

NIGHTCLUB -- Any licensed premises or part of any licensed premises primarily engaged in the retail sale of beverages, which provides entertainment and/or dancing and where the sale or service of food is incidental to the entertainment. A nightclub shall not be considered a restaurant or hotel.

RESTAURANT -- An establishment regularly and principally used for the purposes of providing meals to the public, having an adequate kitchen and dining room or dining area, equipped for the preparing, cooking and serving of foods for its customers and in which no other business, except as incidental to such establishments, is conducted.

§ 103-6. Minors.

A. Definitions. For the purposes of this chapter, the following definitions shall apply:

MINOR -- Any person under the legal age of consumption of alcoholic beverages in the State of New Jersey.

B. Misstating age.

(1) No person shall misrepresent his age or the age of another person for the purpose of inducing any licensee or his employee to sell, serve or deliver any alcoholic beverages to a person under the legal age of consumption of alcoholic beverages in the State of New Jersey. EN

C. Presumption. Any parent or guardian of a minor who accompanies such person under the legal age for consumption of alcoholic beverages in the State of New Jersey into a premises in which alcoholic beverages are served and who permits the minor to possess or consume alcoholic beverages shall be presumed to have misrepresented the age of the minor. EN

D. It shall be unlawful for any person under the legal age who, without legal authority, knowingly possesses or knowingly consumes any alcoholic beverage on private property. Violation of this subsection shall be punishable by a fine of \$250 for the first offense and \$350 for any subsequent offense. [Added 8-8-2000 by Ord. No. 32-00]

(1) In addition to the fine imposed pursuant to this section, the Court may suspend or postpone, for six months, the driving privilege of the defendant. Upon 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 this section. If a person at the time of the imposition of the sentence is less than 17 years of age, the period of license postponement, including the 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.

(2) If a person, at the time of the imposition of a sentence imposed pursuant to this section, has a valid driver's license issued by this state, the Court shall immediately collect the driver's 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 date of the license suspension period imposed by the Court.

(3) The Court shall inform the person, in writing, pursuant to P.L. 2000, Chapter 33, amending N.J.S.A. 40:48-1, as to the potential consequences of violating the period of

suspension or postponement.

(4) This section shall not be construed to 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 attained the legal age to purchase and consume alcoholic beverages.

(a) For purposes of this section "guardian" is defined as a person who has qualified as a guardian of the underage person pursuant to testamentary or Court appointment.

(b) Pursuant to this section "relative" shall be defined as the underage person's grandparent, aunt or uncle, sibling or any other person related by blood or affinity.

(5) This Subsection D shall not be construed to prohibit possession of alcoholic beverages by any person while actually engaged in the performance of employment by a person who is licensed under Title 33 of the Revised Statutes of the State of New Jersey, or actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a county vocational school or a post-secondary educational institution.

§ 103-7. Regulations for licensed premises.

A. Sale to certain persons. No licensee or employee of the licensee shall sell, serve or deliver, directly or indirectly, any alcoholic beverages to a habitual drunkard or to an apparently or actually intoxicated person nor permit the consumption of alcoholic beverages on any licensed premises by any of the above named classes of persons or permit any such person to congregate in or about the licensed premises.

B. Display of license. Every license certificate shall be framed under glass and displayed by the licensee in such a manner and place that it may be seen by anyone entering the licensed premises. All employee lists in a form prescribed by the Director of the Division of Alcoholic Beverage Control and a true copy of the application for the current license as well as the last filed long-form application (if current application is the short form) shall be kept on the licensed premises, and said certificate employee list and application copy shall be available for inspection.

C. Disturbance and nuisances. No licensee shall permit or allow any brawl, violent act, unnecessary noise, lewd behavior, topless or nude dancing and/or entertainment or disturbance to occur on the licensed premises. Go-go dancing, just as other live entertainment, cannot involve persons under the age of 18 years and cannot involve lewd or immoral activity. Such lewd or immoral activity generally involves the lack of attire or covering on genitals or private parts, as well as female breasts. See-through garments and the use of pasties are not considered sufficient covering. Simulation of sexual activity, even if clothed, is also prohibited. Dancers are not permitted to touch or be touched by patrons, and this includes the placing of tips in the costume of the dancer. A dancer also cannot solicit drinks from patrons. No licensee shall permit or allow the licensed premises to be used or operated in such a manner as to become a nuisance.

D. Suitable attire required. No person while in any licensed premises shall exhibit lewd behavior and/or exhibit personal body parts.

E. Dancing limitations. Dancing shall not be permitted on any licensed premises during hours when the sale, service and consumption of alcoholic beverages are prohibited.