

**BOROUGH OF NORTH HALEDON
ORDINANCE # 5-2007**

**AMENDING CHAPTER 37 OF THE CODE OF THE BOROUGH OF NORTH HALEDON TO
PROHIBIT POSSESSION AND OR CONSUMPTION OF ALCOHOLIC BEVERAGES BY
UNDERAGED PERSONS ON PRIVATE PROPERTY**

WHEREAS, N.J.S.A. 40:48-1.2 permits municipalities to enact ordinances which prohibit the possession and or consumption of alcoholic beverages by under aged persons on private property and;

WHEREAS, The Governing Body of the Borough of North Haledon has determined that it is in the best interests of the health safety and general welfare of its citizens and especially the children of this municipality to prohibit the possession and or consumption of alcoholic beverages by underaged persons on private property.

BE IT ORDAINED by the Governing Body of the Borough of North Haledon, that

1) The code of the Borough of North Haledon is hereby amended to include a new subsection to Chapter 37 of the Code of the Borough of North Haledon entitled "Alcoholic Beverages" which shall be identified and designated as § 37-10.1 and which shall provide as follows:

**§ 37-10.1 Possession and or consumption by underaged persons on private property-
prohibited**

A. Prohibition and exception:

i) Prohibition:

It shall be unlawful for any person under the legal age who, without legal authority, knowingly possesses or knowingly consumes an alcoholic beverage on private property.

ii) Exceptions:

- a) It shall not be a violation of this ordinance if an underaged person consumes or possesses 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) It shall not be a violation of this ordinance if the possession of alcoholic beverages by any such underaged person occurs 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 subsection B of this ordinance or N.J.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.

As used in this section:

"Guardian" means a person who has qualified as a guardian of the underaged person pursuant to testamentary or court appointment.

"Relative" means the underaged person's grandparent, aunt or uncle, sibling, or any other person related by blood or affinity.

B. Penalties:

A person found guilty of a violation of this ordinance shall be punished by a fine of \$250 for a first offense and \$350 for any subsequent offense. The Municipal Court Judge may, in addition to the fine authorized for this offense, suspend or postpone for six 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 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 months after the person reaches the age of 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 sex of the person, as well as the first and last date of the license suspension period imposed by the court.

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 the written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of 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 such an ordinance is not a New Jersey resident, the court shall suspend or postpone, as appropriate, the non-resident 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 non-resident 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.

- 2) If any provision, word and or any other part of this ordinance shall be adjudged unenforceable in any way and there be no appeal taken from such determination, the remaining aspects of this ordinance shall survive as if the unenforceable provision was originally not included in the ordinance and the remaining aspects of the ordinance shall be read logically to further the purposes expressed herein until such time as the ordinance may be amended.
- 3) This ordinance shall become effective immediately upon passage and publication as provided by law.

NOTICE

Notice is hereby given that the above ordinance was re-introduced and passed first reading at the Regular Meeting of the Mayor and Council of the Borough of North Haledon on February 21, 2007, and will be considered for final passage after public hearing at the Regular Meeting of the Mayor and Council to be held on March 21, 2007, at the Municipal Bldg., 103 Overlook Ave., North Haledon, NJ at 7:30 p.m., or shortly thereafter at which time anyone interested therein or affected thereby will be given an opportunity to be heard.