

**LONG HILL TOWNSHIP
ORDINANCE NO. 85-01**

**AN ORDINANCE MAKING IT UNLAWFUL FOR UNDERAGED PERSONS
TO POSSESS OR CONSUME ALCOHOLIC BEVERAGES ON PRIVATE PROPERTY
AND SUPPLEMENTING AND AMENDING CHAPTER III OF THE TOWNSHIP CODE
ENTITLED "POLICE REGULATIONS"**

WHEREAS, Chapter 33 of the 2000 Session Laws supplemented and amended *N.J.S.A.* 40:48 to allow municipalities to enact ordinances making it unlawful for underaged persons to possess or consume alcoholic beverages on private property; and

WHEREAS, the Township Police Department has recommended adoption of such an ordinance;

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey that Chapter III of the Township Code entitled "Police Regulations" is hereby supplemented and amended as follows:

Section 1. There is hereby created a new § 3-3A which shall be entitled "Consumption or Possession of Alcoholic Beverages by Underaged Persons on Private Property" and which shall read as follows:

**3-3A CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY
MINORS ON PRIVATE PROPERTY.**

3-3A.1 Unlawful Activities. 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 property.

3-3A.2 Exceptions.

a. This section does not prohibit an underaged 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. This section does not prohibit 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 hotel management program at a county vocational school or post secondary educational institution; however, this section shall not be construed to preclude the imposition of a penalty under this section, R.S.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.

3-3A.3 Definitions.

As used in this section:

Guardian means a person who has qualified as a guardian of the underaged person pursuant to testamentary or court appointment.

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

3-3A.4 Penalty.

a. Any individual who violates the terms of this section shall be punished by a fine of \$250 for a first offense and \$350 for any subsequent offense.

b. The court may, in addition to the fine authorized for this offense, suspend or postpone for six months the driving privilege 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 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 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 date of the license suspension period imposed by the court.

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 R.S.39:3-40. A person 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 a written notice shall not be a defense to a subsequent charge of a violation of R.S.39:3-40.

If the person convicted under such an ordinance is not a New Jersey resident, the court shall suspend or postpone, as appropriate, the non-resident 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 non-resident 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.

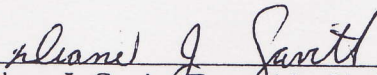
Section 2. Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This ordinance shall become effective immediately upon final passage and publication as required by law.

NOTICE

The foregoing ordinance having been introduced and passed on first reading by the Township Committee of the Township of Long Hill, in the County of Morris on Wednesday, May 23, 2001 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, June, 13, 2001 at the Municipal Building, 1802 Long Hill Road, Millington, New Jersey when and where or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.


Diane J. Gavitt, Township Clerk

Introduction: May 23, 2001

1st Publication: May 31, 2001

Public Hearing and Adoption: June 13, 2001

2nd Publication: June 21, 2001