

ORDINANCE NO. 2000-20 (875)

**ORDINANCE OF THE BOROUGH OF
LAVALLETTE, COUNTY OF OCEAN, STATE
OF NEW JERSEY, AMENDING AND
SUPPLEMENTING CHAPTER 4 OF THE
MUNICIPAL CODE OF THE BOROUGH OF
LAVALLETTE, ENTITLED "ALCOHOLIC
BEVERAGES," SO AS TO ADD AN ARTICLE
III ENTITLED "CONSUMPTION BY
UNDERAGED PERSONS ON PRIVATE
PROPERTY."**

BE IT ORDAINED, by the governing body of the Borough of Lavallette, County of Ocean, State of New Jersey, as follows:

SECTION 1. Chapter 4 of the Municipal Code of the Borough of Lavallette, entitled "Alcoholic Beverages," is hereby amended and supplemented so as to add an Article III entitled "Consumption by Underaged Persons on Private Property."

ARTICLE III

Consumption by Underage Persons on Private Property

**§4-20. Consumption of Alcoholic Beverages by 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.

§4-21. Violation and Penalties.

- A. Any person found guilty of violating the terms of this ordinance shall be subject to a fine of \$250 for a first offense and a fine of \$350 for any subsequent offense. In addition, 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

attained the legal age to purchase and consume alcoholic beverages.

- B. This ordinance shall not prohibit the possession of alcoholic beverages by any underaged person while actually engaged in the performance of employment by a person who was 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.

§4-23. 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. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

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 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.

- 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.

§4-22. 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

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 875 (2000-20) having been introduced on first reading on the 5th day of September 2000 was duly passed and adopted on final reading after public hearing thereon at a regular meeting of the governing body of the Borough of Lavallette, County of Ocean, on the 2nd day of October 2000 and shall take effect according to law.

Kathleen Lavecchia

KATHLEEN LAVECCHIA, RMC/CMC
MUNICIPAL CLERK, BOROUGH OF LAVALLETTE

Walls	Moved	Second	Aye	Nay	Abstain	Absent
Donlan			✓			
Young			✓			
Zalcn			✓			
Coviello	✓		✓			
Borowski			✓			
Korb		✓	✓			

Approved this 2nd day
of October, 2000

Thomas J. Walls
Thomas J. Walls, Mayor

ORDINANCE ADOPTED 10/02/2000