

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY**

GENERAL ORDINANCE NO. 2131

**AN ORDINANCE AMENDING CHAPTER 4 OF THE TOWN CODE OF
THE TOWN OF WESTFIELD, NEW JERSEY, IN ORDER TO REGULATE
THE HOURS FOR THE RETAIL SALE OF ALCOHOLIC BEVERAGES**

WHEREAS, under the statutory law of the State of New Jersey, *N.J.S.A. 33:1-40, et al.*, the governing body of each municipality may regulate the hours between which the sale of alcoholic beverages at retail may be made; and

WHEREAS, currently, the Town of Westfield (the “Town”) permits the retail sale of alcoholic beverages that are to be consumed off premises to occur seven days per week, but varies those hours depending on the type of alcoholic beverages being sold; and

WHEREAS, currently the Town also differentiates the hours of the on-premises sale of alcohol between Sundays and all other days of the week; and

WHEREAS, the Mayor and Town Council have determined that the differential treatment of hours based upon the type of alcoholic beverage and the day of the week is unnecessarily complicated, and the varied and staggered hours of sale serve no important public purpose, and

WHEREAS, the public may benefit from the convenience of extending the hours on Sundays during which the sale of alcoholic beverages for consumption off-premises can occur without any detrimental effects from such an extension on the public health and safety;

NOW, THEREFORE, BE IT RESOLVED:

SECTION I. Section 4-6, “Hours of Operation,” of Chapter IV, “Alcoholic Beverages,” of the Town Code shall be and is hereby amended as follows:

Sec. 4-6. Hours of Operation.

No plenary retail consumption licensee or club licensee shall sell, serve, deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage or permit the consumption of any alcoholic beverage on the licensed premises between the hours of 1:00 A.M. and 6:30 A.M.; provided, that on the first day of January such sales may be made up to 3:00 A.M.

No licensee shall sell or deliver, or allow, permit, or suffer the sale or delivery of any alcoholic beverage at retail in its original container for consumption off the licensed premises or allow, permit, or suffer the removal of any alcoholic beverage in its original or opened container from retail licensed premises, before 9:00 A.M. or after 10:00 P.M., except that such licensees may sell or deliver, or allow, permit, or suffer the sale or delivery of wine or malt alcoholic beverage at retail in its original container for consumption off the licensed premises or allow, permit, or suffer the removal of any alcoholic beverage in its original or opened container from retail licensed premises, before 6:30 A.M. or after 12:00 A.M., provided that on the first day of January such sales may be made up to 3:00 A.M.

SECTION II. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

SECTION III. If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

SECTION IV. This Ordinance shall take effect after passage and publication in the manner provided by law.