

ORDINANCE NO. 2005-07

**AN ORDINANCE TO AMEND CHAPTER VI OF THE MUNICIPAL CODE
OF THE TOWNSHIP OF FREDON RELATED TO ALCOHOLIC BEVERAGE
CONTROL AND UNDERAGE DRINKING**

BE IT ORDAINED by the Township Committee of the Township of Fredon, under authority of N.J.S. 40:48-1.2, that "Chapter VI - Alcoholic Beverage Control" of the Revised General Ordinances of the Township of Fredon, Section 6-5 thereof, be revised in accord with this Ordinance.

Section 1. The present provisions of Section 6.5 are hereby deleted, and replaced with the following provisions:

6-5 Minors and Underage Drinking.

6-5.1 *Presence.* No minor shall be allowed in any premises where alcoholic beverages are sold or served for consumption on the premises unless accompanied by his or her parent or guardian.

6-5.2 *Purchase of Alcoholic Beverages by Someone Under Legal Age.* No person under the legal age to purchase or consume alcoholic beverages shall purchase, attempt to purchase, or have another purchase for him or her any alcoholic beverages on any premises licensed for the sale of alcoholic beverages.

6-5.3 *Purchase of Alcoholic Beverages for Someone Under Legal Age.* No person shall purchase or attempt to purchase alcoholic beverages for someone under the legal age to purchase or consume alcoholic beverages. It shall be unlawful for any person to induce or attempt to induce any licensee or any employee of a licensee to sell, serve, or deliver alcoholic beverages to a person who is under the legal age to consume such beverages.

6-5.4 *Misstating Age.* No person shall misrepresent his or her age or the age of another person for the purpose of inducing any licensee or an employee thereof to sell, serve, or deliver any alcoholic beverages to a person under the legal age to consume such beverages, or to permit a minor to remain on any premises in violation of Section 6-5.1.

6-5.5 *Presumption.* Any parent or guardian of a minor who accompanies such minor into a premises in which alcoholic beverages are served and who permits the minor to possess or consume alcoholic beverages shall be presumed to have misrepresented the age of the minor.

6-5.6 *Possession.* No person under legal age to consume alcoholic beverages shall possess, serve, sell, or consume any alcoholic beverage in any public place within the Township.

6-5.7 *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.

(a) The provisions of this Section 6-5.7 shall not prohibit any 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.

"Guardian" means a person who has qualified as a guardian pursuant to testamentary or court appointment. "Relative" means the underage person's grandparent, aunt or uncle, sibling or any other person related by blood or affinity.

(b) The provisions of this Section 6-5.7 as to underaged possession of alcoholic beverages 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 New Jersey 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

(c) This section shall not be construed to preclude the imposition of a penalty under N.J.S. 33:1-81, or any other section of law, against a person who is convicted of unlawful alcoholic beverage activities on or at premises licensed for the sale of alcoholic beverages.

6-5.8 *Penalties.* Any person who shall violate any provision of Section 6-5.7 shall be subject to a fine of two hundred fifty dollars (\$250.00) for the first offense, and three hundred fifty dollars (\$350.00) for any subsequent offense. Upon conviction the court may, in addition to the fine, suspend or postpone for six months the driving privileges of the violator.

(a) In the event a driver's license is suspended, the court shall forward a report to the New Jersey Motor Vehicle Commission (MVC) 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 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 months after the person reaches the age of 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 MVC 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 gender of the person, as well as the first and last day of the license suspension period imposed by the 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 license suspension or postponement, that person shall be subject to the penalties set forth in N.J.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 N.J.S. 39:3-40.

(b) 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 MVC the required report. The court shall not collect the license of a non-resident convicted under this section. Pursuant to N.J.S. 40:48-1.2, upon receipt of a report by the court, the MVC

shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

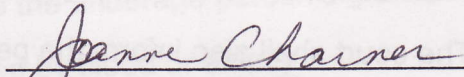
Section 2. BE IT FURTHER ORDAINED that if any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected thereby and shall remain in full force and effect.

Section 3. BE IT FURTHER ORDAINED that all ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

Section 4. This ordinance shall take effect after publication and passage according to law.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance passed second reading and was adopted by the Fredon Township Committee at a Regular Meeting of that body held on April 28, 2005.


Joanne Charner RMC
Municipal Clerk

