

SUBCHAPTER 2. FILING OF APPLICATION AND ADVERTISING NOTICE OF APPLICATION FOR MUNICIPAL LICENSE

13:2-2.1 Application forms

(a) Application for license must be filed with the issuing authority, in triplicate, on forms prescribed by the Director, Division of Alcoholic Beverage Control at or before the first insertion of advertisement together with the full annual license fee and an additional \$200.00 filing fee payable to the Division of Alcoholic Beverage Control. One copy of the application and the non-returnable filing fee of \$200.00 shall be forwarded by the issuing authority to the Director immediately upon receipt thereof, and a second copy returned to the applicant. If the application is to include as the licensed premises a building not yet constructed, plans of the proposed building shall accompany the application. The plans shall show the appearance and design of the proposed building, the type or types of exterior building material and the overall room dimensions.

1. If an applicant is a corporation, partnership, limited liability company, or other legal entity, the names and residences of all those persons identified in N.J.A.C. 13:2-1.2(a) shall be inserted in the application. If in listing those,

another corporation, partnership, or other legal entity is noted, the notice shall also contain the names and addresses of the officers, directors, stockholders, partners, or members in that other entity noted.

Amended by R.1990 d.412, effective August 20, 1990. See: 22 N.J.R. 1811(a), 22 N.J.R. 2508(c). Added "in triplicate, on forms promulgated by the Director". Amended by R.1995 d.450, effective August 21, 1995. See: 27 N.J.R. 2051(a), 27 N.J.R. 3177(a). Substituted "prescribed" for "promulgated" and increased filing fees. Amended by R.2000 d.342, effective August 21, 2000. See: 32 N.J.R. 1717(a), 32 N.J.R. 3162(a). Designated existing paragraph as (a); added a new (a)1. Special amendment, R.2003 d.311, effective July 3, 2003 (to expire January 3, 2004). See: 35 N.J.R. 3707(a). In (a), substituted "\$200.00" for "\$100.00" in the introductory paragraph. Adopted concurrent amendment, R.2003 d.470, effective November 5, 2003. See: 35 N.J.R. 3707(a), 35 N.J.R. 5427(a). Provisions of R.2003 d.311 adopted without change. Amended by R.2006 d.67, effective February 21, 2006. See: 37 N.J.R. 3221(a), 38 N.J.R. 1193(a). In (a)1, added "limited liability company,".

13:2-2.2 Form of notice of application

Notice of application shall be published in the following form:

-NOTICE- ALCOHOLIC BEVERAGE LICENSE

Take notice that _____ (Name of Applicant)

trading as _____ (Trade Name, if any)

has applied to Town _____ (Name of Issuing Authority)

of City _____ (Municipality)

for issuance of a "new" license for failure to timely renew pursuant to N.J.S.A. 33:1-12.18 special Ruling granted by Director license for premises situated _____ (Type of License)

at _____ (No.) _____ (Street) _____ (Municipality)

The person(s) who will hold an interest in this license is/are: _____

See*

(See ** to insert other information if applicable)

Objections, if any, should be made immediately in writing to:

_____ of _____ (Municipal Clerk) of _____ (Municipality and Mailing Address)

_____ (Name of Applicant)

MAKE SURE YOU include the license term or terms

2-9 Note: Notice is cont. on next pg Supp. 2-21-06

(Address of Applicant)

*If the applicant is an individual, insert the name and residence address of that individual.

If the applicant is a corporation, partnership, limited liability company, or other legal entity, insert the names and residence addresses of all persons identified in N.J.A.C. 13:2-1.2(a).

If the applicant is a club, insert the name and residence address of all officers and the offices they fill respectively, and the names and residences of the directors, trustees or other governing officials.

**If the application is for a building not yet constructed, insert in the Notice the following: "Plans of building to be constructed may be examined at the office of the Municipal Clerk."

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

Amended Notice.

Amended by R.1995 d.450, effective August 21, 1995.
See: 27 N.J.R. 2051(a), 27 N.J.R. 3177(a).

Deleting enumeration of (a).

Amended by R.2000 d.342, effective August 21, 2000.
See: 32 N.J.R. 1717(a), 32 N.J.R. 3162(a).

Rewrote the notice.

Amended by R.2006 d.67, effective February 21, 2006.
See: 37 N.J.R. 3221(a), 38 N.J.R. 1193(a).

Added "limited liability company," to form.

13:2-2.3 Issuing authority defined

(a) "Issuing authority" in the form of notice in N.J.A.C. 13:2-2.2 usually means the governing board or body of the municipality, whatever the name may be, for instance the mayor and council, the township committee, and so forth, except where a municipal board of alcoholic beverage control has been created, in which case such board is the issuing authority.

(b) If the application is made by a member of the issuing authority or by a corporation, partnership, limited liability company, or other legal entity in which any member of the issuing authority is interested, directly or indirectly, the Director of the Division of Alcoholic Beverage Control is the issuing authority in the form of notice and the notice must state that any objections should be addressed to the Director, Division of Alcoholic Beverage Control, PO Box 087, Trenton, New Jersey 08625-0087. This subsection shall not apply to club licenses.

Amended by R.1984 d.141, effective April 16, 1984.
See: 16 N.J.R. 345(a), 16 N.J.R. 916(a).

Deleted "25 Commerce Drive, Cranford, New Jersey 07016."

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

Stylistic revisions.

Amended by R.1995 d.450, effective August 21, 1995.
See: 27 N.J.R. 2051(a), 27 N.J.R. 3177(a).

Made (b) inapplicable to club licenses.

Amended by R.2000 d.342, effective August 21, 2000.
See: 32 N.J.R. 1717(a), 32 N.J.R. 3162(a).

In (b), substituted "partnership or other legal entity" for "organization or association".

Amended by R.2006 d.67, effective February 21, 2006.
See: 37 N.J.R. 3221(a), 38 N.J.R. 1193(a).

In (b), added "limited liability company,".

13:2-2.4 Type of license defined

"Type of license" in the form of notice in N.J.A.C. 13:2-2.2 requires the name or kind of license that is involved in the application. It must be worded strictly in accordance with the statutory language, for instance, "plenary retail consumption license", "plenary retail distribution license", "club license", and so forth.

Amended by R.1990 d.412, effective August 20, 1990.

See: 22 N.J.R. 1811(a), 22 N.J.R. 2508(c).

Stylistic revisions.

13:2-2.5 Publication of notice of application

(a) The notice of application shall be published once a week for two weeks successively, at least seven days apart in a newspaper printed in the English language, published and circulated in the municipality in which the licensed premises is located. If, however, there shall be no such newspaper, then the notice shall be published in a newspaper printed in the English language, published and circulated in the county in which the licensed premises is located.

(b) Proof of publication of the notice of application for license shall be furnished after the second publication with copies of the dated advertisements attached.

Amended by R.1990 d.412, effective August 20, 1990.

See: 22 N.J.R. 1811(a), 22 N.J.R. 2508(c).

In (b), added "with copies of advertisements attached"; deleted form.

Amended by R.2000 d.342, effective August 21, 2000.

See: 32 N.J.R. 1717(a), 32 N.J.R. 3162(a).

In (a), added "at least seven days apart" following "successively,".

13:2-2.6 Applicants for renewal of municipal licenses

Applicants for renewal of municipal licenses, other than seasonal retail consumption licenses, issued by municipal issuing authorities are not required to advertise notice of application. In lieu thereof, the Director shall cause a general notice of application to be published in the form set forth in N.J.A.C. 13:2-1.5 once a week from the week of April 1 through the week of June 1 in a newspaper printed in the English language and published and circulated in the counties in which the premises of applicants for such renewals are located.

Amended by R.1990 d.412, effective August 20, 1990.

See: 22 N.J.R. 1811(a), 22 N.J.R. 2508(c).

Stylistic revisions; deleted Notice.