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Township of Livingston, NJ

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ARTICLE V. Possession or Consumption by Minors on Private Property

[Adopted by Ord. No. 5-1984 (§ 4-16.1 of the 1979 Revised General Ordinances); amended by Ord. No. 12-1985; Ord. No. 6-2002]

§ 61-20. Definitions.

As used in this article, the following terms have the meaning indicated:

ALCOHOLIC BEVERAGE

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

DIVISION

The New Jersey Division of Motor Vehicles.

GUARDIAN

A person who has qualified as a guardian of an 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."

PRIVATE PREMISES

Any noncommercial premises used for either residential or recreational purposes.

RELATIVE

An adult who is related to a person under the legal age by blood, marriage or adoption.

§ 61-21. Possession or consumption on private premises prohibited.

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 premises, and it shall be unlawful for any person to furnish, serve or allow the consumption of any alcoholic beverage to or by a minor on any private premises.

§ 61-22. Exceptions.

A. 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.

B. Nothing herein shall prohibit the 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 vocation school or post-secondary education 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.

§ 61-23. Violations and penalties.

A. Upon the conviction of any person under the legal age for a violation of this section, the court shall impose a fine of \$250 for the first offense and \$350 for any subsequent offense.

B. In addition, the court may suspend or postpone for six months the driving privileges of the person under the legal age. Upon the conviction of any person under the legal age and the suspension or postponement of such person's driver's license, the court shall forward a report to the Division stating the first day and the last day of the suspension or postponement period imposed by the court pursuant to this section. If, at the time of the imposition of a sentence, such person 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 at the time of the imposition of a sentence the convicted person 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, 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.

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 privileges of the person and submit the required report to the Division. 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 give required notice to appropriate officials in the licensing jurisdiction of the suspension or postponement.

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