

**BOROUGH OF WESTWOOD
NOTICE**

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed on first reading on regular meeting of the Mayor and Council on the 8 day of August, 2006, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 22 day of August, 2006 at 8:00 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Eileen Sarubbi, Borough Clerk
Borough of Westwood

ORDINANCE NO. 06-14

**AN ORDINANCE TO REGULATE THE CONSUMPTION
OF ALCOHOLIC BEVERAGES BY UNDERAGE PERSONS
ON PRIVATE PROPERTY**

BE IT ORDAINED by the Mayor and Council of the Borough of Westwood that Section 9.04.010 be amended by the addition of a new Section as follows:

Consumption or Possession of Alcoholic Beverages by Underage Persons on Private Property.

- A. If shall be unlawful for a person under the legal age to knowingly possess or consume alcoholic beverages on private property in the Borough of Westwood as is provided herein.
- B. It shall be unlawful for any person to serve alcoholic beverages to any person under the legal age upon private property within the Borough of Westwood except as provided herein.
- C. Exemptions:
 - i. Those persons who are under the legal age who are engaged in the employment of an establishment, place or business which serves alcoholic beverages and are required to deliver or place alcoholic beverages on display are exempt from this Chapter for the course of their employment at that place.
 - ii. Any underage person or persons who possesses or consumes alcoholic beverages in the presence of a responsible adult in connection with religious observance, ceremony or rite or an underage person who consumes or possesses an alcoholic beverage at their home 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 is exempt from this section.

- iii. As used herein, a “**guardian**” is a person who has qualified as a guardian of the underage person pursuant to a testamentary or court appointment. A “**relative**” means the underage person’s grandparent, aunt, uncle, sibling or any other person related by blood or affinity.

Except as provided herein, all other provisions of Section 9.04.010 shall remain in full force and effect.

VIOLATIONS AND PENALTIES:

- A. Any person found guilty of violating the terms of this ordinance shall be subject to a fine of \$250 for the first offense and a fine of \$350 for any subsequent offense.
- B. In addition, the court may, upon finding of guilty, in addition to the fine authorize for this offense, suspend or postpone for six months the driving privileges 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 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 courts 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 R.S.39:3-40. A person shall be required to acknowledge receipt of a written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of a violation of R.S.39:3-40.

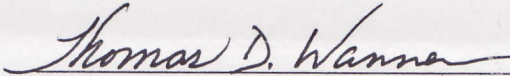
If the person convicted under such an ordinance is not a New Jersey resident, the court shall suspend or postpone, as appropriate, the non-resident driving privilege of the person based on the age of the person and submit to the division the required report. The court shall not collect the license of 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.

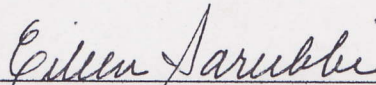
If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgement of any court of competent jurisdiction, such section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

This Ordinance shall take effect immediately upon final passage and publication as required by law.

Approved:

Attest:


Thomas Wanner, Mayor


Eileen Sarubbi, Borough Clerk