

Chapter 46: ALCOHOLIC BEVERAGES

[HISTORY: Adopted by the Township Council of the Township of Moorestown as indicated in article histories. Section 46-3 amended at time of adoption of Code. Other amendments noted where applicable.]

GENERAL REFERENCES

Penalties for Code violations — See Ch. 66.

Parks and recreation facilities — See Ch. 125.

Peace and good order — See Ch. 129.

ARTICLE I Consumption in Public [Adopted 7-28-1975 by Ord. No. 801]

§ 46-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ALCOHOLIC BEVERAGE — Any fluid or solid capable of being converted into a fluid, suitable for human consumption and having an alcoholic content of more than 1/2 of 1% by volume, including alcohol, beer, lager beer, ale, porter, naturally fermented wine, treated wine, blended wine, fortified wine, sparkling wine, distilled liquors, blended distilled liquors and any brewed, fermented or distilled liquors fit for use for beverage purposes or any mixture of the same and fruit juices.

PRIVATE PLACE — Any place which is not a public place as defined below.

PUBLIC PLACE — Any place, either publicly or privately owned, which is or may be frequented by the public.

§ 46-2. Consumption restricted.

No person shall consume alcoholic beverages:

- A. While in a public place, a private place of which he is not an owner, tenant or lawful occupant or in any public conveyance, without the permission of any owner, tenant, lawful occupant or any person having the authority to grant such permission.
- B. While in or on any property owned by the Township of Moorestown in the County of Burlington.
- C. While in a private motor vehicle in motion on or parked in any public place or upon any private place of which he is not an owner, tenant or lawful occupant, without the express permission of the property owner, tenant, lawful occupant or other person having authority to grant such permission.

§ 46-3. (Reserved) Editor's Note: Former § 46-3, Violations and penalties, as amended, was repealed 3-20-2006 by Ord. No. 5-2006. See now Ch. 66, Penalties for Code Violations.

ARTICLE II Consumption or Possession by Minors [Adopted 3-10-1997 by Ord. No. 1815-97]

§ 46-4. Findings.

- A. Underage drinking is an extremely serious problem in our society which results in motor vehicle deaths and injuries, alcohol poisonings, violence and significant property damage;
- B. Underage drinking by minors often occurs at private house parties or gatherings where responsible adults or parents are not present;
- C. Underage drinking parties in private homes are occurring at an alarming frequency;
- D. Underage drinking parties in private homes often attract scores of minors who converge without the permission of the property owner, parent or responsible adult; and
- E. These minors believe they are innocent of wrongdoing by virtue of not physically possessing any alcoholic beverage when stopped or questioned by police officers.

§ 46-5. Consumption, access and possession prohibited.

No individual under 21 years of age shall consume any liquor, wine, beer or other alcoholic beverage or have access to or have in his or her possession any open bottle, can, glass or any other container with liquor, wine, beer or other alcoholic beverage in it:

- A. While in or upon any public street, road, sidewalk, parking lot or other public place;
- B. In any private vehicle while such vehicle is in motion, stopped or parked in or on any public street, road or parking lot; or
- C. While in or upon any private home or property not his or her own.

§ 46-6. Assistance, promotion and permitting of unlawful conduct prohibited.

- A. Any person, firm, corporation or other entity, who or which aids, supports, promotes, assists, encourages or permits any individual under 21 years of age to violate any provision of this article shall also be deemed in violation of this article.
- B. Presumptions. Any property owner or tenant who is either physically present in the owned or rented structure or physically present on the land owned or rented at the time of violation of § 46-5 of this article shall be prima facie presumed to be aiding, supporting, promoting, assisting and encouraging or permitting any individual under 21 years of age to violate any provision of this article and shall prima facie presumptively be deemed in violation of this article. **[Added 7-28-1997 by Ord. No. 1830-97]**

§ 46-7. Violations and penalties. [Amended 7-28-1997 by Ord. No. 1830-97]

Any person who violates this article shall, upon conviction thereof in a proceeding before a court of competent jurisdiction, be required to perform a period of community service not to exceed five days and shall be subject to a fine of up to \$100. For a second offense, persons shall be subject to a fine of up to \$300 and a period of community service not to exceed 10 days. Those persons convicted of violating this article more than two times shall be subject to a fine of up to \$850 and a period of community service not to exceed 30 days.