

**TOWNSHIP OF EDGEWATER PARK
ORDINANCE NO. 2012-5**

An Ordinance of the Township of Edgewater Park Prohibiting the Possession and/or Consumption of Alcoholic Beverages by Underaged Persons on Public and Private Property and Establishing Exceptions and Penalties

WHEREAS, Township Committee wishes to amend the Revised General Ordinance Ordinances of the Township of Edgewater Park.

WHEREAS, N.J.S.A. 40:48-1 and N.J. S.A. 40:48-1.2 authorize a municipality to prohibit the possession and/or consumption of alcoholic beverages by underage persons on private property; and

WHEREAS, the Township Committee of the Township of Edgewater Park finds and determines that:

- a. underage drinking is a serious problem which impacts on society through motor vehicle accidents resulting in death and injury, alcohol poisoning, fighting and violence and vandalism and damage to property;
- b. the incidence of underage drinking in private homes appears to be increasing as the result of inadequate supervision at times when parents, guardians and others in responsible positions are not at home;
- c. underage drinking at parties in private homes often attracts more individuals than those who have been invited to the parties or those parties occur with open invitations resulting in large numbers of underage drinkers at the parties;
- d. it is in the best interest of the public health, safety and welfare of the citizens of the Township of Edgewater Park to enact an ordinance prohibiting the possession and/or consumption of alcoholic beverages by underage persons on private property subject to certain exceptions.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Edgewater Park, County of Burlington, State of New Jersey as follows:

SECTION 1. The Code of the Township of Edgewater Park **Title 9 Public Peace and Welfare** is hereby amended by adding a new section 9.25 Titled, as follows:

9.25 Possession and/or Consumption of Alcoholic Beverages by Underaged Persons Prohibited.

9.25.010 Underage Possession of Alcoholic Beverages on Private Property or on Public Property

1. Possession of Alcoholic Beverages on Private Property or on Public Property. No person who is under 21 years of age, i.e., the legal age established by law for the purchase or consumption of alcoholic beverages, shall possess alcoholic beverages on private property; nor shall any such person possess alcoholic

beverages while upon any public street, road, sidewalk, parking lot, or other public place or in any private vehicle while the vehicle is in motion, stopped or parked in or on any public street, road or parking lot, except as provided herein.

2. Consumption of Alcoholic Beverages on Private Property or on Public Property. No person who is under 21 years of age, i.e., the legal age established by law for the purchase or consumption of alcoholic beverages, shall consume alcoholic beverages on private property; nor shall any such person consume alcoholic beverages while upon any public street, road, sidewalk, parking lot, or other public place or in any private vehicle while the vehicle is in motion, stopped or parked in or on any public street, road or parking lot, except as provided herein.
3. Exceptions. As provided by law, this Section shall not apply to underage persons 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 or consume alcoholic beverages nor shall this Section prohibit the possession of alcoholic beverages by any underage 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, however, this provision shall not be construed to preclude the imposition of a penalty under *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.

9.25.020 Penalty and Fine

1. Any person, firm, corporation or other entity which aids, supports, promotes, assists, encourages or permits any individual under 21 years of age to violate any provision of this Section shall be in violation of the provisions herein and shall, upon conviction, be subject to the penalties set forth herein.
2. Penalties. Any person found guilty of underage possession and/or consumption shall be fined Two Hundred Fifty Dollars (\$250.00) for a first offense and Three Hundred Fifty Dollars (\$350.00) for any subsequent offense. In addition to the above fine, as provided by *N.J.S.A. 40:48-1.2*, the Court may suspend or postpone the person's driving privilege for a period of six (6) months. If the person is under the age of seventeen (17) years, 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 said person reaches the age of seventeen (17) years of age. If the person convicted under this Section is not a resident of the State of New Jersey, the Court shall suspend or postpone, as appropriate, the non-resident driving privilege of the person based on the age of the person.

Section 2. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof.

Section 3. All ordinances or parts of ordinances of the Township of Edgewater Park heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. This ordinance shall take effect after final passage and publication as provided by law.

NOTICE

The foregoing was introduced by the Edgewater Park Township Committee at its meeting held on March 6, 2012. This ordinance will be consider for adoption of final reading and public hearing to be held on March 20, 2012 at 7:30 PM, or shortly thereafter, and place to which such meeting may be adjourned, in the Municipal Building, 400 Delanco Road, Edgewater Park, New Jersey. At which time and place all persons interested will be given an opportunity to be heard concerning said Ordinance. During the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's office to the members of the general public who shall request the same.

Linda M. Dougherty, R.M.C.,
Municipal Clerk/Administrator

**EDGEWATER PARK
NOTICE OF PENDING ORDINANCE**

ORDINANCE NO. 2012-5

**An Ordinance of the Township of Edgewater Park Prohibiting the Possession and/or
Consumption of Alcoholic Beverages by Underaged Persons on Public and Private
Property and Establishing Exceptions and Penalties**

Take Notice that the Ordinance identified above amends the Edgewater Park Code by adding a new section, 9.25 Titled: “Possession and/or Consumption of Alcoholic Beverages by Underaged Persons Prohibited”, which prohibits the possession and/or consumption of alcoholic beverages by underaged persons on public or private property, prohibiting any person from aiding, assisting or allowing the possession or consumption of alcoholic beverages by underaged persons, establishing penalties for the violation thereof and establishing exceptions for persons 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 or consume alcoholic beverages. There is, further, an exception for an underage 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. The Ordinance has been adopted on first reading by the Township Committee of the Township of Edgewater Park, County of Burlington, State of New Jersey, held on March 6, 2012. It will be considered for final passage after public hearing to be held on March 20, 2012, at 7:30 P.M. in the Municipal Building, 400 Delanco Road, Edgewater Park, New Jersey.

Copies of the full ordinance are on file with the Township Clerk of the Township of Edgewater Park in the Municipal Building. Copies may be obtained on request and a copy is posted on the municipal bulletin board in the Municipal Building, 400 Delanco Road, Edgewater Park, New Jersey.

Linda M. Dougherty, RMC
Township Clerk/Administrator