

attempt to purchase or have another purchase for him or her any alcoholic beverage, on any premises licensed for the sale of alcoholic beverages.

§ 20-3. Misrepresentation of age.

It shall be unlawful for any person under the age prescribed by law or state regulation permitted for the purchasing of alcoholic beverages to misrepresent or mistake his or her age for the purpose of inducing any retail licensee to sell, serve or deliver any alcoholic beverage to him or her.

§ 20-4. Violations and penalties.

Any person who shall violate any of the provisions of this Article shall, upon conviction thereof, be sentenced to a fine not exceeding five hundred dollars (\$500.) or to imprisonment for any term not exceeding ninety (90) days, or both.

ARTICLE IA
Consumption and Possession
on Private Property by Persons
Under the Legal Age
[Added 4-10-01 by Ord. No. 2001-014]

§ 20-4.1. Definitions.

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

RELATIVE — The underage person's grandparent, aunt or uncle, sibling or any other person related by blood or affinity.

§ 20-4.2. Consumption or possession prohibited on private property.

The consumption or possession of alcoholic beverages of any type on private property by a person who is under the legal age and without legal authority is prohibited.

§ 20-4.3. Nonapplicability of provisions to certain activities.

- A. The provisions of this Article shall not apply to an underage person who consumes or possesses an alcoholic beverage in connection with a religious observance, ceremony, or rite, or consumes or possesses an alcoholic beverage in the presence and with the permission of a parent, guardian or relative who has attained the legal age to purchase and consume alcoholic beverages.
- B. The provisions of this Article shall not apply to 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 education institution.
- C. This Article shall not be construed to preclude the imposition of a penalty under 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.

§ 20-4.4. Violation and penalty.

- A. Any person who shall violate any section of this Article shall be subject to a fine of two hundred fifty dollars (\$250.) for the first offense, and three hundred fifty dollars (\$350.) for any subsequent offense.

- B. The court may, in addition to the fine, 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 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 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 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 the sex of the person, as well as the first and last day of the license suspension period imposed by the court.

The court shall also 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, that 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 shall not be a defense to a subsequent charge of a violation of R.S. 39:3-40.

If the person convicted under this Article 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.

§20-4.5. Severability.

If any clause, sentence, paragraph, section or part of this Article shall be adjudged by any court of competent jurisdiction to be in any way invalid, such clause, sentence, section or part of this Article shall be considered to be severable and such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof, directly involved in the controversy resulting in such valid judgment having been rendered, and in the event that the Legislature of the State of New Jersey, or of the United States of America enacts a statute which preempts any clause, sentence, paragraph, section or part of this Article, such clause, sentence, paragraph, section or part of this Article shall be considered to be severable and only that portion directly affected shall by such statute be considered to be preempted and invalid.