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Browse
Woodbury Heights, NJ
Borough Code
TITLE PAGE
Chapter 1 GENERAL PROVISIONS
Chapter 3 ADMINISTRATIVE ORGAN
Chapter 5 BAD CHECKS PENALTY
Chapter 6 CIVIL DEFENSE
Chapter 7 CLAIMS APPROVAL
Chapter 9 COURT
Chapter 13 FIRE ASSISTANCE, INTE
Chapter 14 FIRE DEPARTMENT
Chapter 17 HEALTH, BOARD OF
Chapter 19 HOUSING AUTHORITY
Chapter 22 OPEN PUBLIC RECORDS
Chapter 23 PERSONNEL
Chapter 25 (RESERVED)1
Chapter 26 POLICE ASSISTANCE, IN
Chapter 27 POLICE DEPARTMENT
Chapter 28 PROFESSIONAL SERVIC
Chapter 29 RESIDENCY REQUIREM
Chapter 30 SALARIES AND COMPEN
Chapter 31 ENVIRONMENTAL COMM
Chapter 32 SHADE TREE ADVISORY
Chapter 33 SHADE TREES
Chapter 34 (Reserved)1
Chapter 35 ADULT ENTERTAINMEN
Chapter 35C ADVERTISEMENTS AN
Chapter 36 ALCOHOLIC BEVERAGE
Chapter 37 ALCOHOLIC BEVERAGE
§ 37-1. Legislative intent. [Amende
§ 37-2. Consumption in public. [Ar
§ 37-3. Consumption in motor veh
§ 37-4. Consumption on private p
§ 37-4.1 Possession, consumption
§ 37-5. Possession in certain plac
§ 37-6. Prior permission required.
§ 37-7. Violations and penalties. [
§ 37-8. Definitions. [Added 9-13-0
Chapter 38 AMUSEMENTS
Chapter 44 COMMERCIAL AND RES
Chapter 46 (RESERVED)1
Chapter 49 CURFEW
Chapter 51 DOGS AND OTHER ANIM
Chapter 53 DRIVE-IN RESTAURANT
Chapter 53C DRUG-FREE SCHOOL
Chapter 54 FINGERPRINTING
Chapter 55 FIRE PREVENTION
Chapter 56 (RESERVED)1
Chapter 57 FLOOD DAMAGE PREVE
Chapter 59 GARBAGE, REFUSE AND
Chapter 63 HANDICAPPED PARKING
Chapter 64 HOUSING STANDARDS
Chapter 64C INOPERABLE MOTOR V
Chapter 65 ISLAND OF SAFETY PRO
Chapter 68 JUNKYARDS
Chapter 69 RECREATIONAL VEHICL
Chapter 70 LAND USE AND DEVELO
Chapter 71A LICENSING
Chapter 72 LITTERING
Chapter 74 LOITERING
Chapter 76 NOISE
Chapter 77 NUISANCES
Chapter 79 PEACE AND GOOD ORD
Chapter 81 PEDDLING AND SOLICIT
Chapter 83 (RESERVED) 1
Chapter 84 POLICE, FIRE AND BUR
Chapter 85 RECREATIONAL AREAS
Chapter 85A RECREATIONAL VEHIC
Chapter 86 RETAIL FOOD ESTABLIS
Chapter 87 SANITARY SEWER GRE
Chapter 89 SATELLITE EARTH STAT
Chapter 90 SEWAGE DISPOSAL SYS
Chapter 92 SEWERS
Chapter 94 STREETS AND SIDEWAL
Chapter 96 (RESERVED)1
Chapter 98 SWIMMING POOLS
Chapter 100 TAXICABS; VEHICLES F
Chapter 100A TOBACCO PRODUCTS
Chapter 101 UNIFORM CONSTRUCT
Chapter 103 VACATION OF PUBLIC
Chapter 104 VEHICLES AND TRAFF
Chapter 105 VENDING MACHINES
Chapter 107 WATER
Chapter 108 WATER CONSERVATIO
Chapter 108A WILDLIFE FEEDING
Chapter 109 YARD WASTE
Chapter 110 YOUTH SPORTS CODE

Chapter 37 ALCOHOLIC BEVERAGES: PUBLIC CONSUMPTION

§ 37-1. Legislative intent.
§ 37-2. Consumption in public.
§ 37-3. Consumption in motor vehicles.
§ 37-4. Consumption on private property.
§ 37-5. Possession in certain places prohibited.
§ 37-6. Prior permission required.
§ 37-7. Violations and penalties.
§ 37-8. Definitions.

[HISTORY: Adopted by the Mayor and Council of the Borough of Woodbury Heights 3-14-77 as Ord. No. 5-1977. Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages generally -- See Ch. 36.
Consumption by minors -- See Ch. 79, Art. II.

§ 37-1. Legislative intent. [Amended 9-13-00 by Ord. No. 12-2000]

This chapter is enacted for the purpose of prohibiting the consumption of alcoholic beverages in public parks, playgrounds, recreation areas and public ways and further prohibiting the discarding of alcoholic beverage containers and other beverage containers upon any public way, place or private lands. Further prohibitions are enacted regarding the possession or consumption of alcoholic beverages by persons under the legal age on private property.

§ 37-2. Consumption in public. [Amended 11-5-80 by Ord. No. 12-1980]

No person shall consume, or offer to another for consumption, any alcoholic beverage in or upon any public building, park, playground or recreational area, nor in, on or upon any public lands, streets, roads, alleys, rights-of-way or sidewalks, or upon any land or building owned or occupied by the municipal government.

§ 37-3. Consumption in motor vehicles. [Amended 11-5-80 by Ord. No. 12-1980]

No person shall consume, or offer to another for consumption, any alcoholic beverage in a private conveyance while such conveyance is located (whether in motion, stopped or parked) in or on any public street, road, lane, alley, right-of-way, public parking lot or any other public property.

§ 37-4. Consumption on private property. [Amended 11-5-80 by Ord. No. 12-1980; 9-13-00 by Ord. No. 12-2000]

No person of legal age shall consume, or offer for consumption, any alcoholic beverage while in or upon private property not his or her own without having the expressed written permission of the owner or other person authorized to grant such permission, nor in a private conveyance while such conveyance is on private property without the expressed written permission of the owner or other person authorized to grant such permission.

§ 37-4.1 Possession, consumption of alcoholic beverages by person under legal age on private property penalty. [Added 9-13-00 by Ord. No. 12-2000]

Any person under the legal age to purchase alcoholic beverages who knowingly possesses without legal authority or who knowingly consumes any alcoholic beverage on private property shall be punished by a fine of two hundred fifty dollars ($250.) for a first offense and three hundred fifty dollars ($350.) for any subsequent offense.

A. The court may, in addition to the fine authorized for this offense, 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 this section. If a person at the time of the imposition of the 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.

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 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 a written notice shall not be a defense to a subsequent charge of a violation of R.S. 39:3-40.

B. The court shall, of any person convicted under this section who is not a New Jersey resident, suspend or postpone, as appropriate, the nonresident driving privilege of this 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.

C. This section does not prohibit 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.

D. This section does not prohibit 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. This section does not preclude the imposition of additional penalties under Title 33 of the Revised Statutes, 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.

§ 37-5. Possession in certain places prohibited. [Amended 11-5-80 by Ord. No. 12-1980; 9-13-00 by Ord. No. 12-2000]

No person shall have in his or her possession any alcoholic beverage in any of the places where consumption of the same is prohibited by Sections 37-2, 37-3, 37-4 or 37-4.1 above, except in the process of transporting the same to a place where consumption is lawfully permitted.

§ 37-6. Prior permission required. [Amended 11-5-80 by Ord. No. 12-1980]

Notwithstanding any other provision under this chapter, upon first obtaining approval of the Public Safety Committee of the Borough of Woodbury Heights, any person, group of persons or corporation, profit or nonprofit, may be permitted the consumption or possession of alcoholic beverages for a specific event or activity at a specific time and location within any public park, playground or recreational area. The Public Safety Committee may grant special approval as an exception to any other provision of this chapter, provided that the applicant or some person or persons on behalf of the applicant agrees to be present at the event or activity and in charge of the same; that the applicant sets forth the maximum number of persons to be participating; that the applicant sets forth the purpose of the activity; and that the application for consumption and/or possession of alcoholic beverages is ancillary to the specific event or activity and is not the primary purpose thereof.

§ 37-7. Violations and penalties. [Amended 11-5-80 by Ord. No. 12-1980; 9-13-00 by Ord. No. 12-2000]

Except for Section 37-4.1, any person who solicits or aids any other person in the violation of any of the provisions of this chapter or any person who shall violate any of the provisions of this chapter shall, upon conviction, be punished by a fine of not more than two hundred dollars ($200.) or be imprisoned for not more than thirty (30) days, or both.

§ 37-8. Definitions. [Added 9-13-00 by Ord. No. 12-2000]

As used in this chapter, the following terms shall have the meanings indicated:

GUARDIAN -- A person who has qualified as a guardian of the underaged person pursuant to testamentary or court appointment.

RELATIVE -- The underaged person's grandparent, aunt or uncle, sibling, or any other person related by blood or affinity.

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