

**INDEPENDENCE TOWNSHIP
COUNTY OF WARREN
ORDINANCE NO. 2006-10**

**AN ORDINANCE AMENDING CHAPTER 67 OF THE CODE OF THE
TOWNSHIP OF INDEPENDENCE ENTITLED "ALCOHOLIC BEVERAGES"
TO ESTABLISH A NEW ARTICLE III ENTITLED "POSSESSION AND
CONSUMPTION BY PERSONS UNDER LEGAL AGE ON PRIVATE
PROPERTY"**

WHEREAS, the Township Committee in the Township of Independence in the County of Warren is of the opinion that the public interest will best be served by creating a new article in Chapter 67, Alcoholic Beverages, entitled "Possession and Consumption by Persons Under Legal Age on Private Property" as authorized by N.J.S.A. 40:48-1.2.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Independence, County of Warren, State of New Jersey, as follows:

Article V

Possession and consumption by persons under legal age on private property.

§67-11. Definitions. As used in this section, the following terms shall have the meanings indicated:

ALCOHOLIC BEVERAGE – An alcoholic beverage as defined in the New Jersey Alcoholic Law, N.J.S.A. 33:1-1 et seq.

GUARDIAN – a person who has qualified as a guardian of the underaged person pursuant to testamentary or court appointment.

PERSON UNDER THE LEGAL AGE – A person under the age of 21 years and includes the term "underaged person."

RELATIVE – The underaged person's grandparent, aunt or uncle, sibling or any other person related by blood or affinity.

§67-12 Prohibition against possession or consumption on private property. It shall be unlawful for any person under the legal age who, without legal authority, knowingly possesses or knowingly consumes an alcoholic beverage on private property.

§67-13 Exceptions.

- (1) Nothing herein shall prohibit a person under the legal age from consuming or possessing an alcoholic beverage in connection with a religious observance, ceremony or rite or from 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 to consume alcoholic beverages.
- (2) Nothing herein shall prohibit possession of alcoholic beverages by any person under the legal age while such person is actually engaged in the performance of employment by a person who is licensed under N.J.S.A. 33:1-1 et seq., 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, except that this section shall not be construed to preclude the imposition of a penalty under this article or pursuant to 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.

§67-14. Penalties.

- (1) Upon the conviction of any person for a violation of this article, the court shall impose a fine of \$250.00 for a first offense and \$350.00 for any subsequent offense.
- (2) In addition to the fine authorized for this offense, the court may suspend or postpone for six months the driving privilege of any person convicted of violating this Article. 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.
 - (a) 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.
 - (b) If a person, at the time of the imposition of a sentence, has a valid driver's license issued by the State of New Jersey, the court shall immediately collect the license and forward same to the Division of Motor Vehicles along with the report required hereunder. 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.

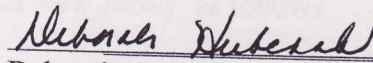
(c) The court shall inform the person orally and in writing that if such person is convicted of operating a motor vehicle during the period of license suspension or postponement, the person shall be subject to the penalties set forth in N.J.S.A. 39:3-40. A person shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of a violation of N.J.S.A. 39:3-40.

(d) If a person convicted under this Article 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 the required report to the Division of Motor Vehicles. The court shall not collect the license of a nonresident convicted under this Article. Upon receipt of a report by the court, the Division of Motor Vehicles shall give required notice to appropriate officials in the licensing jurisdiction of the suspension or postponement.

REPEALER: All Ordinances of the Township of Independence, which are inconsistent with the provision of this Ordinance are hereby repealed to the extent of such inconsistency. If any section, subsection, sentence, clause or phrase of the Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

EFFECTIVE DATE: This Ordinance shall take effect following its final passage and publication in accordance with the law.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading by the Independence Township Committee at its regular monthly meeting held on June 13, 2006, which Ordinance shall be given further consideration for final passage following a public hearing to be conducted thereon at its regular monthly meeting to be held on July 11, 2006, at the Independence Township Administrative Offices, 327 Route 46, Great Meadows, New Jersey 07838.



Deborah Hrebenak
Municipal Clerk