

**ORDINANCE 612-18**

**ORDINANCE OF THE BOROUGH OF OCEAN GATE, COUNTY OF OCEAN, STATE OF NEW JERSEY, PROHIBITING POSSESSION AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES BY UNDERAGE PERSONS ON PRIVATE PROPERTY**

**WHEREAS**, the Borough Council of the Borough of Ocean Gate (“Borough”) is obliged to protect the health, safety and welfare of its citizens; and

**WHEREAS**, the Borough Council finds and determines that for the general welfare of its citizens that it is necessary and advisable to institute laws, regulations, and penalties to regulate the underage consumption of alcohol on private property within the Borough.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Ocean Gate, County of Ocean and State of New Jersey as follows:

**612-18**

**SECTION I.** The Borough of Ocean Gate body of Ordinances are hereby amended and supplemented so as to adopt Ordinance 612-18, which shall be entitled “ordinance of the Borough of Ocean Gate, County of Ocean, State of New Jersey, prohibiting possession and/or consumption of alcoholic beverages by underage persons on private property” and which shall read as follows:

**612-18.1** The possession and/or consumption of alcoholic beverages by underage persons is prohibited on all private property within the Borough of Ocean Gate.

**612-18.2 Penalties.**

(a) Any person found guilty of violating the terms of this article shall be subject to a fine of \$250 for a first offense and a fine of \$350 for any subsequent offense.

(b) In addition, the court may, upon a finding of guilty, in addition to the fine authorized for this offense, suspend or postpone for six (6) 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 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 the defendant at the time of the imposition of the sentence has a valid driver's license

issued by this state, the court shall immediately collect the license and forward it to the Division of Motor Vehicles 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.

(c) 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 N.J.S.A. 39:3-40.

(d) The defendant 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 the written notice shall not be a defense to a subsequent charge of a violation of N.J.S.A. 39:3-40.

(e) If the person convicted under this article 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 article. Upon receipt of a report by the court, the Division shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

#### **612-18.2 Exceptions.**

(a) This article 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.

(b) This article shall not prohibit the possession of alcoholic beverages by any underage person while actually engaged in the performance of employment by a person who was 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; however, this article shall not 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.

#### **612-18.3 Adult permitting or encouraging underage violation.**

(a) No adult may knowingly permit, or fail to take action to prevent, the illegal consumption of alcoholic beverages by an underage person on premises

owned by the adult or under the adult's control. This subsection does not apply to alcohol beverages used exclusively as part of a religious service under 612-18.2(a).

(b) Any person or corporation who or which rents any private premises or dwelling unit to persons who are under the age of twenty-one (21) years shall be required to take all reasonable steps to prevent the furnishing or serving of alcoholic beverages by such persons to others or the use of alcoholic beverages by the tenants themselves during the period of said tenancy. A person or corporation who or which rents such private premises or dwelling unit to such person and who or which fails to take such reasonable steps shall be deemed for purposes of this section of the Code to be the person who furnished, served, or allowed the furnishing and serving of alcoholic beverages to any minor who shall use or serve alcoholic beverages in said premises.

(c) Any person found guilty of violating the terms of this article shall be subject to a fine of \$250 for a first offense and a fine of \$350 for any subsequent offense.

**SECTION II.** All ordinances or parts of ordinances inconsistent with the provision of this Ordinance are hereby repealed.

**SECTION III.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.


**SECTION IV.** This Ordinance shall take effect immediately upon its final adoption, approval and publication as required by law.

## NOTICE

**PUBLIC NOTICE** is hereby given that the foregoing ordinance was introduced and passed on first reading of the Borough Council of Ocean Gate, in the County of Ocean, State of New Jersey, held on January 10, 2018, and will come on for a second reading, public hearing and final passage at a regular meeting of said Borough Council to be held on March 21, 2018, at Borough Council Chambers, 801 Ocean Gate Avenue, Ocean Gate, New Jersey, at 7:00 P.M., or as soon thereafter as the matter can be reached, at which last mentioned date, hour and place any person desiring to be heard either for or against the adoption of the within ordinance will be given an opportunity to be so heard.

Introduced: January 10, 2018

Adopted: March 21, 2018

  
ILEANA VAZQUEZ GALLIPOLI, RMC  
Municipal Clerk