



## CHAPTER IV POLICE REGULATIONS\*

**4-1 MANUFACTURE, POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES.****4-1.1 Purpose.**

The purpose of this legislation is to prohibit the manufacture of any alcoholic beverage within the City of Ocean City, and to further prohibit the same, offering for sale, possession, or consumption of alcoholic beverages upon any public place within the City. These regulations are deemed to be in the best interest of the citizens and residents of the City, and are promulgated to maintain the traditional image and character of Ocean City as a family resort community. (Ord. #84-23, § 1)

**4-1.2 Manufacture of Alcoholic Beverages Prohibited.**

The manufacture of alcoholic beverages, spirituous or intoxicating liquor is prohibited within the City of Ocean City. (Ord. #84-23, § 2)

**4-1.3 Consumption or Possession in Public Places, and Certain Private Places Prohibited.**

It shall be unlawful to consume, possess with the intent of consumption, sell or offer for sale any alcoholic beverage upon any street, highway, beach, boardwalk, sidewalk, alley, ramp, public building, public place, restaurant, cafe, food or eating establishment.

It shall be further unlawful for any person under the age of twenty-one (21) years to consume or possess with the intent of consumption, any alcoholic beverages upon any private property unless said person is in the presence of a parent or legal guardian. (Ord. #84-23, § 3; Ord. #89-19, § 1; Ord. #91-15, § 1)

**4-1.4 Alcoholic Beverages Prohibited in Restaurants.**

It shall be unlawful for any owner, operator or manager of a restaurant, cafe or food establishment to permit any person to possess or consume alcoholic beverages in, or upon, their premises. (Ord. #84-23, § 4)

**4-1.5 Consumption at Private Parties.**

Notwithstanding subsections 4-1.3 and 4-1.4, the possession or consumption of alcoholic beverages at a private gathering, party or affair is permissible provided it is not open and available to the general public and to persons under the age of twenty-one (21). (Ord. #84-23, § 5)

**4-1.6 Underage Consumption/Possession on Private Property.**

- a. *Prohibited Activity.* It shall be unlawful for any person under the legal age, without legal authority, to knowingly possess or knowingly consume an alcoholic beverage on private property, except as provided for in paragraph d., below;
- b. *Penalty.* Any person violating the provisions of this subsection shall, in accordance with provisions of N.J.S.A. 40:48-1 as amended, be punishable by a fine not to exceed two hundred fifty (\$250.00) dollars for the first offense and not to exceed three hundred fifty (\$350.00) dollars for any subsequent offense.
- c. *Additional Penalties.*
  1. In addition to the fine authorized for this offense, the Court may suspend or postpone for six (6) 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 N.J.S.A. 40:48-1 as amended. If a person at the time of the imposition of sentence is less than seventeen (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 (6) months after the person reaches the age of seventeen (17) years.

2. 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 of Motor Vehicles 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.
3. 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 the license suspension or postponement, the person shall be subject to the penalties set forth in R.S. 39:3-40. A person shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of written notice shall not be a defense to a subsequent charge of a violation of R.S. 39:3-40.
4. If a person convicted under this subsection is not a New Jersey resident, the Court shall suspend or postpone, as appropriate, the nonresident driving privilege of the person based on the age of the person and submit it to the Division of Motor Vehicles on the required report. The Court shall not collect the license of a nonresident convicted under this subsection. Upon receipt of a report from the Court, the Division of Motor Vehicles shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

d. *Exceptions.*

1. Nothing contained in this subsection is intended, nor shall it be construed, as prohibiting an underaged person from consuming or possessing an alcoholic beverage in connection with a religious observance, ceremony or rite, or consuming or possessing an alcoholic beverage in the presence of and with the permission of a parent, guardian or relative who has attained the legal age to purchase and consume alcoholic beverages.

2. As used in the preceding paragraph, the following terms shall have the meaning set forth:

*Guardian* shall mean a person who has qualified as a guardian of the underaged person pursuant to testamentary or court appointment.

*Relative* shall mean the underaged person's grandparent, aunt or uncle, sibling, or any other person related by blood or affinity.

3. Nothing contained in this subsection is intended nor shall it be construed as prohibiting possession of alcoholic beverages by any such person while actually engaged in the performance of employment by a person who is licensed under Title 33 of the Revised Statutes, or while actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a county vocational school or post-secondary educational institution; provided, however, that this subsection shall not be construed to preclude the imposition of a penalty under this subsection, R.S. 33:1-81, or any other section of law against a person who is convicted of unlawful alcoholic beverage activity on or at premises licensed for the sale of alcoholic beverages.

(Ord. #00-22, §§ 1-4)

#### **4-2 BALL PLAYING PROHIBITED IN STREETS.**

The playing of baseball, football, hockey or any other type or kind of game on the public streets is prohibited. (Ord. #789, § 2J)

#### **4-3 BATHING ATTIRE ON STREETS.**

It shall be unlawful for any person to travel in or upon any of the streets, alleys, or public boardwalk of the City in abbreviated bathing robes, suits or other costumes of a similar nature unless a suitable robe or covering from the shoulders to the knees shall be worn over the abbreviated robes or suits, to properly cover the person from the public view. (Ord. #195, § 1)

#### **4-4 BICYCLE REGULATIONS AND REGISTRATION.\***