

Upon investigation by any person or Police Officer to determine whether violation of any of the above provisions has been made, any person who shall empty a glass or other container in order to prevent the inspecting or arresting officer or person from being able to make a determination as to the alcoholic content of the beverage in the container shall be presumed to have had a container having a beverage with an alcoholic content, which presumption may be rebuttable by competent evidence. (Ord. No. 94-16)

### **3-1.8 Violations and Penalties.**

Any person who shall violate any provisions of this section shall be liable, upon conviction, to the penalty stated in Chapter I, Section 1-5. (Ord. No. 94-16; New)

### **3-1.9 Exceptions as to Specific Functions.**

The prohibitions of this section shall not apply to public and quasi-public functions held in parks owned by the Township with the express written permission for the consumption of alcoholic beverages granted by resolution of the Township Committee. (Ord. No. 94-16)

## **3-1A CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES ON PRIVATE PROPERTY BY PERSONS UNDER THE LEGAL AGE.**

### **3-1A.1 Definitions.**

*Guardian* shall mean a person who has qualified as a guardian of the underage person pursuant to testamentary or court appointment.

*Relative* shall mean the underage person's grandparent, aunt or uncle, sibling, or any other person related by blood or affinity.

(Ord. No. 2005-08)

### **3-1A.2 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 and without legal authority is prohibited. (Ord. No. 2005-08)

### **3-1A.3 Nonapplicability.**

a. The provisions of this section 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 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, 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.

1. This section shall not be construed to preclude the imposition of a penalty under section R.S. 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.  
(Ord. No. 2005-08)

### **3-1A.4 Violation and Penalty.**

a. Any person who shall violate any subsection of this section 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. The court may, in addition to the fine, suspend or postpone for six (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 Motor Vehicle Commission stating the first and last day of the 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 seventeen (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 (6) months after the person reaches the age of seventeen (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 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 day of the license suspension period imposed by 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 the 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.

If the person convicted under this section 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 Commission the required report. The courts shall not collect the license of a nonresident convicted under this section. Upon receipt of a report by the court, the Commission shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.  
(Ord. No. 2005-08)

## **3-2 HOURS OF USE FOR MUNICIPAL PROPERTIES.**

### **3-2.1 Restriction Against Use of Certain Municipal Properties During the Evening and Nighttime Hours Between Dusk and Dawn Each Day.**

No person shall remain or stay on any of the below listed properties owned or leased by the Township during the evening and nighttime hours between dusk and dawn each day, without the prior, written approval of the governing board:

<i>Block</i>	<i>Lot</i>
6.01	13 – Open Space in Development
44	1 – Park
40	1 – Park