

TOWN OF HARRISON

COUNTY OF HUDSON

ORDINANCE NO. 1170

**AN ORDINANCE CONCERNING THE POSSESSION AND CONSUMPTION OF  
ALCOHOLIC BEVERAGES BY UNDERAGE PERSONS ON PRIVATE PROPERTY**

WHEREAS, *N.J.S.A.* 40:48-1 has been amended to allow a municipality to adopt an ordinance making it unlawful for any person under the legal age to, without legal authority, knowingly possesses or consume an alcoholic beverage on private property; and

WHEREAS, the Mayor and Council of the Town of Harrison deem such an ordinance to be in the best interest of the community.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Harrison, County of Hudson, State of New Jersey, as follows:

**Section 1. Definitions.**

- a. "Guardian" means a person who has qualified as a guardian of the underage person pursuant to testamentary or court appointment.
- b. "Relative" means the underage person's grandparent, aunt or uncle, sibling or any other person related by blood or affinity.
- c. "Minor" means any person underage the legal age for the consumption of alcoholic beverages, which is now 21 years of age.

**Section 2. Consumption or Possession Prohibited on Private Property.**

Any person under the legal age who, without legal authority, knowingly possesses or knowingly consumes an alcoholic beverage of any type on private property is prohibited.

**Section 3. Exceptions.**

- a. The provision of this Ordinance shall not apply to any 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 Ordinance as to 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 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.

This section shall not be construed to preclude the imposition of a penalty under section, *N.J.S.A.* 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.

**Section 4. Violation and Penalty.**

- a. Any person who shall violate any section of this Ordinance shall be subject to a fine of two hundred fifty dollars (\$250.00) for a first offense, and three hundred fifty dollars (\$350.00) for any subsequent offense.
- b. Upon conviction the court may, in addition to the fine, suspend or postpone for six months the driving privilege of the defendant. In the event a driver's license is suspended, 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 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 reached 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 Division of Motor Vehicles 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 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.A. 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.A. 39:3-40*.

- c. 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 Division of Motor vehicles 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 of Motor Vehicles shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

#### Section 5. Severability.

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 6. Repealer.

All ordinances or part of ordinances or resolutions inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

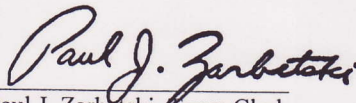
#### Section 7. Effective Date.

This Ordinance shall take effect after publication and passage according to law.

/s/ James P. Doran  
Councilman James P. Doran

Introduced: 05-01-07

I, Paul J. Zarbetski, Town Clerk of the Town of Harrison, County of Hudson, State of New Jersey, hereby certify that at a Meeting of the Mayor and Council duly held on May 1, 2007, the foregoing Ordinance passed on first reading.

  
Paul J. Zarbetski, Town Clerk

ROLL CALL--TOWN COUNCIL, TOWN OF HARRISON,  
HUDSON COUNTY, NJ 05-01-07

	YES	NO	ABSENT	ABSTAIN
Huaranga	x			
Dolaghan	x			
Doran	x			
Bennett	x			
Mandaglio	x			
McCormick	x			
Rodgers			x	
Villalta	x			
Mayor McDonough			x	

Adopted: 06-06-07

Approved: /s/ Raymond J. McDonough  
Mayor Raymond J. McDonough