

**BOROUGH OF OAKLAND
BERGEN COUNTY, NEW JERSEY
ORDINANCE # 21-CODE-844**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 3 OF THE CODE OF
THE BOROUGH OF OAKLAND ENTITLED "POLICE REGULATIONS", SECTION
3-23 ENTITLED "CONSUMPTION BY PERSONS UNDER THE LEGAL AGE ON
PUBLIC OR PRIVATE PROPERTY"**

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Oakland, in the County of Bergen, State of New Jersey, as follows:

I. The Code of the Borough of Oakland, Chapter 3 "Police Regulations", Section 3-23 "Consumption by Persons Under the Legal Age on Public or Private Property" be and is hereby amended and supplemented as follows:

Section 1. Section 3-23 entitled Consumption by Persons Under the Legal Age on Public or Private Property is amended and supplemented as follows:

Section 3-23 Consumption by Persons Under the Legal Age.

Section 3-23.1 Prohibitions.

- a. It is unlawful for any person under the legal age to purchase alcoholic beverages, or under the legal age to purchase regulated cannabis items, to knowingly possess without legal authority or to knowingly consume any alcoholic beverage or regulated cannabis item, or to be under the influence of alcohol, regulated cannabis items or unregulated cannabis items in any school, public conveyance, public place, or place of public assembly, or motor vehicle.
- b. The prohibition contained in this section shall 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 or a regulated cannabis item 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 or regulated cannabis items.
- c. As used in this section, "guardian" means a person who has qualified as a guardian of the underaged person pursuant to testamentary or court appointment. "Relative" means the underaged persons' grandparent, aunt or uncle, sibling, or any other person related by blood or affinity.
- d. Nothing contained in this section shall prohibit possession of alcoholic beverages by any such underaged person while actually engaged in the performance of employment by a person who is licensed under Title 33 of the revised statutes of the State of New Jersey, 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, and nothing in this section shall apply to possession of regulated cannabis items by any such person while actually engaged in the performance of employment by a regulated cannabis establishment, distributor, or delivery service as permitted pursuant to the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," P.L.2021, c. 16 (N.J.S.A. 24:6I-31 et al.); however, nothing in this section shall 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.

Section 3-23.2 Penalties.

- a. Any violation of this section shall be subject to punishment pursuant to N.J.S.A. 2C:33-15.
- b. (Reserved).
- c. (Reserved).
- d. (Reserved).
- e. (Reserved).

Section 2.

All part of Ordinances inconsistent with this Ordinance are hereby repealed as to such inconsistent part and this Ordinance shall take effect after publication and passage in the manner provided by law.

Section 3.

If any section, subsection, paragraph, sentence, clause or word of this Ordinance shall be adjudged invalid by a Court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Ordinance, it being intended that all such portions be severable in such event.

Section 4.

This ordinance shall take effect immediately upon publication and final passage according to law.


Linda H. Schwager, Mayor

ATTEST:


Lisa M. Duncan, Borough Clerk

This is to certify that this is a true copy
as adopted by the Mayor and Council
of the Borough of Oakland at a meeting
held on June 23, 2024

Borough Clerk

