

LAWORTH

POLICE REGULATIONS

3-5

3-4 CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES ON STREETS, SIDEWALKS OR IN PUBLIC PLACES.

No person shall consume any alcoholic beverages within the limits of the Borough or have in his possession any opened alcoholic beverage container with unconsumed alcoholic beverage therein while in or on a public street, lane, roadway, avenue, sidewalk, public parking place, park, playground or recreation area,² or school building or grounds, or any other public or quasi-public place or in any public conveyance. (1984 Code § 6-9.4)

3-5 POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON PRIVATE PROPERTY.

3-5.1 Possession or Consumption of Alcoholic Beverages by Underage Persons on Private Property Prohibited. It is hereby unlawful for any person under the legal age to, without legal authority, knowingly possess or knowingly consume an alcoholic beverage on private property. (Ord. No. 877 § 1)

3-5.2 Penalty. Any person violating the provisions of this section shall be subject to a fine of two hundred fifty (\$250.00) dollars for the first offense and a fine of three hundred fifty (\$350.00) dollars for any subsequent offense. (Ord. No. 877 § 2)

3-5.3 Additional Penalties.

- a. In addition to the fine authorized for this offense, the Court may, upon a finding of guilt, suspend or postpone for six (6) months the driving privileges of the defendant. Upon the conviction of any person and the

²**Editor's Note:** See also subsection 9-5.2 for permit for consumption of alcoholic beverages in public facilities.

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 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 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 seventeen (17) years.

- b. If the defendant at the time of the imposition of the 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 date of the license suspension period imposed by the Court.
- c. The Court 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. The defendant 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 the written notice shall not be a defense to a subsequent charge of a violation of N.J.S.A. 39:3-40.
- d. 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

Division the required report. The Court shall not collect the license of a nonresident convicted under this section. Upon receipt of a report from the Court, the Division of Motor Vehicles shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

(Ord. No. 877 § 3)

3-5.4 Exceptions.

- a. Nothing contained in this section is intended, nor shall it be construed as prohibiting an underaged 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.
- b. As used in this section, the following terms shall have the meanings indicated:
 1. *Guardian* shall mean a person who has qualified as a guardian of the underage person pursuant to a testamentary or Court appointment.
 2. *Relative* shall mean the underage person's grandparent, aunt or uncle, sibling or any other person related by blood or affinity.
- c. Nothing contained in this section is intended nor shall it be construed as prohibiting possession of alcoholic beverages by any underage person while actually engaged in the performance of employment by a person who is licensed under New Jersey Statutes Title 33, 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; provided, however, that this section shall not be construed to preclude the imposition of a penalty under this section, 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.
(Ord. No. 877 § 4)

3-6 ABANDONED MOTOR VEHICLES.³

3-6.1 Definitions. As used in this section:

Property shall mean any real property within the Borough which is not a street or highway.

Street or highway shall mean the entire width between the boundary lines of every way maintained, when any part thereof is open to the use of the public for purposes of vehicular travel.

Vehicles shall mean a machine propelled by other than human power, designed to travel along the ground by use of wheels, treads, runners or slides, and to transport persons or property or pull machinery, including, but not by way of limitation, an automobile, truck, trailer, motorcycle, tractor, buggy and wagon.

(1984 Code § 6-6.1)

3-6.2 Abandonment of Vehicles Prohibited. No person shall abandon a vehicle within the Borough and no person shall leave a vehicle at any place within the Borough for such time and under such circumstances as to cause the vehicle to reasonably appear to be abandoned. (1984 Code § 6-6.2)

³**Editor's Note:** For additional regulations on the keeping of junk, abandoned or unregistered vehicles on private property, see Chapter XIII, Property Maintenance.