

ORDINANCE 2000-11

AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XVI POLICE REGULATIONS,
OF THE REVISED GENERAL ORDINANCES OF
THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH,
NEW JERSEY

WHEREAS, the Borough of Belmar now desires to amend and supplement specific provisions concerning the possession and consumption of alcoholic beverages by underaged persons on private property under Section 16-23 of the Borough of Belmar Revised General Ordinances.

WHEREAS, the Mayor and Council of the Borough of Belmar have determined that the State Legislature through Public Law 2000, Chapter 33, approved and effective on June 28, 2000, adding statute section N.J.S.A. 40:48-1.2, has provided municipalities the authority to make ordinances to regulate underage drinking on private property. Whereas, the Mayor and Council of the Borough of Belmar have further determined that it is in the best interest of the residents of the Borough of Belmar and to protect the interest of our children to adopt an ordinance to regulate underage drinking as provided by law.

NOW, THEREFORE, BE IT ORDAINED by the Borough of Belmar, County of Monmouth, New Jersey, that Chapter XVI of the Borough of Belmar Revised General Ordinances is hereby amended and supplemented as follows: ¹

I. The following Sections are hereby added to the Borough of Belmar Revised General Ordinances as follows:

16-23 PROHIBITION OF UNDERAGE DRINKING ON PRIVATE PROPERTY

16-23.1 Definitions.
As used in this section:

1. Additions are indicated by underline; and, deletions by ~~strikeout~~.

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

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

"Underage" means under the legal age for the possession and consumption of alcoholic beverages as provided by law.

16-23.2 Underage Drinking on Private Property Prohibited; Exceptions.

a. 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.

b. An underaged person is not prohibited 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.

c. An underage person is not prohibited from the possession of alcoholic beverages by any such person while actually engaged in the performance of employment by a person who is properly licensed and permitted to engage in such activity under Title 33 of the Revised Statutes of the State of New Jersey, the Borough of Belmar Revised General Ordinances, 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 section shall not be construed to preclude the imposition of a penalty under this section, N.J.S.A. 33:1-81, the Borough of Belmar Revised General Ordinances 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.

16-23.3 Violation; Penalties.

a. **Fines.** Upon conviction for a first offense a violator shall be punished by a fine of \$250.00 and \$350.00 for any subsequent offense.

b. **Suspension or Postponement of Driver's License.** 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 Division of Motor Vehicles stating the first and last day of the suspension or postponement period imposed by the court pursuant to this section.

If a person at the time of the imposition of a sentence is less than 17 years of age, the period of license postponement,

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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.

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 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.

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.

If the 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.

II. THIS ORDINANCE SHALL TAKE EFFECT UPON ITS ADOPTION, PASSAGE AND PUBLICATION ACCORDING TO LAW.

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