

ORDINANCE NO. _____

AN ACT TO AMEND CHAPTER 80 OF THE MUNICIPAL CODE OF THE TOWN OF DEWEY BEACH BY ADDING A NEW SECTION, §80-13.2, UNDERAGE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES, TO AMEND CHAPTER 85 OF THE CODE BY DELETING PART OF §85-1315A(5), AND ADDING TO §85-1315A(4)

Amend Chapter 80 of the Town Ordinances of Dewey Beach by adding a new section § 80-13.2. as follows:

“§ 80-13.2. Underage Possession or Consumption of Alcoholic Beverages

Section 1. § 80-13.2. Whoever, being under the age of 21 years, has alcoholic liquor in his or her possession at any time, or consumes or is found to have consumed alcoholic liquor, shall be fined \$100 for the 1st offense and not less than \$200 nor more than \$500 for each subsequent offense. A first and second violation of this subsection is a civil offense. Information concerning this civil offense may not appear on an individual’s certified criminal record. This section shall not apply to the possession or consumption of alcoholic liquor in connection with any religious service or by members of the same family within the private home of any of said members.”

Section 2. Amend Chapter 85 of the Town Ordinances of Dewey Beach by deleting in section § 85-1315A the following part of sub-section (5):

“(5). Whoever, being under the age of 21 years, has alcoholic liquor in his possession at any time, or consumes or is found to have consumed alcoholic liquor shall be guilty of a criminal misdemeanor. Possession shall be presumed to mean, in the same room, motor vehicle or outside, in a reasonable proximity to the alcoholic liquor.”

Section 3. Further amend Chapter 85 of the Town Ordinances of Dewey Beach in section 85- 1315A (4) the following bolded phrase “or (5)”

This Ordinance shall take effect by a majority vote of the Commissioners of the Town of Dewey Beach on this 14th day of May 2021.

Dale H. Cooke, Mayor

Bill Zolper, Town Manager

SYNOPSIS

This ordinance moves the underage consumption or possession of an alcoholic beverage from a criminal violation to a civil violation of the Ordinances of the Town of Dewey Beach