

**TOWN OF WEST NEW YORK
COUNTY OF HUDSON**

ORDINANCE #2/12

**ORDINANCE DECLARING CERTAIN OFFENSES BY OR AGAINST
PERSONS WHO DO NOT MEET THE LEGAL AGE FOR
CONSUMPTION OF ALCOHOLIC BEVERAGES UNDER THE LAWS OF
THE STATE OF NEW JERSEY AS UNLAWFUL**

WHEREAS, the Mayor and the Board of Commissioners of the Town of West New York have determined, as a matter of public policy and for the concern of the Minors who are residents of the Town of West New York as well as all other Minors who have a physical presence in the Town of West New York; to take all measures permitted under the law for the prevention of the consumption and possession of alcoholic beverages by minors in the Town of West New York;

WHEREAS, such measures are designed for the protection and safety of Minors with physical presence in the Town of West New York and will promote the health and safety of the Minors as well as the community at large;

BE IT ORDAINED, by the Mayor and the Board of Commissioners of the Town of West New York, that the Town of West New York Code is hereby amended by adding Section 114.35.2, 3, 4, 5, 6, and 7 to read as follows:

114.35.2. POSSESSION OF ALCOHOL BY UNDERAGE PERSONS IN PUBLIC ACCOMODATIONS OR PRIVATE PROPERTY

It is unlawful for any person within the limits of the Town of West New York, being under the legal age to consume alcoholic beverages under the laws of the State of New Jersey, to have, possess, carry, distribute, transport or consume any alcoholic beverage on any place of public accommodation, private property, or quasi-public place within the Town of West New York, except as hereinafter provided or as may be permitted by state statute. A "place of public accommodation" shall include; any retail shop or store; any restaurant, eating house; any garage, any public conveyance, and stations and terminals thereof; any auditorium, meeting place or public hall, or other public place of amusement, skating rink, swimming pool, fair, gymnasium and comfort station including but not limited to paddle and tennis courts, parks, playgrounds, parking lots, video game centers and automobiles; any dispensary, clinic or hospital; and any public library, any kindergarten, primary and secondary schools, high school, or any educational institution under the supervision of the State Board of Education or the Commissioner of Education of the state of New Jersey. A "private property" shall include any property designated as private property under the Ordinances of the Town of West New York, such as dwellings or premises owned by an individual resident or non-resident of the Town of West New York, including but not limited to apartment buildings, private residences, backyards, garages or driveways.

b. It shall be unlawful while under the age of 21 to consume alcohol while in a motor vehicle on any public street or highway or while in a motor vehicle in any public or quasi-public place in the Town of West New York.

114.35.3 PROVIDING ALCOHOL TO UNDERAGE PERSONS ON PRIVATE PROPERTY

It is unlawful for any person within the limits of the Town of West New York, to purchase, deliver, transmit, with or without consideration, any alcoholic beverage directly or indirectly on behalf of or for delivery to any person under the legal age to consume alcoholic beverages under the laws of the State of New Jersey for the purpose of the consumption of such alcoholic beverage on private property.

114.35.4 SERVING ALCOHOL TO MINORS ON PRIVATE PROPERTY

It is unlawful for any person within the limits of the Town of West New York to permit the possession or consumption of any alcoholic beverage by any person under the legal age to consume alcoholic beverages under the laws of the State of New Jersey, other than by a person who is a parent or legal guardian of such underage person, in any private place within the territorial jurisdiction of the Town of West New York.

114.35.5. POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON PRIVATE PROPERTY BY UNDERAGE PERSONS.

It is unlawful for any person under the legal age to consume alcoholic beverages under the laws of the State of New Jersey, who is physically within the limits of the Town of West New York to knowingly possess without legal authority or knowingly consume any alcoholic beverage on any private property within the Town of West New York. It is also unlawful for any person in control of such private property, to permit the possession or consumption of alcohol by a person under the legal age to consume alcoholic beverages under the laws of the State of New Jersey.

B. This section shall not apply to an underage person who consumes or possesses an alcoholic beverage in connection with a religious observance, ceremony or rite, which is authorized by a parent or guardian, or to an underage person who consumes or possesses an alcoholic beverage in the presence of and with the permission of a parent or guardian who has attained the legal age to purchase and consume alcoholic beverages in the state. The term guardian means a person who has qualified as a guardian of the minor person pursuant to court appointment.

C. Any person violating this chapter, upon conviction thereof, shall be punished by a fine of (one hundred to two hundred) dollars for a first offense and (two hundred to three hundred) for any subsequent offense.

D. Any person violating this chapter, may be required, at the discretion of the Municipal Judge, to attend 24 (twenty four) hours of substance abuse counseling with the local substance abuse prevention program provider.

114.35.6. Severability

A. If any section of this ordinance is declared invalid, it shall not be held to invalidate or to impair the validity, force, or effect of any other section of this ordinance.

114.35.7 When effective

A. This Ordinance shall take effect upon final adoption and publication according to law.

Notice

The foregoing Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on **January 18, 2012** and ordered published, and will be further considered before final passage at a public hearing on **February 15, 2012 at 7:00 P.M.** at the Commission Chambers, Municipal Building, West New York, NJ. A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, N.J.

Carmela Riccio, RMC
Town Clerk