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Borough of Wanaque, NJ

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ARTICLE III. Underage Drinking on Private Property

[Adopted 8-8-2005 by Ord. No. 17-0-05]

§ 47-27. Consumption or possession by underage persons prohibited; exceptions.

A. It is unlawful for any person under the legal age to, without legal authority, knowingly possess or knowingly consume an alcoholic beverage on private property.

B. The prohibition described herein shall not prohibit an underage 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.

C. As used in this section, "guardian" means a person who has qualified as a guardian of the underage person pursuant to a testamentary or court appointment, and "relative" means the underage person's grandparent, aunt or uncle, sibling, or any other person related by blood or affinity.

D. Nothing contained in this article shall prohibit possession of alcoholic beverages by any such underage person while actually engaged in the performance of employment by a person who is licensed under Title 33 of the Revised Statutes of the State of New Jersey, 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; however, nothing in this section shall be construed to preclude the imposition of a penalty under this section, N.J.S.A. 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.

§ 47-28. Violations and penalties.

A. Any violation of this article shall be punished by a fine of \$250 for a first offense, and \$350 for any subsequent offense.

B. In addition to the fine authorized for this offense, 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 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.

C. If a person at the time of the imposition of a sentence has a valid driver's license issued by the 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.

D. If the person convicted under such an ordinance 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 to the Division the required report. The court shall not collect the license of a nonresident 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.

E. The court may, under appropriate circumstances and to the extent permitted by law, order that a person convicted under this article undergo alcoholic counseling.

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