

**BOROUGH OF WILDWOOD CREST  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY**

**ORDINANCE NO. 1462**

**ORDINANCE OF THE BOROUGH OF WILDWOOD CREST REPEALING  
ARTICLE I PUBLIC CONDUCT, SECTION 48-12 THROUGH SECTION  
48-12.4 OF CHAPTER 48 PEACE AND GOOD ORDER**

**WHEREAS**, the New Jersey Legislature, and Governor Philip Murphy, pursuant to L.2021, c. 25, § 18, eff. Feb. 22, 2021, repealed N.J.S.A. 40:48-1.2, which authorized municipalities to enact an ordinance making it unlawful for any person under the legal age to possess or consume alcoholic beverages on private property; and

**WHEREAS**, the Board of Commissioners of the Borough of Wildwood Crest has determined that it is necessary and proper, to repeal Section 48-12 through Section 48-12.4 of Chapter 48 of the Code of the Borough of Wildwood Crest which was adopted by the Borough pursuant to the authority granted by N.J.S.A. 40:48-1.2.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, New Jersey, as follows:

**Section 1.** Ordinance Number 305 adopted July 24, 1968, Ordinance Number 452 adopted June 13, 1973, Ordinance Number 826 adopted March 12, 1997, Ordinance Number 873 adopted July 26, 2000, Ordinance Number 955 adopted March 24, 2004, Ordinance Number 1002 adopted February 22, 2006, Ordinance Number 1284 adopted August 8, 2018, Ordinance Number 1300 adopted April 3, 2019, Ordinance Number 1301 adopted April 3, 2019, Ordinance Number 1353 adopted May 12, 2021, Ordinance Number 1355 adopted April 28, 2021, and codified in the Code of the Borough of Wildwood Crest at Section 79-8.3 is hereby amended as follows: (added language is underlined, deleted language is stricken)

**Section 2.** ARTICLE I, entitled Public Conduct, of Chapter 48, of the Code of the Borough of Wildwood Crest, is hereby deleted in its entirety:

**ARTICLE I  
Public Conduct**

~~**§ 48-12 Alcoholic beverages: possession, consumption by minors on private property prohibited.**~~

~~**§ 48-12.1 Underage Consumption.**~~

~~It shall be unlawful for any person under the legal age who, without legal authority, knowingly possesses or knowingly consumes an alcoholic beverage on private property.~~

~~**§ 48-12.2 Penalty.**~~

~~Any person violating the provisions of this ordinance shall, in accordance with the provisions of N.J.S.A. 40:48-1 as amended, be punished by a fine of \$250 for a first offense and \$350 for any subsequent offense.~~

~~**§ 48-12.3 Additional penalties.**~~

~~A. In addition to the fine authorized for this offense, the Court may suspend or postpone for six months the driving privilege 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 Motor Vehicle Commission stating the first and last day of the suspension or postponement period imposed by the Court pursuant to N.J.S.A. 40:48-1, as amended. If a person at the time of the imposition of sentence is less than 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 months after the person reaches the age of 17 years.~~

- ~~B. If a person at the time of the imposition of a sentence has a valid driver's license issued by this state, the Court shall immediately collect the license and forward it to the Motor Vehicle Commission 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. A person 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 a written notice shall not be a defense to a subsequent charge of a violation of N.J.S.A. 39:3-40.~~
- ~~D. If a person convicted under this ordinance is not a New Jersey resident, the Court shall suspend or postpone, as appropriate, the non-resident driving privilege of the person based on the age of the person and submit it to the Motor Vehicle Commission on the required report. The Court shall not collect the license of a non-resident convicted under this ordinance. Upon receipt of a report from the Court, the Motor Vehicle Commission shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.~~

#### **§ 48-12.4 Exceptions.**

- ~~A. Nothing contained in this ordinance is intended, nor shall it be construed, as prohibiting 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 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. As used in the preceding Subsection A., the following terms shall have the meaning set forth:~~
- ~~GUARDIAN—A person who qualified as a guardian of the underaged person pursuant to testamentary or court appointment.~~
- ~~RELATIVE—The underaged person's grandparent, aunt, uncle, sibling, or any other person related by blood or affinity.~~
- ~~C. Nothing contained in this ordinance is intended nor shall it be construed as prohibiting possession of alcoholic beverages by any such person while actually engaged in the performance of employment by a person who is licensed under Title 33 of the New Jersey 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; provided, however, that this ordinance shall not be construed to preclude the imposition of a penalty under this ordinance, 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.** The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

**Section 4.** All other ordinances in conflict with or inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.


**Section 5.** If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this ordinance, but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been rendered.

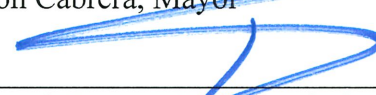
**Section 6.** This ordinance shall become effective twenty (20) days after final passage and advertisement thereof as required by law.

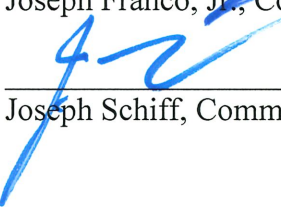
Dated: July 9, 2025

  
Patricia A. Feketics, Borough Clerk

Introduced: June 25, 2025  
Adopted: July 9, 2025

  
Don Cabrera, Mayor

  
Joseph Franco, Jr., Commissioner

  
Joseph Schiff, Commissioner