

**TOWNSHIP OF OLDMANS
ORDINANCE 07-____**

**AN ORDINANCE CONCERNING
POSSESSION AND CONSUMPTION
OF ALCOHOLIC BEVERAGES
BY UNDERAGE PERSONS**

WHEREAS, the Mayor and Council of the Township of Oldmans is concerned with the rising abuse of alcohol by underage persons on private property; and

WHEREAS, the Governor and Legislature of the State of New Jersey has amended N.J.S.A. 40:48-1 allowing a municipality to adopt an Ordinance prohibiting the possession and consumption of alcoholic beverages without legal authority on private property by underage persons; and

WHEREAS, the Mayor and Council of the Township of Oldmans deems that the passage and adoption of such an Ordinance would be in the public interest and helpful in the right to curtail alcohol abuse by underage persons; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Oldmans as follows:

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

Section II. A person under the legal age shall be deemed to possess or consume an alcoholic beverage without legal authority if said possession or consumption is not in connection with any of the following:

- A. In connection with a religious observance, ceremony or rite; or
- B. 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; or
- C. By any such person while actually engaged in the performance of employment by a person licensed under Title 33 (the Alcoholic Beverage Control Law) or while actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a county vocational or post secondary educational institution.

Section III. As used in Section II of this Ordinance:

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

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

Section IV. A violation of this Ordinance shall be punishable by a fine of \$250.00 for the first offense, and \$350.00 for any subsequent offense. In addition to any fine imposed, the Court may suspend or postpone for six months the driving privilege of the Defendant in accordance with the procedures set forth in N.J.S.A. 40:48-1 as amended.

Section V. In addition to any fine imposed the Court may, suspend or postpone for six months the driving privileges 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 the defendant, 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 N.J.S.A. 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 N.J.S.A. 39:3-40.

If the defendant convicted hereunder is not a New Jersey resident, the Court shall suspend or postpone the license.

This Ordinance shall take effect following final passage and publication as provided by law.

If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

All Ordinances or parts thereof, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

ATTEST:

OLDMANS TOWNSHIP

V. Susan Miller, Clerk

Harry A. Moore, Mayor