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## Township of Little Falls, NJ

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### ARTICLE VI. Consumption and Possession on Private Property by Minors

[Adopted 7-9-2007 by Ord. No. 1021]

#### § 11-25. Definitions.

As used in this article, the following words shall have the meanings indicated:

##### GUARDIAN

A person who has qualified as a guardian of the underaged person pursuant testamentary or court appointed.

##### RELATIVE

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

#### § 11-26. Consumption or possession prohibited on private property.

The consumption or possession of alcoholic beverages of any type on private property by a person who is under the legal age and without legal authority is prohibited.

#### § 11-27. Exceptions.

A. The provisions of this section shall not apply to any underaged person who consumes or possesses an alcoholic beverage in connection with a religious observance, ceremony, or rite, or consumes or possesses 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. However, nothing contained herein shall be construed to exclude liability on a parent, guardian or relative whose actions caused or contributed to the intoxication of an underage person, and such parent, guardian or relative shall remain liable under all laws and statutes.

B. The provisions of this chapter as to possession of alcoholic beverages shall not apply to any such person while actually engaged in the performance of employment by a person who is licensed under Title 33 of the New Jersey 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 education institution.

C. This section shall be construed to preclude the imposition of a penalty under N.J.S.A. 33:1-81, or any other section of law against a person who is convicted of unlawful alcoholic beverage activities on or at premises licensed for the sale of alcoholic beverages.

#### § 11-28. Violations and penalties.

A. Any person convicted of a violation of this article shall be subject to a fine of \$250 for the first offense, and \$350 for any subsequent offense(s).

B. Upon conviction, the court may, in addition to the fine, suspend or postpone for six months the driving privileges of the defendant. In the event a driver's license is suspended, 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 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.

(1) 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 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 day of the license suspension period imposed by the court.

(2) The court shall also 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, that 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 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 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 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 by the court, the Division shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

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