



**PATERSON COALITION
AGAINST SUBSTANCE ABUSE**
MONTCLAIR STATE UNIVERSITY

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“Empowering the community to build a safe, healthy, and drug-free Paterson”

Proposed Municipal Ordinance Prohibiting Possession or Consumption of Alcoholic Beverages on Private Property by Underage Persons - QUESTIONS & ANSWERS

- 1. Why should a community have such an ordinance?** Underage drinking is a problem in Paterson. Enacting this ordinance would prohibit drinking by underage persons on private property just as it is prohibited on public property or in a motor vehicle. Having such an ordinance in a community would support the efforts of the police and many community groups to address this issue.
- 2. Will the police have any more authority to enter private property than they do now?** No. Their authority is unchanged. As before, an investigation is initiated by a complaint from a concerned citizen or an officer’s observation that underage drinking is taking place on private or public property. The police respond and **if they see probable cause** (such as intoxicated teens and/or evidence of alcohol consumption on the property) or a situation involving a medical/safety issues, they act.
- 3. What are the penalties for violating this ordinance?** First time offenders shall receive community service and repeat offenders a fine not exceeding \$500.00.
- 4. Does a violation of this ordinance constitute an “arrest” on one’s record?** No. An individual found to be in violation of this ordinance would be issued a municipal ordinance violation ticket, similar to that issued for a parking violation. This does not constitute an arrest.
- 5. How should an individual found to be in violation of this ordinance answer if asked whether he/she has ever been arrested or convicted of a crime?** No to both questions. The conviction of a municipal ordinance violation does not constitute a criminal conviction or an arrest.
- 6. May I serve alcohol to my son/daughter at a special event?** Yes. The ordinance does not apply if a child under the legal age consumes alcohol in the presence of and with the permission of a parent/guardian or in connection with a religious observance.
- 7. Have other communities enacted this ordinance.** Yes. Other towns in Passaic County that have enacted the ordinance include; Bloomingdale Borough, Clifton, Haledon Borough, Hawthorne Borough, Little Falls Township, North Haledon Borough, Pompton Lakes Borough, Prospect Park Borough, Ringwood Borough, Wanaque Borough, Wayne Township, West Milford Township, and Woodland Park Borough.
- 8. Will this ordinance change things?** Yes. This ordinance holds all underage drinkers responsible for their actions, not just the individual hosting the party. Hopefully, the knowledge that they could be fined will give teens an additional reason to resist peer pressure to drink.

The NJ State Law vs. Town Ordinance

(Comparison of NJ State Law prohibiting possession or consumption of alcoholic beverages on private property by underage persons)

NJ State Law New Jersey Statute 2C:33-17	Township Ordinance
<ul style="list-style-type: none"> • <i>It is a criminal disorderly persons offense to offer, serve or make alcohol available to minors; also a criminal offense to entice or encourage a minor to drink alcohol. Penalty: fine of up to \$1000 and up to 180 days in jail.</i> • <i>Child endangerment (such as cases where the underage drinker harms himself or another) which can result in a State prison sentence of up to 10 years and a fine up to \$150,000</i> • <i>It is a criminal disorderly persons offense for any person to make their real property (such as their house, apartment, business, motel room or any other place owned, leased or managed) available to, or in the care of, another person with the purpose that alcoholic beverages will be consumed there by minors. Penalty - fine up to \$1000 and up to 180 days in jail.</i> • <i>Criminal disorderly persons offense to sell an alcoholic beverage to a minor, or to purchase an alcoholic beverage for an underage person. Penalty – fine up to \$1000 and up to 180 days in jail.</i> • <i>Any person who serves alcohol resulting in intoxication is also civilly liable for injuries caused by the intoxicated person’s negligence.</i> • <i>Police respond if notified, or they see probably cause – on public or private property (such as seeing intoxicated teens/evidence of alcohol consumption)</i> • <i>Currently – an underage person would not be penalized should they be drinking at a friend’s home; rather it would be the owner of the property who would be liable.</i> 	<ul style="list-style-type: none"> • <i>Police respond if notified or they see probable cause – on public or private property (such as seeing intoxicated teens/evidence of alcohol consumption)</i> • <i>Forces young people to take on personal responsibility for their underage drinking</i> • <i>Provides a fine not exceeding one thousand dollars \$1,000.00.</i> • <i>Does not constitute an arrest</i> • <i>Does not prohibit use for religious observation, ceremony or rite</i> • <i>Does not prohibit use when in presence of, and with permission of a parent/guardian</i> • <i>Does not supercede the State Law</i> <p>QUESTIONS:</p> <p>Is this ordinance necessary? Yes. Underage drinking and unsupervised parties have occurred in Passaic County. This ordinance supports the efforts of the whole community to provide a safe and healthy environment for citizens, especially our youth.</p> <p>Does this ordinance give the police more authority to enter private property? No. The police authority is unchanged. The police respond to a complaint, or if an officer observes that underage drinking is taking place. If the police see probably cause, such as intoxicated teens and /or evidence of alcohol consumption, or a situation involving a medical safety issue, they act.</p> <p>Does this ordinance change things? Yes. This ordinance will hold all underage drinkers responsible for their actions, not just the individual hosting the party.</p>

**AN ORDINANCE TO AMEND AND
SUPPLEMENT CHAPTER 113
(ALCOHOLIC BEVERAGES) OF THE
CODE OF THE CITY OF PATERSON**

BE IT ORDAINED by the Municipal Council of the City of Paterson, in the County of Passaic, State of New Jersey, as follows:

SECTION 1. Chapter 113 (Alcoholic Beverages) of the code of the city of Paterson is hereby amended and supplemented by establishing an Article IV (Possession or Consumption on Private Property) to read as follows:

§113-25 Definitions

As used in this article, the following words shall have the meaning indicated:

GUARDIAN – A person who has qualified as a guardian of a minor pursuant to testamentary or court appointment.

RELATIVE – A minor’s grandparent, aunt or uncle, sibling, or any other person related to a minor by blood or affinity.

§113-26 Possession or Consumption Prohibited on Private Property

It shall be unlawful for any person under the legal age to, without legal authority, knowingly possess or knowingly consume an alcoholic beverage on private property within the City of Paterson, except as hereinafter provided or as may be permitted by state statute;

- A.** Any underage person who consumes or possesses an alcoholic beverage in connection with a religious observance, ceremony or rite, or 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 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.

§ 113-27 Violations and penalties.

- A.** Except as may be provided in N.J.S.A. 33:1-1 et seq., any person who violates any provision of this article shall, upon conviction thereof, be punished by a fine not exceeding one thousand dollars \$1,000.00.

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SECTION 2. If any section, sub-section, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 3. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This ordinance shall take effect twenty (20) days after final passage and publication as prescribed by law.

STATEMENT OF PURPOSE

This Ordinance authorizing an amendment and supplement to Chapter 113 (Alcoholic Beverages) of the code of the City of Paterson, by establishing an Article IV, (possession and consumption).