

ORDINANCE NO. 1820-04

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER
38 (ALCOHOLIC BEVERAGES) OF THE MUNICIPAL CODE TO
PROHIBIT THE CONSUMPTION OF ALCOHOLIC BEVERAGES BY AN
UNDERAGE PERSON ON PRIVATE PROPERTY IN THE BOROUGH OF
HAWTHORNE, PASSAIC COUNTY, NEW JERSEY

BE IT ORDAINED, by the Borough Council of the Borough of Hawthorne, in the County of Passaic and State of New Jersey, as follows:

Section 1. Chapter 38 (Alcoholic Beverages) of the Code of the Borough of Hawthorne is supplemented by adding thereto Article VI:

ARTICLE VI

Possession or Consumption by Underage Persons on Private Property

§1 Possession or Consumption of Alcoholic Beverages
Underage Person 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.

§2 Violation and Penalties.

A. Any person found guilty of violating the terms of this ordinance shall be subject to a fine of \$250.00 for the first offense and a fine of \$350.00 for any subsequent offense. The court may, upon a finding of guilty, in addition to the fine authorized for this offense, suspend or postpone for six months the driving privileges 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 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 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. If the defendant at the time of the imposition of the sentence has a valid drivers 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.

B. 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.

C. If the person convicted under this ordinance 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 Article. Upon receipt of a report by the court, the Division shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

§3 Exceptions.

A. This ordinance 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.

B. This ordinance shall not prohibit the possession of alcoholic beverages by any underage person while actually engaged in the performance of employment by a person who has 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, this ordinance 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.

§4 Definitions.

As used in this article, the following terms shall have the meanings indicated.

GUARDIAN - means a person who has qualified as a guardian of the underage person pursuant to a testamentary or court appointment.

RELATIVE - means the underage person's grandparent, aunt or uncle, sibling, or any other person related by blood or affinity.

Section 2. If any part or parts of this Ordinance are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this Ordinance.

Section 3. All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of Chapter 38 (Alcoholic Beverages)

not inconsistent herewith are ratified and confirmed.

Section 4. This Ordinance shall take effect twenty (20) days after final adoption and publication as provided by law.

Richard Goldberg
Council President

ATTEST:
Jean Mele, R.M.C.
Borough Clerk

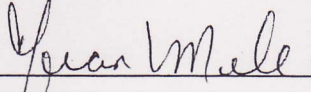
NOTICE OF PENDING ORDINANCE

The Ordinance published herewith was introduced and passed upon first reading at a meeting of the Municipal Council of the Borough of Hawthorne, in the County of Passaic, New Jersey, held on February 4, 2004. It will be further considered for final passage after public hearing thereon, at a meeting of said Municipal Council to be held in the Municipal Building, 445 Lafayette Avenue, in said Borough on March 3, 2004, 2004, at 8:00 p.m., at which time and place all interested members of the public who desire will be given an opportunity to be heard in connection with said Ordinance, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in said Municipal Building to the members of the general public who shall request the same.

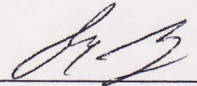
Jean Mele, R.M.C.
Borough Clerk

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF AN ORDINANCE ADOPTED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF HAWTHORNE AT A REGULAR MEETING ON March 3, 2004.

ATTEST:



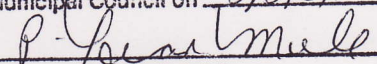
Jean Mele, RMC, CMC
Borough Clerk



Richard Goldberg
Council President



Fred J. Criscitelli
Mayor

CERTIFICATION
I, P. Jean Mele, Borough Clerk of the Borough of Hawthorne, County of Passaic, State of New Jersey do hereby certify this copy of Ordinance No 1820-04 to be a true copy as adopted by the Municipal Council on 3/3/04


P. Jean Mele, RMC, CMC
Borough Clerk