

6-8.8 Violations and Penalties. In addition to the penalties stated in Chapter 1, Section 1-5, other remedies will include:

- a. *Statutory Penalty.* Any person who shall violate any of the provisions of this section shall be deemed and adjudged to be a disorderly person, and upon conviction thereof and in accordance with N.J.S.A. 33:1-81, shall be punished by a fine of not less than one hundred (\$100.00) dollars. In addition, the Court shall suspend the person's license to operate a motor vehicle for six (6) months or prohibit the person from obtaining a license to operate a motor vehicle in this State for six (6) months beginning on a date he/she becomes eligible to obtain a license or on the date of conviction, whichever is later. In addition to the general penalty prescribed for an offense, the Court may require any person under the legal age who purchases or attempts to purchase alcoholic beverages who violates this act to participate in an alcohol education or treatment program authorized by the Department of Health for a period not to exceed the maximum period of confinement prescribed by law for the offense for which the individual has been convicted.

(1972 Code § 38-32; Ord. No. 874; Ord. No. 1251; New)

6-9 POSSESSION OR CONSUMPTION BY UNDERAGE PERSONS ON PRIVATE PROPERTY.*

6-9.1 Possession or Consumption of Alcoholic Beverages by Underage Person on Private Property Prohibited. It is hereby unlawful for any person under the legal age to, without legal authority, knowingly possess or

***Editor's Note:** See also subsection 3-2.3, Prohibition Against Serving, Offering to Serve or Permitting the Consumption of Alcoholic Beverages by a Person Under the Legal Age.

knowingly consume an alcoholic beverage on private property.
(Ord. No. 1831-00 § 2)

6-9.2 Violations and Penalties.

- a. Any person found guilty of violating the terms of this section shall be subject to a fine of two hundred fifty (\$250.00) dollars for the first offense and a fine of three hundred fifty (\$350.00) dollars for any subsequent offense. In addition, the court may, upon a finding of guilty, in addition to the fine authorized for this offense, suspend or postpone for six (6) months the driving privileges 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 seventeen (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 (6) months after the person reaches the age of seventeen (17) years. If the defendant at the time of the imposition of the sentence has a valid driver's license issued by this State, the 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 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.
- b. 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 N.J.S.A. 39:3-40. The defendant 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 the 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 section 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.
(Ord. No. 1831-00 § 2)

6-9.3 Exceptions.

- a. This section shall not 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.
- b. This section shall not prohibit the possession of alcoholic beverages by any underage person while actually engaged in the performance of employment by a person who has been 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, N.J.S.A. 33:1-81, or any other section of law against a person who is convicted of

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unlawful alcoholic beverage activity on or at premises
licensed for the sale of alcoholic beverages.
(Ord. No. 1831-00 § 3)

6-9.4 Definitions. As used in this section, the following
terms shall have the meanings indicated.

Guardian shall mean a person who has qualified as a
guardian of the underage person pursuant to a
testamentary or court appointment.

Relative shall mean the underage person's grandparent,
aunt or uncle, sibling, or any other person related by blood
or affinity.
(Ord. No. 1831-00 § 4)