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**Mendham Township, New Jersey**



**ORDINANCE 21-2006**

AN ORDINANCE TO AMEND CHAPTER VI OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MENDHAM TO PROHIBIT ANY PERSON UNDER THE LEGAL AGE TO KNOWINGLY POSSESS OR KNOWINGLY CONSUME AN ALCOHOLIC BEVERAGE ON PRIVATE PROPERTY WITHOUT LEGAL AUTHORITY, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

WHEREAS, L.2000, c.33, was duly passed by both houses of the New Jersey Legislature and signed into law by the governor on June 28, 2000 to become effective immediately; and

WHEREAS, this legislation amends New Jersey Statutes 40:48-1 et. seq., to provide a new section authorizing a municipality to enact an ordinance making it unlawful for any person under the legal age who, without legal authority, knowingly possesses or knowingly consumes an alcoholic beverage on private property and provides for the assessment of penalties including suspension, revocation or postponement of certain driving privileges; and

WHEREAS, the Township of Mendham intends to adopt such an ordinance in accordance with the aforesaid enabling legislation; and

WHEREAS, the Township Committee of the Township of Mendham is of the opinion that such an ordinance is in the public interest, will promote public safety and will contribute to the overall public health, safety and welfare of the community at large.

BE IT ORDAINED by the Township Committee of the Township of Mendham , in the County of Morris , New Jersey as follows:

Section 1. Chapter VI of the Revised General Ordinances of the Township of Mendham is hereby amended by enacting a new Section 6-7 (Possession or Consumption of Alcoholic Beverage by Persons Prohibited) as follows:

## **6-7 POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGE BY PERSONS PROHIBITED**

### 6-7.1 Underaged Possession or Consumption

It shall be unlawful for any person under the legal age to, without legal authority, knowingly possess or knowingly consume an alcoholic beverage on private property.

### 6-7.2 Penalty

- A. Any person violating the provisions of this Article shall, in accordance with the provisions of N.J.S.A. 40:48-1.2, be punished by a fine of \$250.00 for a first offense and \$350 for any subsequent offense.
  
- B. In addition to the fine authorized for this offense, the Court may suspend or postpone for six (6) months the driving privileges 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 N.J.S.A. 40:48-1.2. If a person at the time of the imposition of 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 (6) 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 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.

- D. 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 written notice in writing. Failure to receive written notice shall not be a defense to a subsequent charge to a violation of R.S. 39:3-40.
- E. If a person convicted under this Article is not a New Jersey resident, the Court shall suspend or postpone, as appropriate, the non-residential driving privilege of the person based on the age of the person and submit it to the Division of Motor Vehicles on the required report. The Court shall not collect the license of a non-resident convicted under this Article. Upon receipt of a report from the Court, the Division of Motor Vehicles shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

### 6-7.3 Exceptions

- A. Nothing contained in this Article is intended, nor shall it be construed as prohibiting 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. As used in this Article, the following terms shall have the meaning set forth:

“Guardian” means a person who has qualified as a guardian of the Underaged person pursuant to testimony or court appointment;

“Relative” means the Underaged person’s grandparent, aunt or uncle, sibling, or any other person related by blood or affinity.

- C. Nothing contained in this Article is intended, nor shall it be construed as prohibiting 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 a hotel management program at a county vocational school or post-secondary educational institution; provided,

however, that this Article shall not be construed to preclude the imposition of a penalty under this Article, 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.

Section 2. All ordinance or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 3. If any portion of this ordinance shall be determined to be invalid, such determination shall not affect the validity of the remaining portions of said ordinance.

Section 4. This ordinance shall take effect upon final passage and publication in accordance with law.

Adopted: October 24, 2006

Attest:

TOWNSHIP OF MENDHAM , IN THE  
COUNTY OF MORRIS

\_\_\_\_\_

By \_\_\_\_\_

Penny Newell, Township Clerk

Richard H. Krieg, Mayor



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