

STATE OF NEW JERSEY

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

744 Broad Street,

Newark, N. J.

BULLETIN NUMBER 25

April 27, 1934

1. RULES AND REGULATIONS GOVERNING CLUB LICENSES

#1. For the purpose of these Rules and Regulations, the following words and terms shall be deemed to have the meaning herein given to them:

(a) "Club". Club shall mean an organization, corporation or association consisting of five (5) or more persons operating solely for benevolent, charitable, fraternal, social, religious, recreational, athletic or similar purposes, and not for private gain.

(b) "Club Member". Any person in good standing who has been admitted to membership in the manner regularly prescribed by the By-laws of a club, and who maintains his membership in a bona fide manner, and whose name and address are entered on the list of members.

#2. The fee for a club license shall be fixed by the governing board or body of the municipality in which the licensed premises shall be situated, by resolution or ordinance, at not less than fifty dollars (\$50.00) and not more than one hundred and fifty dollars (\$150.00); provided, however, that the governing board or body of every municipality may, by ordinance, enact that no club licenses shall be granted within its respective municipality.

#3. No club license shall be issued except in the form prescribed by the Commissioner.

#4. Applications for club license shall be made in the form prescribed by the Commissioner.

#5. Club licenses shall be issued only to bona fide clubs. 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 said application, and shall have been in exclusive, continuous possession and use of a clubhouse or club quarters for the same period of time; provided, however, that bona fide organizations, as aforesaid, deprived of the continuous possession and use of said quarters by reason of foreclosure, dispossession or other removal for a cause other than a violation of the laws of the State or of municipal ordinance, shall be permitted to obtain a Club License upon proof to the satisfaction of the issuing authority that they are a bona fide organization as provided for under the laws and these rules and regulations and that possession of suitable premises has been obtained, and provided further that nothing in this section shall prevent the issuance of a club license to any constituent unit, chartered or otherwise duly enfranchised chapter or member club of a national or state order, organization or association, which order, organization or association shall have been in active operation in the State of New Jersey for at least three years continuously, immediately prior to the submission of

said application, and which unit, chapter or member club shall have been duly credentialed by said national or state order, organization or association to and approved by the Commissioner.

#6. No club license shall be issued to any corporation, association or organization, the officers or governing body of which are not citizens of the United States.

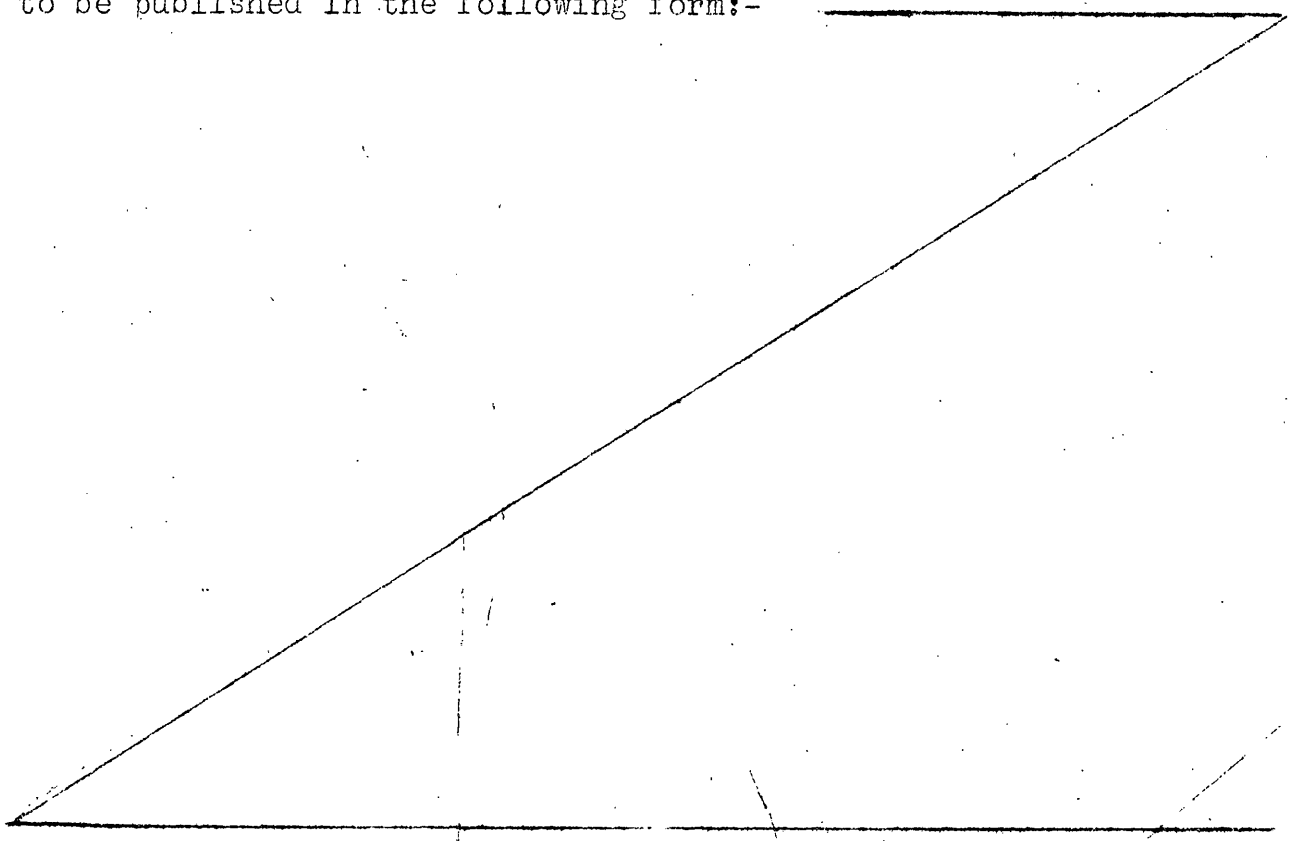
#7. Every applicant for a club license must be in possession of a Federal Special Tax Stamp, and must submit with the application a photostatic copy of same.

#8. In each municipality which issues Club Licenses, it shall be the duty of each issuing authority to receive applications for such licenses, to investigate applicant and to inspect premises sought to be licensed, to conduct public hearings on applications and revocations, and to enforce the provisions of "An Act concerning alcoholic beverages" (P.L.1933, C.436), as amended and supplemented, and any regulations heretofore or hereafter promulgated by the State Commissioner of Alcoholic Beverage Control, and of the State Tax Commissioner with reference to such licenses.

#9. Each application for a club license must be accompanied by a certified check or money order in the full amount of the properly pro-rated fee for said license.

#10. Club licenses shall be issued for a term of one year from the first of July; providing, however, that all such licenses issued prior to July 1st, one thousand nine hundred and thirty-four shall expire on June 30th, one thousand nine hundred and thirty-four and further provided that the respective fees for any such license shall be pro-rated according to the date of such license and based on the respective annual license fee provided for by each municipality.

#11. Every applicant shall cause a notice of intention to be published in the following form:-



N O T I C E

Take notice that \_\_\_\_\_  
 (Name of Club in full)  
 intends to apply to \_\_\_\_\_ of  
 (Name of Issuing Authority)  
 \_\_\_\_\_ for a Club License for premises  
 (Municipality)  
 situated at \_\_\_\_\_  
 (No. Street Municipality)

The names of the officers of this Club and the offices they fill respectively are:-

The names of the Directors, Trustees or other governing body of this Club are:-

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

\_\_\_\_\_ of \_\_\_\_\_  
 (Municipal Clerk) (Municipality)  
 \_\_\_\_\_  
 (Name of Applicant)

#12. The notice of intention, fully filled out in the above form, shall be published once a week for two weeks successively in a newspaper, printed in the English language, published and circulated in the municipality in which the licensed premises are located. If there is no such newspaper, then such notice shall be published in a newspaper printed in the English language, published and circulated in the county in which the licensed premises are located.

#13. Not later than the first insertion of advertisement, the applicant shall in writing request the Issuing Authority to fix a date for hearing whereupon it becomes the immediate duty of each Issuing Authority to fix such date and the hour and place, and thereafter, if any written objection, duly signed by a bona fide objector, to the issuance of such license, is lodged, afford a hearing to all parties, and immediately notify the applicant of the date, hour and place thereof. No hearing need be held if no such objection shall be lodged or if the issuing authority on its own motion shall, after the requisite statutory investigation, have determined not to issue a license to such applicant. The date fixed for such hearing shall be not less than two days after the second insertion shall have been published and should not be more than seven days. For good cause, each Issuing Authority in the exercise of sound and fair discretion may, subject to appeal to the State Commissioner by the applicant if he proves that he is aggrieved by the delay, fix a date for hearing later than said seven days or may djourn the hearing. This provision is made to include those cases where the issuing authorities are morally convinced but have not had time to gether the proof believed obtainable to demonstrate that the application should be denied or that it might be denied.

#14. Each Municipal Clerk shall immediately upon receipt of a written objection, acknowledge it and inform the objector of the date, hour and place fixed for hearing, and invite the objector to be present with his witnesses and counsel, and thereupon forthwith transmit to the Issuing Authority of the particular municipality the objection and everything pertaining thereto.

#15. Proof of publication shall be substantially in the following form:-

STATE OF NEW JERSEY }  
COUNTY OF } SS.

\_\_\_\_\_ of full age, being duly sworn according to law, on his oath says:

That he is a \_\_\_\_\_, employed by \_\_\_\_\_  
(Name of newspaper) which is a newspaper printed in the English language, published and circulating in \_\_\_\_\_  
(Name of municipality (or county)); that a notice of intention of which the annexed notice is a true copy, was published once a week for two weeks successively in the said \_\_\_\_\_  
(Name of newspaper); and that the first insertion was on the \_\_\_\_\_ day of \_\_\_\_\_, 193 and the second insertion on

the \_\_\_\_\_ day of \_\_\_\_\_, 193 , making two inser-  
tions in all.

Sworn and subscribed to )  
before me this )  
day of \_\_\_\_\_, 193 . )

\_\_\_\_\_  
(Signature of officer administering  
oath)

\_\_\_\_\_  
(Title of such officer)

#16. If the issuing authority to which such applica-  
tion is made shall have doubts as to the truth of the statements  
contained therein, or as to the good faith of said organization,  
or the honesty of purpose for which it was formed, it may re-  
quire any further proof with respect thereto which it shall deem  
necessary, fixing a day and giving the applicant notice when the  
same shall be heard, and after such hearing, it may reject such  
application unless it shall be satisfied that such club was  
formed in good faith and only for the purposes set forth, and  
not for the purpose of evading any statute of the State or ordin-  
ance or resolution of the municipality with reference to the sale  
of alcoholic beverages.

#17. Whenever any change shall occur in the facts as  
set forth in any application for a club license, the licensee  
shall file with the issuing authority, a notice in writing of  
such changes within ten (10) days after the occurrence thereof;  
said change, when so notified, shall thereupon become a part of  
said application for license to the end that subsequent changes  
must likewise be so notified; provided, however, that the drop-  
ping of old members from the rolls need not be so notified.

#18. Alcoholic beverages may be sold on the licensed  
premises only by the corporation, association, or organization  
holding a club license. The rights and privileges of a club  
license shall not be exercised by anyone except the licensee.  
Club licenses are not transferable.

#19. Each licensee shall be permitted to sell alcoholic  
beverages but only to bona fide members and their bona fide guests  
and only for immediate consumption on the licensed premises. No  
licensee may sell to the public generally or for off premises con-  
sumption.

#20. All club licenses shall be issued subject to the  
same municipal rules and regulations respecting limitation of  
hours of sale, and of Sunday sales as are prescribed in that  
municipality in respect to plenary retail consumption licenses,  
unless such municipality shall enact, by resolution or ordinance,  
that all club licenses issued in such municipality shall not be  
so subject.

#21. Unless otherwise expressly determined by muni-  
cipal ordinance or resolution, each club license shall be subject  
to all other municipal rules and regulations provided same shall  
have been first approved by the Commissioner.

2. LICENSES - CLUBS - OFFICIAL FORM OF CLUB LICENSE.

THIS LICENSE EXPIRES JUNE 30, 1934

STATE OF NEW JERSEY

\_\_\_\_\_  
(Name of Municipality)

No. C.B. \_\_\_\_\_

CLUB LICENSE

Pursuant to an Act of the Legislature of the State of New Jersey, entitled "An Act concerning alcoholic beverages" (P.L. 1933, C.436), as amended and supplemented, a Club License is hereby granted to:

\_\_\_\_\_  
(Name of Club)

with respect to the premises located in said municipality at:

\_\_\_\_\_  
(Describe Licensed Premises)

This license entitles the holder to sell only to bona fide club members and their bona fide guests, alcoholic beverages for immediate consumption only on the licensed premises.

This license further confers all the rights and privileges pertaining thereto under the above mentioned Act and any amendments thereof and supplements thereto, and is expressly subject to the terms, provisions, limitations, requirements, and conditions set forth in, and any rules and regulations promulgated heretofore and hereafter by the State Commissioner of Alcoholic Beverage Control pursuant to, said Act and amendments and supplements.

This license is further subject to the following special conditions:

Dated: \_\_\_\_\_ 193

\_\_\_\_\_  
(Name of Municipality or Municipal Board)

Fee paid on application \$ \_\_\_\_\_

By \_\_\_\_\_  
(Municipal Officer or Agent)

Municipal Corporate Seal

3. LICENSES - CLUB LICENSE - OFFICIAL FORM OF APPLICATION.

State of New Jersey

.....  
(Municipality)

Application for CLUB LICENSE

Application of.....  
(Print name of Club in full)

for a CLUB LICENSE, pursuant to an act entitled "An Act concern-  
ing alcoholic beverages" (P.L.1933, C.436), as amended and suppl-  
mented:

1. Application of.....

2. Location of premises to be licensed:

Street and number.....

Municipality.....

3. Is applicant an incorporated or an unincorporated body?

.....

4. If a corporation, is there submitted herewith a true copy  
of Charter?.....

5. If unincorporated, is there submitted herewith a true copy  
of the Articles of Association?.....

6. When was club chartered or organized?.....

7. Names and addresses of all officers:

NAME	ADDRESS	TITLE
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8. Names and addresses of all Directors, Trustees or other  
governing body of club:

NAME	ADDRESS
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9. Are the names of all members as of date of this application  
attached hereto?.....

- 10. Are all members of the club adults?.....
- 11. Are all officers, directors, trustees and members of any other governing body of the Club citizens?.....
- 12. Are the premises to be licensed within two hundred (200) feet of any church or schoolhouse?.....
- 13. If so, state circumstances and any facts which you deem bring you within the exemptions afforded by statute or by any rules and regulations promulgated by the Commissioner.  
.....  
.....
- 14. Do you own or rent premises for which license is applied?.....
- 15. What are the objects for which this club was formed?.....  
.....
- 16. Have you been in active operation in the State of New Jersey for at least three (3) years immediately prior to this application?.....If not, state the facts which you deem bring you within the rules and regulations governing club licenses promulgated by the Commissioner.....  
.....
- 17. Have you been in exclusive continuous possession and use of the premises for which license is sought for at least three (3) years immediately prior to this application?.....  
If not, state reason.....
- 18. Will the privilege of selling alcoholic beverages on the licensed premises be sold, rented, concessioned or given to anyone other than the club?.....
- 19. Will you sell alcoholic beverages to anyone other than bona fide members and their bona fide guests and only for immediate consumption on the licensed premises?.....
- 20. Will you sell alcoholic beverages to the public generally or to anyone who is not a member or the guest of a member?.....
- 21. Will you sell alcoholic beverages to anyone to be consumed off the licensed premises?.....
- 22. Is a photostatic copy of all federal licenses, permits and/or stamps, necessary for the lawful conduct of the club, submitted herewith?.....State number and class of each such license, permit and/or stamp so attached.....
- 23. Has notice of intention to make this application been published as required by law?.....If so, is proof of publication submitted herewith?.....
- 24. Is there submitted herewith a certified check or money order in the full amount of the properly pro-rated fee for said license?.....

25. What amount?.....

26. Has any officer, director, trustee or member of governing body:

(a) Ever been convicted of any crime?.....

If so, who, what and when?.....

(b) Ever been convicted of any violations of the act entitled "An Act concerning alcoholic beverages" (P.L. 1933, C.436), as amended and supplemented?.....

If so, state detail.....

(c) Ever been convicted of any violation of a Federal or State law concerning the manufacture, sale or distribution of alcoholic beverages?.....

If so, state detail.....

(d) Ever paid a fine or penalty in settlement of any prosecution against him for any violation of any Federal or State law concerning the manufacture, sale or distribution of alcoholic beverages?.....

If so, state detail.....

(e) Ever forfeited a bond to appear in any court to answer any charge for the violation of any Federal or State law concerning the manufacture, sale or distribution of alcoholic beverages?.....

If so, state detail.....

27. Is any officer, director, trustee or member of governing body interested, directly or indirectly, in any way whatsoever, in any brewery, winery, distillery, rectifying or blending plant, wholesale or retail liquor concern, either as owner or part owner, or as stockholder, officer, director, agent or employee of any corporation?.....

If so, how?.....

28. Has Club ever applied for a license in New Jersey to sell or or distribute 3.2% beverages?.....If so, to whom was application made and when?.....

Was the license issued?.....If so, state when and the number of the license.....Has it ever been revoked?

.....Does Club owe to any municipality any license fees in connection with the sale of 3.2% alcoholic beverages?.....If so, to what municipality?.....

.....How much?.....

Does Club owe to the State of New Jersey any taxes arising out of sales of such beverages?.....

If so, how much?.....

Have you made arrangements satisfactory to the municipality and/or State Tax Commissioner via cash or bond to secure what you so owe?.....

29. If license is issued, do you agree that: (1) whenever any change shall hereafter occur in any of the facts set forth in this application to file with the issuing authority a written notice of each such change within ten days after such occurrence; provided, however, that the dropping of old members from the rolls need not be so notified; (2) to abide by and comply with all the provisions of an act entitled "An Act concerning alcoholic beverages"(P.L.1933, C.436), as amended and supplemented and with all the Rules and Regulations promulgated heretofore and hereafter by the State Commissioner of Alcoholic Beverage Control and with all other laws, resolutions and ordinances applicable thereto, and upon revocation for any violation forthwith to surrender said license?.....

Dated: , 193 .

Witness: (Name of Club)

By: (Title)

STATE OF )
COUNTY OF ) SS.

....., being duly sworn according to law, on his oath deposes and says that he is..... of the applicant, is duly authorized by the ..... of the applicant to sign said application in its name and in its behalf; that he read and fully understands all the questions pertaining to such applicant and that all the foregoing answers, statements and declarations made thereto are absolutely true in all respects.

Sworn and subscribed to )
before me this ) (Signature of Affiant)
day of 193 )

(Signature of officer administering oath)

(Title of such officer)

(Affidavits administered by officers outside the State must have proper County Clerk's Certificate attached)

4. LICENSES - PLENARY CONSUMPTION LICENSE ISSUED TO CLUB -  
REBATE UPON CONVERSION INTO CLUB LICENSE

April 19th, 1934

Dear Commissioner:

I note in the new law approved April 13th, 1934, a new classification of retail license that may be issued to clubs after April 13th, 1934. Heretofore licenses have been issued by the City of Passaic to the Elk's Club, Moose Club and other fraternal and restaurant clubs at a much larger fee, which was provided by resolution under the original Act, than is now required to be paid under the new Act.

Will you kindly advise if such clubs are entitled to a rebate if the Commissioners of the City of Passaic by ordinance or resolution provide a lesser license fee for clubs under the new Act?

Very truly yours,

(Signed) Thomas E. Duffy,

City Counsel.

April 26th, 1934.

Thomas E. Duffy, Esq.,  
Passaic, New Jersey.

Dear Mr. Duffy:

If a plenary retail consumption license has heretofore been issued to a Club, it is not necessary that the Club take out a Club License to cover the period up to June 30th next. There is no requirement that a Club must have a "Club License". Assuming that a given club is duly qualified, it may take out either a plenary consumption license or a club license, as it desires. If it takes the former it would have greater privileges and pay a larger fee. For instance, a club holding such a license may sell to the public generally in addition to supplying its members and guests (Bulletin #23, Item #4), or sell for off premises consumption. On the other hand, if it chooses to take out a club license its privileges are circumscribed - for instance, it may sell only to members and their bona fide guests, and not for off premises consumption (Bulletin #25, Item #1), but it pays a lesser fee.

If, however, a club desires to surrender its plenary license and take out a Club license instead, it may do so and in such event will be entitled to rebate, but such rebate is subject to a surrender fee of twenty five (25%) per cent. of the entire fee paid (fifty per cent. after July 1st, 1934), and also to such other surcharges and conditions as are set forth in Sec. 28 as amended by Chap. 85, P.L. 1934.

Very truly yours,  
D. FREDERICK BURNETT,  
Commissioner

*D. Frederick Burnett*  
Comm.