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ARTICLE III. Consumption on Private Property by Underage Persons

[Adopted 10-10-2000 by Ord. No. 00-27]

§ 91-16. Definitions.

As used in this article, the following terms shall have the meanings indicated:

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 person related by blood or affinity.

§ 91-17. Possession or consumption prohibited.

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.

§ 91-18. Exceptions.

A. It shall not be illegal for such underaged person to consume or possess an alcoholic beverage in connection with a religious observance, ceremony or rite or to consume or possess 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. It shall not be illegal for such underaged person to possess alcoholic beverages 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 enrolled in a culinary arts or hotel management program at a county vocational school or postsecondary educational institution, except that this article shall not be construed to preclude the imposition of a penalty under N.J.S.A. 33:1-81 et seq., as amended from time to time, or any other law against a person who is convicted of unlawful alcoholic beverage activity on or at premises licensed for the sale of alcoholic beverages.

§ 91-19. Violations and penalties.

A. There shall be a fine of \$250 for a first offense and \$350 for any subsequent offense.

B. In addition, the Court in its discretion may suspend or postpone for six months the driving privilege of the defendant. Upon 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. If a person at the time of the imposition of a sentence 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 six months after the person reaches the age of 17 years.

C. If at the time of imposition of sentence the person has a valid New Jersey driver's license the Court shall immediately collect the license and forward it to the Division of Motor Vehicles along with the aforesaid 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.

D. 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 et seq., as amended from time to time. The person shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to so acknowledge in writing the receipt shall not be a defense to a subsequent charge of a violation of N.J.S.A. 39:3-40 et seq.

E. 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 to the Division of Motor Vehicles the required report. The Court shall not collect the license of a nonresident convicted under this article. Upon receipt of a report from this Court, New Jersey statute directs the Division of Motor Vehicles to notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

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