

**BOROUGH OF FRANKLIN LAKES  
COUNTY OF BERGEN**

**ORDINANCE 1287**

**AN ORDINANCE PROHIBITING THE POSSESSION AND CONSUMPTION OF  
ALCOHOLIC BEVERAGES BY UNDERAGE PERSONS**

**WHEREAS**, New Jersey P.L. 2000, Chapter 33 signed into law on June 28, 2000, permits municipalities to enact Ordinances prohibiting possession or consumption of alcoholic beverages on private property by underage persons; and

**WHEREAS**, the Mayor and Council of the Borough of Franklin Lakes have concluded that the implementation of this law within the Borough of Franklin Lakes will provide a benefit to the health, safety, and welfare of the residents of the Borough of Franklin Lakes; and

**WHEREAS**, this Ordinance has been recommended by the Police Chief and the Police Department of the Borough of Franklin Lakes, and various parent and school organizations;

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, and State of New Jersey as follows:

**Section I:** Chapter 44 of the Code of the Borough of Franklin Lakes is hereby amended to include Article 3 entitled, "Consumption of Alcohol by Persons Under the Legal Age on Private Property

**Section 144-28-. Consumption by Underage Persons**

A. It is unlawful for any person under the legal age, who, without legal authority, knowingly possesses, or knowingly consumes an alcoholic beverage on private property.

B. The prohibition described herein shall not prohibit an underage person from consuming or possessing an alcoholic beverage in connection with a religious observance, ceremony or rite, or 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.

C. As used in this section, "guardian" means a person who has qualified as a guardian of the underage person pursuant to a testamentary or court appointment, and "relative" means the underage person's grandparent, aunt or uncle, sibling, or any other person related by blood or affinity.

D. Nothing contained in this Article shall prohibit possession of alcoholic beverages by any such underage 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 enrolled in a culinary arts or hotel management program at a county vocational school, or post secondary educational



on; however, nothing in this section shall be construed to preclude the imposition of a fine under this 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.

#### **Section 144-29. Penalties**

A. Any violation of this Article shall be punished by a fine of \$250.00 for a first offense, and \$350.00 for any subsequent offense.

B. In addition to the fine authorized for this offense, the court may suspend or postpone for six 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 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 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 a person at the time of the imposition of a sentence has a valid driver's license issued by the 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 date of the license suspension period imposed by the court.

D. If the person convicted under such an 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.

E. The court may, under appropriate circumstances and to the extent permitted by law, order that a person convicted under this Ordinance undergo alcoholic counseling.

#### **Section II: Severability**

If any court with proper jurisdiction declares any section, sentence, or any other part of this Ordinance invalid for any reason, such judgment shall not affect the validity of the remaining portion of the Ordinance.

#### **Section III: Repealer**

All Ordinances or parts of Ordinances that are inconsistent with the provisions of this Ordinance are hereby repealed, but only to the extent of such inconsistencies.

#### **Section IV: Effective Date**