

ORDINANCE NO. 06-11

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 7-8 ENTITLED "MINORS" OF CHAPTER VII ENTITLED "ALCOHOLIC BEVERAGE CONTROL" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CARLSTADT, 2002 PROHIBITING CONSUMPTION AND POSSESSION, WITHOUT LEGAL AUTHORITY, OF ALCOHOLIC BEVERAGES ON PRIVATE PROPERTY BY UNDERAGED PERSONS.

WHEREAS, N.J.S.A. 40:48-1 has been amended to allow a municipality to adopt an ordinance making it unlawful for any person under the legal age to, without legal authority, knowingly possess or consume an alcoholic beverage on private property; and

WHEREAS, the Governing Body deems it to be in the best interest of the community to adopt additional regulations regarding the possession and consumption of alcoholic beverages by minors so as to protect the health, safety and welfare of the youth of the municipality.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Carlstadt, County of Bergen, State of New Jersey, that Section 7-8 entitled "MINORS" of Chapter VII entitled "ALCOHOLIC BEVERAGE CONTROL" the Revised General Ordinances of the Borough of Carlstadt, 2002, be and hereby are amended and supplemented with the following;

**7-8A Title. POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES BY UNDERAGED PERSONS**

**7-8A.1. Purpose.** The purpose of this section is to provide for the enforcement of P.L. 2000 c.33 to prohibit possession or consumption of alcoholic beverages on private property by underage persons.

**7-8A.2 Definitions.** For purposes of this Section, the following terms, phrases, words and their derivations shall have the meaning given herein. The word "shall" is always mandatory and not merely directory.

- 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.

**7-8A.3 Possession or consumption Prohibited on Private Property.** It shall be unlawful for any person under the legal age who, without legal authority as hereinafter defined, knowingly possesses or knowingly consumes an alcoholic beverage on private property.

7-8A.4 Exceptions.

- (a) The provision of this section shall not apply to any underage person who possesses or consumes 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 as to possession of alcoholic beverages shall not apply to any such person while actually engaged in the performance of employment by a person who is licensed under Title 33 of the Revised Statutes of the State of New Jersey, or while actively engaged in the preparation of food while employed 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-R1, or any other section of the law against a person who is convicted of unlawful alcoholic beverage activities on or at a premises licensed for the sale of alcoholic beverages.

7-8A.5 Violation and Penalty.

- a. Any person who shall violate any section of this ordinance shall be subject to a fine of two hundred fifty (\$250.00) dollars for the first offense, and three hundred fifty (\$350.00) dollars for any subsequent offense.

- b. Upon conviction the court may, in addition to the fine, suspend or postpone for six months the driving privilege of the defendant. In the event a driver's license is suspended, the court shall forward a report to the Division of Motor Vehicles stating the first and last day of 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 suspension, 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.

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 day of the license suspension period imposed by the court.

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.

c. 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 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.

**Repeal of Prior or Inconsistent Ordinance.** All ordinances or parts thereof inconsistent herewith are hereby repealed as to such inconsistency only.

**Severability.** If any section, clause, sentence or other part of this Ordinance or the application thereof to any person or circumstance shall be any reason be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

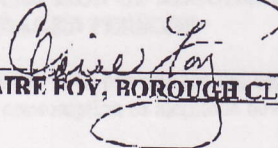
**Effective Date.** This Ordinance shall take effect immediately upon passage and publication as required by law.

**INTRODUCED:** June 12, 2006

**PUBLISHED:** June 29, 2006

**ADOPTED:** July 6, 2006

**APPROVED:**   
Wm. JAY ROSEMAN, MAYOR

**ATTEST:**   
CLAIRE FOY, BOROUGH CLERK