

Adopted 10/15/03

HARDING TOWNSHIP

Ordinance No. 21-03

ORDINANCE PROHIBITING THE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES BY UNDERAGE PERSONS ON PRIVATE PROPERTY AND SUPPLEMENTING THE HARDING TOWNSHIP ORDINANCE CODE WITH NEW SECTION 141-21

WHEREAS, the Harding Township Committee deems it advisable to regulate the possession or consumption of alcoholic beverages by underage persons on private property in order to preserve the public health, safety and general welfare of the residents of the Township;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING, IN THE COUNTY OF MORRIS, NEW JERSEY, as follows:

SECTION 1. Chapter 141 entitled "Peace and Good Order" of the Code of the Township of Harding is hereby supplemented with a new Section 141-21 to read in its entirety as follows:

"141-21. Possession or Consumption of Alcoholic Beverages by Persons Under Legal Age on Private Property Prohibited; Penalties; Suspension of Driving Privileges.

- A. Any person under the legal age to purchase alcoholic beverages who knowingly possesses, without legal authority, or who knowingly consumes any alcoholic beverages on private property, shall be subject upon conviction, to a fine in accordance with the General Penalty provided in Section 1-3 of this Code.
- B. The Municipal Judge may, in addition to any other sentence imposed for the offense, suspend or postpone, for up to six (6) months, the driving privilege of the defendant. Upon the conviction of any person under this Section 141-22, the Municipal Judge shall forward a report to the Division of Motor Vehicles (the "Division") stating the first and last day of the suspension or postponement period imposed by the Municipal Judge pursuant to this Section 141-22. If a person is less than 17 years of age at the time of the imposition of a sentence, 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 (6) 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 New Jersey driver's license, the Municipal Judge 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 Municipal Judge 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 Municipal Judge.

D. The Municipal Judge 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. A person shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of written notice shall not be defense to a subsequent charge of violation of N.J.S.A. 39:3-40.

E. If the person convicted under this Section 141-22 is not a New Jersey resident, the Municipal Judge shall suspend or postpone, as appropriate, the non-resident driving privilege of the person based on the age of the person and submit the required report to the Division. The Municipal Judge shall not collect the license of a non-resident convicted under this Section 141-22. Upon receipt of a report from the Municipal Judge, the Division shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

F. Exceptions:

- (1) Religious Observance, Presence of a Parent or Guardian. Nothing in Sections 141-21 and 141-22 shall 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 or consume alcoholic beverages. As used in this Section 141-22 F(1), "Guardian" means a person who has qualified as a guardian of the underage person pursuant to testamentary court appointment, or other applicable laws, as determined by the Municipal Judge; and "Relative" means an underage person's grandparent, aunt, uncle, sibling, or any other person related by blood or affinity.
- (2) Performance of Employment. Nothing in Sections 141-21 and 141-22 shall prohibit possession of alcoholic beverages by any 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; however, nothing in Sections 141-21 and 141-22 shall be construed to preclude the imposition of a penalty under these Sections, N.J.S.A. 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."

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SECTION 2. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be judged invalid, such adjudication shall apply only to the section, paragraph, subdivision, cause of provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 3. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistency.

SECTION 4. This ordinance shall take effect after final passage and publication in accordance with law.

ATTEST: TOWNSHIP OF HARDING
IN THE COUNTY OF MORRIS

Richard C. Wiedmann,
Township Clerk

John R. Murray, Mayor

ATTEST

TOWNSHIP OF HARDING

Linda Powell
Township Clerk

Louis J. Lanzetta, Vice - Chair

Introduced: 08-17-05
Approved: 09-06-05
010-2-1000

**HARDING TOWNSHIP
ORDINANCE NO. 15-05**

ORDINANCE AMENDING CHAPTER 141-21 ENTITLED "POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES BY PERSONS UNDER LEGAL AGE ON PRIVATE PROPERTY PROHIBITED; PENALTIES; SUSPENSION OF DRIVING PRIVILEGES" OF THE CODE OF THE TOWNSHIP OF HARDING

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING IN THE COUNTY OF MORRIS AND THE STATE OF NEW JERSEY, as follows:

Section 1. Subsection 141-21(A) of the "Code of the Township of Harding (2005)" is hereby amended to read in its entirety as follows:

"A. Any person under the legal age to purchase alcoholic beverages who knowingly possesses, without legal authority, or who knowingly consumes any alcoholic beverages on private property shall be subject upon conviction, to a fine of \$250 for the first offense and \$350 for any subsequent offense."

Section 2. This ordinance shall take effect upon final passage and publication as provided by law.

ATTEST

TOWNSHIP OF HARDING

Linda Peralta
Township Clerk

Louis J. Lanzerotti, Vice - Chair

Introduced: 08-17-05

Adopted: 09-06-05

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