

CHESTER TOWNSHIP

An ordinance under Part II, General Legislation, of the Code of the Township of Chester concerning Possession or Consumption of Alcoholic Beverages by Minors on Private Property.

2007-3

BE IT ORDAINED by the Mayor and Township Council of Chester as follows:

Section 1. The following ordinance is hereby added to and made a part of Part II, General Legislation of the Code of the Township of Chester, which ordinance shall be entitled "Possession or Consumption of Alcoholic Beverages by Minors on Private Property."

Section 2. The said ordinance shall read as follows:

§ 1 Underage Consumption

It shall be unlawful for any person under the legal age, without legal authority, to knowingly possess or consume an alcoholic beverage on private property except as provided for below.

§ 2 Violation and Penalties

Any person convicted of violating the provisions of this article shall, in accordance with the provisions of N.J.S.A. 40:48-1 as amended, be punished by a fine not to exceed \$250.00 for the first offense and not to exceed \$350.00 for any subsequent offense.

§ 3 Additional Penalties

A. In addition to the fine authorized for this offense, the Court may suspend or postpone for 6 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 New Jersey Motor Vehicle Commission stating the first and last day of suspension or

postponement period of that person's driver's license imposed by the Court pursuant to N.J.S.A. 40:48-1 as amended. If a person at the time of the imposition 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 6 months after the person reaches the age of 17 years.

B. 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 New Jersey Motor Vehicle Commission 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 suspension period imposed by the Court.

C. 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.

D. If a person convicted under this article is not a New Jersey resident, the Court shall suspend or postpone, as appropriate, the nonresident driving privilege of the person based on the age of the person and submit it to the Motor Vehicle Commission on the required report. The Court shall not collect the license of a nonresident convicted under this article. Upon receipt of a report from the Court, the Motor Vehicle Commission shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

§ 4 Exceptions

A. Nothing contained in this article is intended nor shall it be construed as prohibiting an underaged person from 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.

B. As used in the preceding Subsection A., the following terms shall have the meaning as set forth herein below:

GUARDIAN – A person who has qualified as a guardian of the underaged person pursuant to testamentary or Court appointment.

RELATIVE – The underaged person's Grandparent, Aunt or Uncle, sibling or any other persons related by blood or affinity.

C. Nothing contained in this article is intended nor shall it be construed as prohibiting 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; provided, however, that this article shall not be construed to preclude the imposition of a penalty under this article, N.J.S.A. 33:1-81 or any other section of law against a person who is convicted of unlawful alcoholic beverage activity on or at the premises licensed for the sale of alcoholic beverages.

Section 3. If any article, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not effect the remaining portion of the ordinance.

Section 4. All ordinances or parts of ordinances of the Township of Chester which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 5. This ordinance shall take effect as provided by law.

CHESTER TOWNSHIP

Carol Demoreau
Municipal Clerk

Benjamin L. Smith
MAYOR

Revised Feb 6, 2007

I hereby certify the foregoing to be a true copy
of a resolution/ordinance adopted by the Township
Council of the Township of Chester at a meeting
held on MARCH 20, 2007

Carol Demoreau
Municipal Clerk