

#07-05

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 106 OF THE CODE OF THE TOWNSHIP OF NORTH BRUNSWICK ENTITLED "ALCOHOLIC BEVERAGES" BY ADDING A NEW SECTION 106-11, "CONSUMPTION AND POSSESSION OF ALCOHOL BY UNDERAGE PERSONS ON PRIVATE PROPERTY"**

**BE IT ORDAINED**, by the Municipal Council of the Township of North Brunswick, County of Middlesex and State of New Jersey, that Chapter 106, Alcoholic Beverages, be and is hereby amended and supplemented by adding a new Section 106-11 Consumption and Possession of Alcohol by Underage Persons on Private Property as follows:

**§106-11. Consumption and Possession of Alcohol by Underage Persons on Private Property.**

A. Definitions.

- (1) Guardian – shall mean a person who is qualified as a guardian of the under age person pursuant to testamentary or court appointment.
- (2) Relative – shall mean an under age person's parent, grandparent, aunt, uncle, sibling, first cousin or closer relative by blood, marriage or adoption who has attained the legal age to purchase and consume alcoholic beverages.

B. Violations; exceptions.

Any person under the legal age to purchase and consume alcoholic beverages who, without legal authority, knowingly possesses, orders, purchases, serves or consumes alcoholic beverages or who is under the influence of alcoholic beverages within the municipal boundary of the Township of North Brunswick shall be in violation of this ordinance and subject to the penalties hereof. This section shall not apply to an underage person 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. This section shall not apply to any underage 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 educational institution; however, this ordinance 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 unlawful alcoholic beverage activity on or at premises licensed for the sale of alcoholic beverages.

C. Penalties; fines.

- (1) The fine for such an offense under this Section shall be \$250.00 for a first offense and \$350.00 for any subsequent offense.
- (2) The court may further suspend or postpone, for six (6) months, the driving privileges of the defendant, in addition to the fine authorized for this offense. If a person at the time of the imposition of such 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 a person at the time of the imposition of such sentence under this Section has a valid driver's license

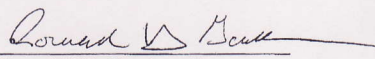
issued by this State, the court shall immediately collect the license and forward same to the State Motor Vehicle Commission along with the report.

**BE IT FURTHER ORDAINED,** If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

**BE IT FURTHER ORDAINED,** Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

**BE IT FURTHER ORDAINED,** This Ordinance shall take effect upon passage and publication in accordance with applicable law.

\_\_\_\_\_  
Robert Lombard  
Business Administrator

  
\_\_\_\_\_  
Ronald H. Gordon, Esq.  
Township Attorney  
Approved as to legal form

This Ordinance shall be known and may be cited as the Ordinance Amending and Supplementing Chapter 106 of the Code of the Township of North Brunswick Entitled "Alcoholic Beverages" by Adding a New Section 106-11, "Consumption and Possession of Alcohol by Underage Persons on Private Property".

#### RECORDED VOTE:

COUNCIL MEMBER	YES	NO
ANDREWS		
CORBIN		
LYLES		
NICOLA		
SOCIO		
DAVIS		
WOMACK		

COUNCIL MEMBER	YES	NO
ANDREWS		
CORBIN		
LYLES		
NICOLA		
SOCIO		
DAVIS		
WOMACK		

#### CERTIFICATION

I hereby certify that the above Ordinance was duly adopted by the Township Council of the Township of North Brunswick, County of Middlesex, at its meeting held on \_\_\_\_\_, 2007.

\_\_\_\_\_  
Lisa Russo, Township Clerk