

Township of Lebanon
Ordinance No. 2007-08

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF LEBANON BY ADDING A NEW ARTICLE III, POSSESSION OR CONSUMPTION ON PRIVATE PROPERTY BY UNDERAGE PERSONS, TO CHAPTER 120, ALCOHOLIC BEVERAGES, WHICH RESTRICTS THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES BY UNDERAGE PERSONS, AND WHICH ALSO CONTAINS PENALTIES FOR VIOLATION THEREOF.

WHEREAS, the Township Committee has determined it to be in the best interests of the Township of Lebanon to adopt regulations restricting the consumption and possession of alcoholic beverages by underage persons on private property; and

WHEREAS, the Township is engaged in a codification project at this time; and

WHEREAS, it is the opinion of the Township Committee that said provisions should be adopted in conjunction with the adoption of the Code of the Township of Lebanon and be designated as Article III of Chapter 120, Alcoholic Beverages;

THEREFORE, the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey, does hereby ordain as follows:

SECTION I: The following shall be adopted as Article III of Chapter 120, Alcoholic Beverages, of the proposed Code of the Township of Lebanon:

ARTICLE III

Possession or Consumption by Underage Persons on Private Property

§ 120-17. Underage possession or consumption.

It shall be unlawful for any person under the legal age to, without legal authority, knowingly possess or knowingly consume an alcoholic beverage on private property.

§ 120-18. Definitions.

As used in this article, the following terms shall have the meanings set forth:

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

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

§ 120-19. Violations and penalties; suspension of driving privileges.

- A. Any person violating the provisions of this article shall, in accordance with the provisions of N.J.S.A. 40:48-1.2, be punished by a fine of \$250 for a first offense and \$350 for any subsequent offense.
- B. In addition to the fine authorized for this offense, the court may 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 N.J.S.A. 40:48-1.2. If a person at the time of the imposition of 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.
- C. 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 the sex of the person, as well as the first and last date of the license suspension period imposed by the court.
- D. 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. A person shall be required to acknowledge receipt of 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.
- E. If a person convicted under this article is not a New Jersey resident, the court shall suspend or postpone, as appropriate, the nonresidential driving privilege of the person based on the age of the person and submit it to the Division of Motor Vehicles on the required report. The court shall not collect the license of a nonresident convicted under this article. 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.

§ 120-20. Exceptions.

- A. Nothing contained in this article is intended, nor shall it be construed, as prohibiting 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. Nothing contained in this article is intended nor shall it be construed as prohibiting possession of alcoholic beverages by 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 a hotel management program at a county vocational school or post-secondary educational institution; provided, however, that this article shall not be construed to preclude the imposition of a penalty under this article, 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.

SECTION II:

All ordinances or parts of ordinances inconsistent with this amending ordinance be and they are hereby repealed to the extent of such inconsistencies only.

SECTION III:

If any section or provision of this ordinance shall be held unconstitutional or invalid by any court, the remaining sections and provisions shall, notwithstanding such holding, remain and be in full force and effect.

SECTION IV:

This ordinance shall be in effect upon passage and publication according to law.

First Reading – 03/21/07

Second Reading – 04/18/07