

Ordinance

Ordinance No. 01

OF THE
CITY OF ATLANTIC CITY, N.J.

Date..01-24-07.....
Date to Mayor.2-08-07.

Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified to by

Legislative Counsel Billie J. Moore, Esq.

Business Administrator /s/ Domenic Cappella

Prepared by the Legislative Counsel

Council Members MOLLINEAUX & ROBINSON Present the following Ordinance:

AN ORDINANCE AMENDING CHAPTER 79 TO INCLUDE ARTICLE III, MAKING IT UNLAWFUL FOR ANY PERSON UNDER THE LEGAL AGE TO KNOWINGLY POSSESS OR KNOWINGLY CONSUME AN ALCOHOLIC BEVERAGE ON PRIVATE PROPERTY WITHOUT LEGAL AUTHORITY AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, L.200, c.33, was duly passed by both houses of the New Jersey Legislature and signed into law by Governor on June 28, 2000 to become effective immediately; and

WHEREAS, this legislation amends New Jersey Statutes 40:48-1 et seq., to provide a new section authorizing a municipality to enact an ordinance making it unlawful for any person under the legal age who, without legal authority knowingly possesses or knowingly consumes an alcoholic beverage on private property and provides for the assessment of penalties including suspension, revocation or postponement of certain driving privileges; and

WHEREAS, the City of Atlantic City intends to adopt such an Ordinance in accordance with the aforesaid enabling legislation; and

WHEREAS, the City of Atlantic City is of the opinion that such an Ordinance is in the public interest; will promote public safety and will contribute to the overall public health, safety and welfare of the community at large.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Atlantic City that:

SECTION 2: PENALTY

- A. Any person violating the provisions of this Article shall, in accordance with the provisions of N.J.S.A. 40:48-1.2, be punished by a fine of \$250.00 for a first offense and \$350.00 for any subsequent offense.

- B. In addition to the fine authorized for this offense, the Court may suspend or postpone for six (6) months the driving privileges 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 Division of Motor Vehicles stating the first and last day of the suspension or postponement period imposed by the Court pursuant to N.J.S.A. 40:48-1.2. 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 (6) months after the person reaches the age of 17 years.
- C. 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 Division of Motor Vehicles 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.
- D. 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 R.S.39:3-40. A person shall be required to acknowledge receipt of the written notice in writing.
Failure to receive 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 R.S.39:3-40.
- E. If a person convicted under such an 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 to the Division the required report. The court shall not collect the license of a non-resident convicted under this section. Upon receipt of a report by the court, the Division shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.
- F. This ordinance shall not prohibit an under aged 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.

1. As used in this section:

"Guardian" means a person who has qualified as a guardian of the under aged person pursuant to testamentary or court appointment.

"Relative" means the under aged person's grandparent, aunt or uncle, sibling or any other person related by blood or affinity.

- G. This ordinance shall not prohibit 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 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; however, this ordinance shall not be construed to preclude the imposition of a penalty under this section, R.S.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.

I hereby certify this is a true copy of an original document on file in the Office of the City Clerk.

Rosemary Adams
Rosemary Adams, City Clerk

March 27, 2007 11:42:58 AM pg

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE ON FINAL PASSAGE

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.
MANCUSO	X						SCHULTZ	X					
MASON	X					X	SMALL	X					
MOLLINEAUX	X				X		TIBBITT	X					
ROBINSON	X					X	WARD	X					
MARSH, PRESIDENT							X						

X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second

Adopted on first reading at a meeting of the Council of the City of Atlantic City, N.J. on ...JANUARY 24, 2007.....

Adopted on second and final reading after hearing on.....FEBRUARY 7, 2007.....

Approved By/s/ ROBERT W. LEVY, SR.....Date...FEBRUARY 13, 2007.....By Council.....Reconsidered Over
Mayor Ride
Aye Nay

This is a Certified True copy of the Original Ordinance on file in the City Clerk's Office.

...../s/ RHONDA WILLIAMS, ASSIST.....City Clerk