 1811(a), 22 N.J.R. 2508(c).
 Stylistic revision.
 Amended by R.1995 d.450, effective August 21, 1995.
 See: 27 N.J.R. 2051(a), 27 N.J.R. 3177(a).
 Amended definition of “Club”.

Case Notes

Country club was not a bona fide club and, hence, could not hold club liquor license. *Alcoholic Beverage Control v. Medford Village Resort*, 95 N.J.A.R.2d (ABC) 96.

Club license; valid ordinance limiting the number of licenses. *Boricua Social Club, Inc. v. Perth Amboy City Council*, 94 N.J.A.R.2d (ABC) 36.

13:2-8.2 Bona fide clubs

Club licenses shall be issued only to bona fide clubs.

13:2-8.3 Previous period of continuous, active operation

Except as provided in N.J.A.C. 13:2-8.5, no license shall be issued to any club unless it shall have been in active operation in the State of New Jersey for at least three years continuously immediately prior to the submission of its application for a license.

Country club was not a bona fide club and, hence, could not hold club liquor license. *Alcoholic Beverage Control v. Medford Village Resort*, 95 N.J.A.R.2d (ABC) 96.

13:2-8.4 Previous period of possession and use of club quarters

Except as provided herein or in N.J.A.C. 13:2-8.5, no license shall be issued to any club unless it shall have been in exclusive possession and use of a clubhouse or club quarters for at least three years continuously immediately prior to the submission of its application for a license. A bona fide club which has been in active operation in this State for the period of time required as aforesaid, but which has been deprived of continuous possession and use of its clubhouse or club quarters by reasons of foreclosure, loss of lease, eminent domain, fire, casualty or other removal for a cause other than the violation of the laws of the State or of municipal ordinance, shall not be prevented thereby from obtaining a club license upon presenting to the satisfaction of the issuing authority proof of said facts and proof that possession of suitable premises has been obtained.

Amended by R.1990 d.412, effective August 20, 1990.
 See: 22 N.J.R. 1811(a), 22 N.J.R. 2508(c).

Added “loss of lease, eminent domain, fire, casualty” to reasons for deprivation of club premises use; deleted “dispossession”.

Case Notes

Country club was not a bona fide club and, hence, could not hold club liquor license. *Alcoholic Beverage Control v. Medford Village Resort*, 95 N.J.A.R.2d (ABC) 96.

13:2-8.5 Exceptions to eligibility requirements

(a) Any constituent unit, chartered or otherwise duly enfranchised chapter or member club of a national or state order, organization or association, which is in possession of suitable premises, shall not be prevented from obtaining a club license by reason of the fact that the unit, chapter or member club has not been in active operation in this State for at least three years continuously or has not been in exclusive continuous possession and use of a clubhouse or club quarters for the same period of time, provided said unit, chapter or member club obtains from the Director, and presents to the issuing authority at or before the issuance of the license, a certificate stating that satisfactory proof has been submitted to the Director that said unit, chapter or member club has been duly credentialed by a national or state order, organization or association which has been in active operation in this State for at least three years continuously immediately prior to submission of the application for a license.

(b) Nothing in N.J.A.C. 13:2-8.3 or 8.4 shall prevent the issuance of a club license to a bona fide club provided that special course for such issuance is shown in writing to the Director and provided that the Director's written approval of such issuance is first obtained.

Prohibited sales "in original containers for off-premises consumption".

13:2-8.10 Hours of permissible sale and consumption

No club licensee shall sell, serve or deliver, or allow, permit or suffer the sale, service, delivery or consumption of any alcoholic beverage on the licensed premises during hours or on days when plenary or seasonal retail consumption licenses in the same municipality are prohibited from such activity by municipal regulation or referendum.

13:2-8.11 Social affairs permittees

No club licensee shall sell, serve or deliver any alcoholic beverages to the holder of any special permit authorizing sale of alcoholic beverages at a social affair to be conducted by a permittee other than the club licensee itself, or to any person attending such social affair on the club licensed premises unless such person is, in fact, a bona fide member of the licensee-club or a bona fide guest of such member.

Amended by R.1990 d.412, effective August 20, 1990.
See: 22 N.J.R. 1811(a), 22 N.J.R. 2508(c).
Prohibited sales to "a permittee other than the club licensee itself".

13:2-8.12 (Reserved)

Amended by R.1990 d.412, effective August 20, 1990.
See: 22 N.J.R. 1811(a), 22 N.J.R. 2508(c).
Specified all moneys received "in the ordinary course of business" and a record of the source "and amount" of all moneys otherwise received; added reference to N.J.A.C. 13:2-8.8.
Repealed by R.1995 d.450, effective August 21, 1995.
See: 27 N.J.R. 2051(a), 27 N.J.R. 3177(a).
Section was "Books of account".

13:2-8.13 Advertising prohibition

No club licensee shall advertise, directly or indirectly, or allow, permit or suffer any advertising to non-club members the availability of alcoholic beverages at its licensed premises; provided, however, that the prohibition here in shall not apply to the holder of any special permit issued by the director and authorizing the sale of alcoholic beverages at a social affair to be conducted at the club's licensed premises, with respect to such particular affair providing the social affair permit number is indicated in the advertisement.

Amended by R.1990 d.412, effective August 20, 1990.
See: 22 N.J.R. 1811(a), 22 N.J.R. 2508(c).
Deleted text regarding allowance of "signs on the interior" of club premises.

13:2-8.14 Violations

A club license is restricted type of retail license and therefore its holder must comply with not only the rules set forth in this subchapter, but with all the relevant provisions applicable to retail licenses. In disciplinary proceedings brought pursuant to the alcoholic beverage law, it shall be sufficient, in order to establish the guilt of the club licensee, to show the violation was committed by an agent, servant or employee of the club licensee or a member of the club. The fact that the licensee did not participate in the violation

or that its agent, servant, employee or member acted contrary to instructions given to him by the club licensee or that the violation did not occur in the presence of the licensee's agent, servant, employee or member shall constitute no defense to the charges preferred in such disciplinary proceedings.

Amended by R.1990 d.412, effective August 20, 1990.
See: 22 N.J.R. 1811(a), 22 N.J.R. 2508(c).
Stylistic revision.

SUBCHAPTER 9. (RESERVED)

Subchapter Historical Note

Subchapter 9, Warehouse Receipts Licenses was repealed by R.1995 d.450, effective July 24, 1995. See: 27 N.J.R. 2051(a), 27 N.J.R. 3177(a).

SUBCHAPTER 10. PLENARY AND FARM WINERY LICENSES; WINE BLENDING LICENSES; RETAIL PRIVILEGES; PARCEL DELIVERY SERVICE

13:2-10.1 Application for plenary and farm winery licenses; statement of intent

(a) All applicants for plenary winery licenses shall comply with the application, advertising and hearing provisions of this chapter. The application shall be filed on a form prescribed by the Director in which the applicant shall demonstrate its ability to comply with the requirements of N.J.S.A. 33:1-10.2a. The applicant shall file a statement of intent which shall include the following information: number of acres engaged in cultivating grapes or growing fruit; location of acreage in respect to the proposed licensed premises; type of products to be produced (for example, naturally fermented wines, fortified wines, treated wines); intent to sell products to wholesalers, retailers, or consumers; and intent to utilize other premises for retail sales.

(b) All applicants for a farm winery license shall comply with the application, advertising and hearing provisions of this chapter. The application shall be filed on a form prescribed by the Director in which the applicant shall demonstrate its ability to comply with the requirements of N.J.S.A. 33:1-10.2b. The applicant shall file a statement of intent which shall include the following information: number of acres engaged in cultivating grapes or growing fruit; location of acreage with respect to the proposed licensed premises; means by which acreage is under the applicant's control; plan under which New Jersey grown fruit will constitute at least 51 percent of wine product initially with plans to increase that percentage over five years; intent to sell products to wholesalers, retailers, and/or consumers;