

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TINTON FALLS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, IN ORDER TO PROHIBIT A HOLDER OF A LIQUOR LICENSE ISSUED BY THE BOROUGH OF TINTON FALLS PURSUANT TO N.J.S.A. 33:1-1 ET SEQ. FROM CONTRIBUTING MONEY OR PLEDGING A CONTRIBUTION, INCLUDING IN KIND CONTRIBUTIONS TO ANY CANDIDATE OR MAYOR OR BOROUGH COUNCIL MEMBERS OF THE BOROUGH OF TINTON FALLS

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF TINTON FALLS AS FOLLOWS:

Restriction on Political Contributions by Holders of Alcoholic Beverage Licenses in the Borough of Tinton Falls.

Whereas, the Borough Council of the Borough of Tinton Falls has the responsibility of acting as the local Alcoholic Beverage Control Board regulating entities or establishments holding licenses in the Borough of Tinton Falls pursuant to New Jersey Alcoholic Beverage Control Act, N.J.S.A. 33:1-1 et seq.; and

Whereas, the New Jersey Alcoholic Beverage Control Act, N.J.S.A. 33:1-1 et seq. and the Courts recognize the rights of a Municipality to regulate alcoholic beverages to protect the health, safety and welfare of the people and to prevent liquor licenses from obtaining influence in the area of liquor regulation; and

Whereas, the Borough Council of the Borough of Tinton Falls has committed itself to reducing the influence of contributions of money, pledges, other contribution, including in kind contributions or purchase of tickets, advertisements or the like which proceeds will be used by or on behalf of or to (1) any candidate having ultimate responsibility for the awarding of the contract or (2) any Municipal party committee or (3) any county or state committee which might contribute the funds to a candidate or Mayor or Borough Council of the Borough of Tinton Falls; and

Whereas, the governing body wishes to ensure that the public has the highest trust in its officials and to assure the public that impartiality and independence of judgment is maintained; and

Whereas, the governing body hopes to prevent the conduct of Borough's business from being subject to improper influence or even the appearance of improper influence,

NOW, THEREFORE, BE IT ORDAINED, that the policy of the Borough of Tinton Falls will be to exclude owners or holders of liquor licenses from contributing to individuals or political tickets running for office. If an owner of a liquor license makes a campaign contribution directly or indirectly as defined herein, they will be ineligible to receive a liquor license or renewal of existing license by the Borough of Tinton Falls.

Prohibition on Contributions by Licensed Establishments

a. No licensed establishment or applicant for a liquor license shall solicit or make any contribution of money or pledge or contribution including in kind contributions or purchase of tickets, advertisements or the kind, to any candidate for Mayor or Borough Council of the Borough of Tinton Falls or to any Municipal political party committee, county or state committee who is to make a contribution to a candidate in violation of this Ordinance.

b. For purposes of this Ordinance, a "licensed establishment" or "applicant for license" means any person or entity holding or applying for any license in the Borough of Tinton Falls under the provisions of the New Jersey Alcoholic Beverage Control Act, N.J.S.A. 33:1-1 et. seq. and shall include, a person; firm; corporation; partnership; organization or association with any ownership interest in any alcoholic beverage license regulated by the Borough of Tinton Falls. This definition shall include an individual as well as include the individual's spouse, if any, and any child living at home; all members, partners, shareholders, officers, directors, trustees, subsidiaries or related entities of any licensed establishment or applicant for a license.

c. For the purpose of this Ordinance, a "licensed establishment" or "applicant for license" shall not include a not-for-profit corporations, its members or board of trustees.

Contributions Made Prior to the Effective Date.

No contribution of money or any other thing of value, including any in-kind contributions, made by a "licensed establishment" or "applicant" to any municipal candidate for Mayor or Borough Council, or municipal party committee, county or state party committee shall be deemed a violation of this ordinance, nor shall an agreement for property, goods, or services of any kind whatsoever, be disqualified thereby, if that contribution was made by a "licensed establishment" or an "applicant" prior to the effective date of this ordinance.

Contribution Statement by Licensed Establishment or Applicant

a. Prior to awarding any license to an applicant or renewal of a liquor license held by any licensed establishment, the Borough shall receive a sworn statement from the applicant or licensed establishment, under penalty of perjury that the applicant or licensed establishment had not made a contribution in violation of this Ordinance and has not made or solicited contributions through intermediaries for the purpose of concealing the source of any contribution.

b. The applicant or licensed establishment shall have a continuing duty to report any violations of this Ordinance that may occur. The certification required under this subsection shall be in addition to any other certifications that may be required by any other provision of law.

Penalty

Any applicant for a liquor license or licensed establishment who knowingly makes a contribution or who fails to reveal a contribution made in violation of this Ordinance, or who knowingly makes or solicits contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution, shall be disqualified from eligibility for holding or applying for any liquor license of the Borough of Tinton Falls.

If any section, subsection, paragraph, sentence or any part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, not directly involved in the controversy in which such judgment shall have been rendered.

This Ordinance repeals any inconsistent Ordinance or part or parts thereof.

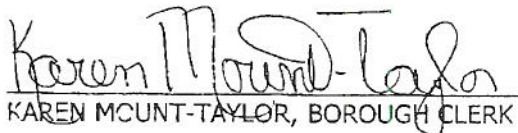
This Ordinance shall take effect immediately upon its final passage and publication as required by law.

INTRODUCED: February 15, 2005
ADOPTED: March 15, 2005



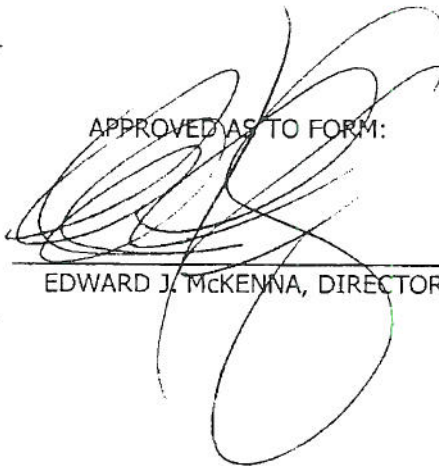
JEROME DONLON, COUNCIL PRESIDENT

ATTEST:



KAREN MCUNT-TAYLOR, BOROUGH CLERK


ANN Y. McNAMARA, MAYOR DATE 3/16/05

APPROVED AS TO FORM:


EDWARD J. MCKENNA, DIRECTOR OF LAW