

**BOROUGH OF OAKLAND
BERGEN COUNTY, NEW JERSEY
ORDINANCE #21-CODE-846**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 3 OF THE CODE OF
THE BOROUGH OF OAKLAND ENTITLED “POLICE REGULATIONS”, SECTION
3-6 ENTITLED “ALCOHOLIC BEVERAGES”**

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 3-6 “Alcoholic Beverages” be and is hereby amended and supplemented, as follows:

Section 1.

Section 3-6 entitled Alcoholic Beverages is amended and supplemented in its entirety as follows:

Alcoholic Beverages and Cannabis Items

Section 3-6.1 entitled Definitions is amended and supplemented to include the following:

REGULATED CANNABIS ITEM(S)

Shall mean any cannabis item(s) as regulated and defined by the New Jersey Cannabis Regulatory Commission.

UNREGULATED CANNABIS ITEM(S)

Shall mean any cannabis item(s), including any usable cannabis, cannabis product, cannabis extract, and any other cannabis resin as further defined in P.L. 2021, c. 16; hashish; and marijuana/marihuana, which is not regulated by the New Jersey Cannabis Regulatory Commission.

Section 3-6.2 entitled Consumption in Public Prohibited is amended as follows:

No person shall, except as hereinafter provided or as otherwise permitted by law, consume any alcoholic beverage or regulated cannabis item, in any public park or recreation area of the Borough, public building, public conveyance, right-of-way, alley, sidewalk, roadway or parking lot open to the public in the Borough or on any vacant lands owned by the Borough.

Section 3-6.3 entitled Violations and Penalties is added and supplemented as follows:

Any person violating the provisions of Section 3-6.2 of this article shall be subject to a fine of up to \$200 upon conviction.

Section 3-6.3 through 3-6.8. (Reserved)

Section 3-6.9 Consumption in Motor Vehicles Prohibited is deleted in its entirety.

Section 3-6.10. (Reserved)

Section 3-6.11 Persons Under the Legal Age.

- a. Purchase of Alcoholic Beverages or Regulated Cannabis Items Prohibited. It shall be unlawful for any person under the legal age to purchase alcoholic beverages or under the legal age to purchase regulated cannabis items, to enter any premises licensed for the retail sale of alcoholic beverages or any premises licensed for the retail sale of regulated cannabis items, for the purpose of purchasing, or having served or delivered to him or her, any alcoholic beverage or regulated cannabis item.
- b. Consumption. It shall be unlawful for any person under the legal age to purchase alcoholic beverages or under the legal age to purchase regulated cannabis items, to consume any alcoholic beverage, regulated cannabis item or unregulated cannabis items on premises licensed for the retail sale of alcoholic beverages, or any premises licensed for the retail sale of regulated cannabis items, or to purchase, attempt to purchase or have another purchase for him or her any alcoholic beverage or regulated cannabis item.
- c. Misrepresentation of Age.
 1. It shall be unlawful for a person to misrepresent or misstate his or her age or the age of any other person for the purpose of inducing any retail licensee, or any employee of a retail licensee, to sell, serve or deliver any alcoholic beverage or regulated cannabis item to such person under the legal age.
 2. It shall be unlawful for a person of age to serve or deliver any alcoholic beverage or regulated cannabis item to any person under the legal age or purchase any alcoholic beverage or under the legal age to purchase regulated cannabis items for the purpose of serving the same to or for consumption by any such person under the legal age.
- d. Violations and Penalties. Any person who shall violate any of the provisions of this subsection shall be deemed and adjusted to be a

disorderly person and upon conviction thereof, (in accordance with N.J.S.A. 33:1-81, as amended) shall be punished by a fine of not less than \$500. In addition, the Court shall suspend the person's license to operate a motor vehicle for six (6) months or prohibit the person from obtaining a license to operate a motor vehicle in this State for six (6) months beginning on the date he becomes eligible to obtain a license or on the date of conviction, whichever is later. In addition to the general penalty prescribed for an offense, the Court may require any person under the legal age to purchase alcoholic beverages who violates this act to participate in an alcohol education or treatment program authorized by the Department of Health for a period not to exceed the maximum period of confinement prescribed by law for the offense for which the individual has been convicted.

Section 2.

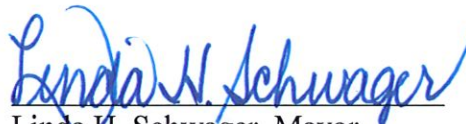
All part of Ordinances inconsistent with this Ordinance are hereby repealed as to such inconsistent part and this Ordinance shall take effect after publication and passage in the manner provided by law.

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, 2021

Borough Clerk

