

ORDINANCE 5-2007

AN ORDINANCE OF THE MAYOR AND TOWNSHIP COUNCIL OF THE TOWNSHIP OF EAST HANOVER IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING ITS MUNICIPAL CODE OF THE TOWNSHIP OF EAST HANOVER TO ADD A NEW CHAPTER ENTITLED "CONSUMPTION OF ALCOHOLIC BEVERAGES BY UNDERAGED PERSONS ON PRIVATE PROPERTY"

WHEREAS, pursuant to N.J.S.A. 40:48-1.2; municipalities are authorized to adopt Ordinances that regulate the consumption of alcoholic beverages by under aged persons on private property. This ordinance adoption is encouraged by the Partnership for a Drug Free America.

BE IT ORDAINED, by the Mayor and Committee of the Township of East Hanover, County of Morris and State of New Jersey as follows:

SECTION 1. The Municipal Code of the Township of East Hanover is hereby amended and supplemented to add the following new Section 40-6, to read as follows:

Suggested Chapter

(a). Definitions.

- A. "Person under the legal age" and "Underaged person" shall be one who has not attained the age of 21 years and who does not have a right, pursuant to N.J.S.A. 9:17B-1.b., to purchase and consume alcoholic beverages.
- B. "Guardian" means a person who has qualified as the guardian of the underaged person pursuant to a testamentary or court appointment.
- C. "Relative" means the underaged person's grandparent, aunt or uncle, sibling, or other person related by blood or affinity.

(b). Consumption by Underaged Persons on Private Property.

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

(c). Penalties.

- A. A violation shall be punished by a fine of \$250.00 for a first offense and a fine of \$350.00 for any subsequent offense; and
- B. In addition to the fine authorized for this offense, the court may suspend or postpone, for 6 months, the driving privilege of the defendant.
- C. Upon the conviction of any person and the suspension or postponement of that person's driving privilege, 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. If a person, at the time of the imposition of sentence is less than 17 years of age, the period of license postponement 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.
- D. 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 of Motor Vehicles the required report. The court shall not collect the license of a nonresident convicted under this section. Upon receipt of a report by the court, the Division of Motor Vehicles shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.
- E. In the event a suspension or postponement of driving privilege is ordered, court shall immediately collect the defendant's drivers license certificate and forward it to the Division of Motor Vehicles. If for any reason the license certificate cannot be collected, the court shall include in the report the complete name, address, date of birth, eye color and sex of the Defendant as well as the first and last date of the license suspension period imposed by the court.
- F. In the event a suspension or postponement of driving privilege is ordered, 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 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 give 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 R.S. 39:3-40.

(d). Exceptions.

This ordinance shall not apply to nor prohibit:

(1) any underaged person from consuming or possessing an alcoholic beverage in connection with a religious observance, ceremony, or rite; nor to

(2) an underaged person 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; nor to

(3) an underaged person from possessing alcoholic beverages 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. 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.

SECTION 2. All ordinances inconsistent with this Ordinance are hereby repealed with regard to such inconsistency.

SECTION 3. If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed separable.

SECTION 4. This Ordinance shall take effect upon final publication as provided by law.

INTRODUCED: