

ORDINANCE # 1521

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF WYCKOFF TO ADD CHAPTER 83 "CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY UNDERAGE PERSONS".

WHEREAS, New Jersey P.L. 2000, Chapter 33 signed into law on June 28, 2000, permits municipalities to enact ordinances prohibiting possession or consumption of alcoholic beverages on private property by underage persons; and

WHEREAS, the Township recognizes that the current law in the State of New Jersey does not make it illegal for underage persons to consume alcohol on private property; and

WHEREAS, the Township Committee further recognizes the results of the American Drug and Alcohol Survey and Prevention Planning Survey prepared by the Ramapo/Indian Hills Regional High School District in January 2005, which indicates an issue with underage high school students consuming alcohol; and

WHEREAS, the Township Committee of the Township of Wyckoff has concluded that the implementation of this ordinance within the Township of Wyckoff, will provide for the benefit, health, safety and welfare of the residents of the Township of Wyckoff.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey, that Chapter 83, "Consumption or Possession of Alcoholic Beverages By Underage Persons" is hereby added to the Code of the Township of Wyckoff as follows:

SECTION 1

Chapter 83, Consumption or Possession of Alcoholic Beverages By Underage Persons.

Section 83-1. Consumption or Possession of Alcoholic Beverages By Underage Persons.

It shall be unlawful for any person under the legal age who, without legal authority, knowingly possesses or knowingly consumes an alcoholic beverage on private property.

Section 83-2. Exceptions.

The following is a list of exceptions to Section 83-1.

A. Any person under the legal age who possesses or consumes alcoholic beverages in connection with a religious observance, ceremony or rite, or who consumes or possesses 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.

B. Any person under the legal age who possesses an alcoholic beverage and is in the course of performing employment duties for a person or entity who is licensed under Title 33 of the revised statutes of the State of New Jersey.

C. Any person under the legal age who possesses or consumes alcoholic beverages within the confines of a private residence.

Section 83-3. Definitions.

A. Guardian means a person who has qualified as a guardian of the underage person pursuant to testamentary or Court appointment.

B. Relative means the underage person's parent, grandparent, aunt or uncle, sibling, or any other person related by blood or affinity. All persons included herein as a relative shall be 21 years of age or older.

Section 83-4. Fines and Penalties.

Any person who violates this Ordinance shall be subject to a fine of \$250.00 for the first offense and \$350.00 for any subsequent offense. In addition to such fines, the Court may suspend or postpone for up to six (6) months the driving privilege of the Defendant. The Court may also, in its discretion, require the performance of community service for a period not to exceed thirty (30) days.

SECTION 2 - This Ordinance shall take effect upon final passage and publication as required by law.