

TOWNSHIP OF BYRAM
Sussex County, New Jersey

ORDINANCE NO: 16 -2004

**AN ORDINANCE TO AMEND CHAPTER 82 OF THE BYRAM TOWNSHIP CODE TO
ADD TO A NEW ARTICLE III REGARDING CONSUMPTION AND POSSESSION OF
ALCOHOLIC BEVERAGES ON PRIVATE PROPERTY BY PERSONS UNDER LEGAL
AGE**

WHEREAS, a municipality may enact an Ordinance making it unlawful for any person under the legal age without legal authority, to knowingly possess or consume an alcoholic beverage on private property; and

WHEREAS, the Township Council deems such an Ordinance to be in the best interest of the community at large.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Byram that Article III be added to Chapter 82 of the Byram Township Code, entitled "Alcoholic Beverages", as follows:

Section 1.

ARTICLE III

**Consumption and Possession of Alcoholic Beverages on Private Property by Persons Under
the Legal Age**

§82-13 Definitions.

- a. "Guardian" means a person who has qualified as a guardian of the underage person pursuant to testamentary or court appointment.
- b. "Relative" means the underage person's grandparent, aunt or uncle, sibling, or any other person related by blood or affinity.

§82-14 Consumption or Possession Prohibited on Private Property.

The consumption or possession of alcoholic beverages of any type on private property by a person who is under the legal age without legal authority is prohibited.

§82-15 Non-Applicability.

- a. The provisions of Article III shall not apply to an underage person who consumes or possesses an alcoholic beverage in connection with a religious observance, ceremony or rite, or consumes or possesses 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. The provisions of this section shall also not apply possession of alcoholic beverages by a person who is either actually engaged in the performance of employment by another person who is licensed under Title 33 of the Revised Statutes while actually engaged in the performance of employment 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. This section shall not be construed to preclude the imposition of a penalty under section R.S. 33:1-81, or any other applicable 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.

§82-16 Violations and Penalties.

- a. Any person who convicted of violating Article III shall be subject to a fine of two hundred fifty dollars (\$250.00) for the first offense, and three hundred fifty dollars (\$350.00) for any subsequent offense.
- b. In addition to the fine, the court may suspend or postpone for six months the defendant's driving privilege. 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. At the time of the imposition of sentence if the defendant is less than 17 years of age, the period of license postponement, including 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.

At the time if the imposition of a sentence, if a person 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 day of the license suspension period imposed by the court.

If the 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 the required report to the Division. 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.


The court shall also 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, that 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 a written notice shall not be a defense to a subsequent charge of a violation of R.S. 39:3-40.

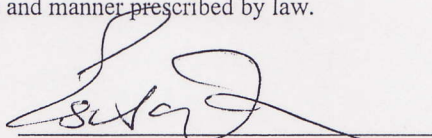
Section 2.

If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 3.

This Ordinance shall take effect in the time and manner prescribed by law.


Mary Johnson, Clerk


Eskil S. Danielson, Mayor

Introduced:

Adopted:

The ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Township of Byram, in the County of Sussex, New Jersey, held on September 7, 2004. It will be further considered for final passage after public hearing thereon, at a meeting of said governing body to be held in the Municipal Building, 10 Mansfield Drive, Byram, New Jersey on **October 4, 2004** at 8:00 p.m., or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning the same.

Mary Johnson, RMC
Municipal Clerk