

**BOROUGH OF HASBROUCK HEIGHTS**

**ORDINANCE NO. 1912**

**AN ORDINANCE TO SUPPLEMENT ARTICLE VII ENTITLED "MINORS" OF CHAPTER 84 ENTITLED "ALCOHOLIC BEVERAGES" OF THE CODE OF THE BOROUGH OF HASBROUCK HEIGHTS PURSUANT TO CHAPTER 33 OF THE PUBLIC LAWS OF 2000 SO AS TO PROHIBIT THE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES BY UNDERAGED PERSONS ON PRIVATE PROPERTY EXCEPT UNDER CERTAIN SPECIFIED CONDITIONS AND TO PROVIDE FOR PENALTIES UPON CONVICTION FOR VIOLATION OF THAT PROHIBITION**

**WHEREAS**, recently enacted Chapter 33 of Public Law of the State of New Jersey of 2000 has authorized any municipality to enact an ordinance prohibiting the possession or consumption of alcoholic beverages by underaged persons on private property except under certain circumstances and to provide in that ordinance certain specified penalties for the violation of that prohibition,

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Hasbrouck Heights in the County of Bergen and State of New Jersey that Article VII entitled "Minors" of Chapter 84 entitled "Alcoholic Beverages" of the Code of the Borough of Hasbrouck Heights be and is hereby supplemented to further include the following sections:

**§84.18. Prohibition of the possession or consumption of alcoholic beverages by underaged persons on private property.**

It shall be unlawful for any person under the age at which a person is authorized to purchase and consume alcoholic beverages (N.J.S.A. 9:17B1c: 21 years of age) who, without legal authority, knowingly possesses or knowingly consumes an alcoholic beverage on private property unless under the following circumstances:

1. When such possession or consumption is in connection with a religious observance, ceremony or rite; or

2. When such possession or consumption is in the presence of and with the permission of (a) a parent, (b) a person who has qualified as a guardian of that underaged person pursuant to testamentary or Court appointment, or (c) a person of or over the age at which a person is authorized to purchase and consume alcoholic beverages who is related to that underaged person by blood or affinity; or
3. When such possession or consumption is (a) by any such underaged person while actually engaged in the performance of employment by a person who is licensed under the Alcoholic Beverage Law of the State of New Jersey or (b) by any such underaged person while actively engaged in the preparation of food during his or her enrollment in a culinary arts or hotel management program at a county vocational school or post-secondary educational institution; however, nothing in this exception to the contrary shall preclude the imposition of a penalty under N.J.S.A. 33:1-81 or under any other section of the law against a person who is convicted of unlawful alcoholic beverages activity on or at premises licensed for the sale of alcoholic beverages.

**§84.19. Violations of §84.18 and penalties therefor.**

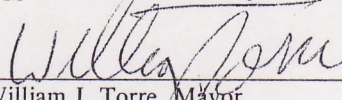
A violation of this section shall be punishable by a fine of Two Hundred Fifty Dollars (\$250.00) for the first offense and Three Hundred Fifty Dollars (\$350.00) for any subsequent offense. In addition to the fines authorized herein, the Court may suspend or postpone for six months the driving privilege of the defendant. Upon the conviction of any person and the suspension or postponement of that person's driver's license, the court shall forward a report to the Division of Motor vehicles stating the first and last day of the suspension or postponement period imposed by the court pursuant to this section. If a person at the time of the imposition of a sentence is less than 17 years of age, the period of license postponement, including a suspension or postponement of the privilege of operating a motorized bicycle, shall commence on the day the sentence is imposed and shall run for a period of six months after the person reaches the age of 17 years. If a person at the time of the imposition of a sentence has a valid driver's license issued by this State, the court shall immediately collect the license and forward it to the division along with the report. If for any reason the license cannot be collected, the court shall include in the report the complete name, address, date of birth, eye color, and sex of the person, as well as the first and last date of the license suspension period imposed by the court. The court shall inform the person orally and in writing that if the person is convicted of operating a motor vehicle during the period of license suspension



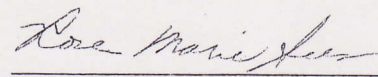
or postponement, the person shall be subject to the penalties set forth in N.J.S.A. 39:3-40. A person shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice of failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of a violation of N.J.S.A. 39:3-40. If a person convicted under such an ordinance is not a New Jersey resident, the court shall suspend or postpone, as appropriate, the non-resident driving privilege of the person based on the age of the person and submit to the division the required report. The court shall not collect the license of a non-resident convicted under this section. Upon receipt of a report by the court, the division shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

All parts of any Ordinance inconsistent with this Ordinance are hereby repealed as to such inconsistent parts and this Ordinance shall take effect after publication and passage in the manner required by law.

Approved this 24th day of October, 2000

  
William J. Torre, Mayor

The foregoing Ordinance No. 1912 was duly adopted by the Borough Council at a regular meeting held on October 24, 2000, and was approved by the Mayor on the same date.

  
Rosemarie Sees, Borough Clerk

Motion by: Councilman Wassberg  
Second by: Councilman DiPisa

Roll Call: Ayes: Link, DiPisa, Pepe, Verrastro, Wassberg  
Nayes: None  
Absent: Heeren