

TOWNSHIP OF MEDFORD

ORDINANCE 2000-34

AMENDING CHAPTER 35 OF THE TOWNSHIP CODE ENTITLED: ALCOHOLIC BEVERAGES

WHEREAS, Governor Whitman signed S-692 into law as P.L. 2000, c.33, effective June 28, 2000, permitting a municipality to enact an ordinance prohibiting the possession or consumption of alcoholic beverages on private property by persons under the legal age to purchase alcoholic beverages. Violators are subject to a \$250 fine for a first offense and a \$350 fine for any subsequent offense. The Court also has the discretion to suspend or postpone the violator's driving privileges for six months; and

WHEREAS, Chapter 35, Article II of the Township Code, entitled "Purchases by Minors" prohibits the purchase of alcoholic beverages by minors, with violators being subject to a fine of not more than \$500 or imprisonment for 90 days, or both, at the discretion of the court; and

WHEREAS, the Township Council wishes to amend the Code in accordance with the newly enacted law.

BE IT ORDAINED by the Township Council of the Township of Medford, County of Burlington, State of New Jersey, that the Township Code be and is hereby amended, in its entirety, as follows:

SECTION ONE: §35, Article II, Possession, Consumption and Purchases by Minors.

§35-9. Definitions. For purposes of this Article, the following terms are defined as follows:

GUARDIAN – means a person who has qualified as a guardian of the underage person pursuant to testamentary or court appointment.

RELATIVE – means the underage person's grandparent, aunt or uncle, sibling, or any other person related by blood or affinity.

§35-10. Possession and consumption prohibited.

It shall be unlawful for a person under the legal age to possess or consume an alcoholic beverage on private property, unless that possession or consumption is in connection with a religious observance, ceremony or rite, or the underage person possesses or consumes that beverage in the presence of and with the permission of a parent, guardian or relative who is of legal age.

§35-11. Prohibited purchases.

It shall be unlawful for a person under the legal age to purchase alcoholic beverages, attempt to purchase or have another purchase for him or her any alcoholic beverage within the Township of Medford.

§35-12. Misrepresentation of age.

It shall be unlawful for any person under the legal age to purchase, possess or consume alcoholic beverages to misrepresent his or her age for the purpose of inducing any licensee or employee of such licensee to sell, serve or deliver any alcoholic beverage to him or her within the Township of Medford.

§35-13. Evidentiary effect of possession of open container.

It shall be unlawful for any person under the legal age to purchase, possess or consume alcoholic beverages, or to have in his or her possession any opened bottle or can of alcoholic beverage, and the possession thereof shall be prima facie evidence of having consumed or imbibed of the contents thereof.

§35-14. Waiver.

In accordance with P.L. 2000, c.33, no ordinance shall prohibit possession of alcoholic beverages by any person under the legal age 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; however, no ordinance enacted pursuant to this section shall 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.

§35-15. Violations and penalties.

Any person who shall be adjudged guilty of violating this Article before a proper court shall be fined \$250 for a first offense and a \$350 fine for any subsequent offense, in the discretion of the court. The court also has the discretion to suspend or postpone the violator's driving privileges for six months. This suspension may be imposed in those cases where the violator has a New Jersey driver's license; the postponement shall

apply to violators under the age of 17, increasing the age at which they are eligible for a New Jersey driver's license from 17 to 17 years and six months.

SECTION TWO: §35-13 "Consumption of beverages or discarding of containers" now becomes §35-16; §35-14 "Possession of open containers" now becomes §35-17; §35-15 "Violations and penalties" now becomes §35-18 and §35-16 "Exceptions" now becomes §35-19

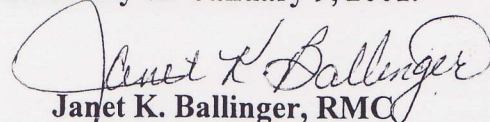
SECTION THREE: All Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency

SECTION FOUR: If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.

SECTION FIVE: This ordinance shall take effect immediately upon final passage and publication according to law.

NOTICE

Notice is hereby given that the forgoing Ordinance was adopted following second reading and public hearing at a regular meeting of the Township Council of the Township of Medford, County of Burlington, State of New Jersey, held at the Public Safety Building, 91 Union Street, Medford, New Jersey on January 9, 2001.


Janet K. Ballinger, RMC
Township Clerk