

Mayor Nolan offered the following Ordinance and moved on its adoption and authorized its publication according to law:

**ORDINANCE NO. O-12-5**

**AN ORDINANCE AMENDING CHAPTER 6-6 “REQUIREMENTS FOR EMPLOYEES SERVING ALCOHOLIC BEVERAGES” OF THE REVISED GENERAL ORDINANCE OF THE BOROUGH OF HIGHLANDS**

**NOTE:** The section of Chapter 6-6 that is to be amended by this Ordinance includes only the Sections specifically set forth below. All additions shown in **bold with underlines**. The deletions are shown as ***strikeovers in bold italics***. It is the intent to delete the entire SECTION.

**Section 6-6 REQUIREMENTS FOR EMPLOYEES SERVING ALCOHOLIC BEVERAGES (DELETED)**

~~**6-6 — REQUIREMENTS FOR EMPLOYEES SERVING ALCOHOLIC BEVERAGES.**~~

~~**6-6.1 — Identification Cards.**~~

~~— All persons, corporations, partnerships or other entities applying for an initial or renewal of alcoholic beverage sale and/or distribution licenses in the Borough of Highlands shall be required to obtain identification cards for every bartender, waiter, waitress or other employee or person connected with, or employed by or who, during the period of licensing, shall be connected with, or employed by the said licensee and who will handle alcohol directly during the course of duties required by the licensee. All cards shall be secured and obtained within ten days from the initial application for or renewal of the alcoholic beverage sale or distribution license, or within ten days of the employment of any employee connected with the licensed premises.~~

~~— a. — The fee for the issuance of an identification card as set forth in subsection 6-6.1 shall be twenty (\$20.00) dollars for the borough fee and the State fee, which is currently thirty (\$30.00) dollars, as it may be revised in the future.~~

~~**6-6.2 — Fingerprinting and Photographing Requirements.**~~

~~— It shall be the responsibility of the licensee to ensure that every agent, bartender, waiter, waitress or other employee or person connected with or employed by said licensee, or to be in the future connected with or employed by said licensee, and who will handle alcohol directly during the course of duties required by the licensee, have an impression of the thumb and fingertips of one or both hands taken by the Highlands Police Department and, further, to cause such persons to have their photograph taken by the Highlands Police Department.~~

~~— a. — Persons under the age of 18 shall be fingerprinted to obtain an identification card but shall be exempt from borough fees, not State fees.~~

~~**6-6.3 — Identification Cards; On File; Expiration Date.**~~

~~— The Borough of Highlands Police Department shall furnish to the licensee and to every agent, bartender, waiter, waitress or other employee connected with or employed by the licensee, and who will handle alcohol directly during the course of discharging duties by the licensee an identification card demonstrating compliance with the provisions of this section. This card shall be on file on the licensed~~

~~premises and shall be exhibited upon demand at any time requested by any law enforcement officer or official of the Borough of Highlands. Such identification card shall expire three years from the date of issue, at which time new photographs shall be taken by the Highlands Police Department and a new fee therefor paid by the licensee. Every licensee and every agent, bartender, waiter, waitress or other employee connected or person associated or to be associated with or employed by licensee and who will handle alcohol directly during course of discharging duties by licensee in the future shall make application for liquor sale or distribution identification cards within ten days of employment or association with the license entity and shall secure the identification card as provided for in this section.~~

~~6-6.4 Information on Employees to be Submitted to Police.~~

~~In addition to fingerprinting and photographing, every bartender, waiter, waitress, agent, employee or person associated with a licensed premises shall, in addition, provide the Highlands Police Department with the following information:~~

- ~~a. Name and description of the applicant and permanent home address and full local address.~~
- ~~b. Name and address of the licensed employer.~~
- ~~c. Names of at least two property owners in the County of Monmouth and State of New Jersey who will certify as to the applicant's good character.~~
- ~~d. A statement showing whether the applicant has been convicted of any crime, disorderly persons violation or violation of any municipal ordinance, the nature of the offense and the punishment and penalty assessed therefor.~~
- ~~e. The applicant's date of birth and social security number.~~
- ~~f. Such other information as may be required by the Borough of Highlands Police Department.~~

~~6-6.5 Notification of Police of Changes Regarding Employees.~~

~~Every licensee shall be responsible for notifying the Highlands Police Department of any change of employment or association of any agent, bartender, waiter, waitress or other employee who is the holder of an identification card from the Highlands Police Department, and shall forthwith report to said police department the employment or association of such other agents, bartenders, waiters, waitresses or other employees or persons connected with the licensed premises who may hereinafter be associated with the said licensed premises.~~

~~6-6.6 Investigation by Police.~~

~~It shall be the duty and obligation of the Highlands Borough Police Department to investigate violations and to enforce this section.~~

~~6-6.7 Violations and Penalties.~~

~~Any licensee or person or agent violating the provisions of this section who is neglecting or refusing to comply with any of the terms or conditions hereof shall, upon conviction thereof, forfeit and pay a fine of not less than fifty (\$50.00) dollars and not exceeding five hundred (\$500.00) dollars for the first offense, and for each subsequent offense, a fine of not less than two hundred fifty (\$250.00) dollars and not exceeding one thousand (\$1,000.00) dollars. Each and every nonconformance with this section shall be construed as a separate and distinct violation thereof.~~

~~6-6.8 Responsibilities of Employees.~~

~~— Any bartender, waiter, agent, employee or other person connected with or employed by or about to be connected with or employed by or who may in the future be connected with or employed by the licensed premises and who will handle alcohol directly during the course of discharging duties required by the licensee shall, notwithstanding the responsibility of the licensee to ensure compliance with this section, be responsible individually to comply with the terms and conditions of this section and, for any violation thereof by such person, shall be subject to the same fines and penalties and forfeiture as herein provided for the licensee.~~

~~6-6.9 — Display of State Penalties.~~

~~— Each licensed premises shall be required to display in a prominent place, visible to the public, a statement setting forth the penalties for drunken driving, refusal to take breathalyzer tests and possession of an open container of an alcoholic beverage in a motor vehicle as is provided in Title 39 of the New Jersey Statutes.~~

Seconded by Mr. Francy and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Redmond, Mr. O’Neil, Mr. Francy, Ms. Kane, Mayor Nolan  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

**DATE:** March 21, 2012

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Carolyn Cummins, Borough Clerk

**Introduction:** February 1, 2012  
**Publication:** February 17, 2012 - Two River Times  
**P.H./Adoption:** March 21, 2012  
**Publication:** March 30, 2012 – Two River Times

I hereby certify this to be a true copy of Ordinance O-12-5 adopted by the Governing Body of the Borough of Highlands on March 21, 2012.

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Borough Clerk/Deputy Clerk