

ORDINANCE NO. 2468
AN ORDINANCE AMENDING CHAPTER 3 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF LYNDHURST
SO TO PROHIBIT CONSUMPTION OF ALCOHOLIC BEVERAGES BY
UNDERAGED PERSONS ON PRIVATE PROPERTY.

BE IT ORDAINED by the Township Commissioners of the Township of Lyndhurst, Bergen County, New Jersey as follows:

SECTION I.

3-29 CONSUMPTION OF ALCOHOLIC BEVERAGES ON PRIVATE PROPERTY.

3-29.1. Regulations

- a. It shall be unlawful for any person under the legal age to purchase alcoholic beverages, to knowingly possesses or consume any alcoholic beverage in or on any private property.
- b. This ordinance shall not prohibit an underaged person from consuming or possessing an alcoholic beverage in connection with a religious observance, ceremony, or rite nor shall this ordinance prohibit an underaged person 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 consume alcoholic beverages.
- c. As used in this ordinance: "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.
- d. This ordinance shall 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 ordinance shall not 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 activity on or at premises licensed for the sale of alcoholic beverages.

3-29.2 Violations and penalties

- a. (1) A person found guilty of a violation of this ordinance shall be punished by a fine of \$250.00 for a first offense and \$350.00 for any subsequent offense.
- b. The Municipal Court may, in addition tot the fine authorized for this offense, suspend or postpone for six (6) 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 Municipal 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 sentence is less that 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 municipal 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 municipal 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. The municipal 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 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.
- e. If the person convicted under this ordinance is not a New Jersey resident, the municipal 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 of Motor Vehicles the required report. The municipal court shall not collect the license of a non-resident convicted under this section.

SECTION II

This ordinance shall take effect after publication thereof after final passage as provided by law.

Adopted: May 14, 2002

Certified to be a true and correct copy of an ordinance which passed final reading at a meeting held by Board of Commissioners on the 14th day of May 2002
Shirley P. Pardo, RMC
Township Clerk