

[Search](#)**Borough of Pennington, NJ**[Index](#)[Standard View](#)[New Laws](#)[ARTICLE I. Licensing](#)[CHAPTER 63. ALCOHOLIC BEVERAGES](#)

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[Jump to Content](#)[ARTICLE II. Underage Drinking](#)[§ 63-2. Alcoholic beverage consumption by minors.](#)[§ 63-3. Exemptions to prohibition on alcohol possession and consumption by minors.](#)[§ 63-4. Good samaritan exemption.](#)[§ 63-5. Call for aid exemption.](#)[§ 63-6. Definitions.](#)[§ 63-7. Violations and penalties.](#)[§ 63-8. Driving privilege suspension of minors for violation of article.](#)[§ 63-9. Mandatory alcohol counseling for violation of article.](#)[§ 63-10. Annual review.](#)

ARTICLE II. Underage Drinking

[Adopted 12-3-2007 by Ord. No. 2007-14]

§ 63-2. Alcoholic beverage consumption by minors.

It is hereby unlawful for any person under the legal age ("underage person") to, without legal authority, knowingly possess or knowingly consume an alcoholic beverage on private property. No person shall be considered to knowingly possess an alcoholic beverage merely because he or she is present where alcoholic beverages are being consumed.

§ 63-3. Exemptions to prohibition on alcohol possession and consumption by minors.

A person under the legal age shall not be prohibited from:

A. Possessing or consuming an alcoholic beverage in connection with a religious observance, ceremony, or rite or possessing or consuming an alcoholic beverage in the presence of or with the written permission of such person's parent or guardian or relative who has attained the legal age to purchase or consume alcoholic beverages; or

B. Possessing an alcoholic beverage in the preparation of food while enrolled in a culinary arts or hotel management program at a county vocational school or postsecondary educational institution.

§ 63-4. Good samaritan exemption.

Any person who affirmatively requests assistance from authorities (such as via a 911 call) or from an off-site adult (such as a parent, guardian or neighboring resident) for the purpose of seeking aid for a person who is suffering from the effects of alcohol or otherwise is in need of medical assistance shall not be charged under this article with underage possession or consumption of alcohol on private property, as long as assistance is provided as a result of such request. In an instance where such an affirmative request for assistance is made, and the person to whom assistance is provided is under 21, that person also shall not be charged under the article with underage possession or consumption of alcohol on private property.

§ 63-5. Call for aid exemption.

Any person who is a resident of a dwelling on private property and affirmatively requests assistance from authorities (such as via a 911 call) or from an off-site adult (such as a parent, guardian or neighboring resident) for the purpose of controlling or removing nonresidents who are on that property shall not be charged under this article with underage possession or consumption of alcohol on private property, as long as assistance is provided as a result of such request.

§ 63-6. Definitions.

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

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.

§ 63-7. Violations and penalties.

A violation by an underage person of this article shall be punished by a fine of \$250 for a first offense and \$350 for any subsequent offense. In addition, the court may, in its discretion, require the performance of community-related service.

§ 63-8. Driving privilege suspension of minors for violation of article.

A. The court may, in addition to the penalty authorized for this offense, suspend or postpone for six months the driving privileges of the defendant underage person. Upon the conviction of any underage 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 (Division) stating the first and last day of the suspension or postponement period imposed by the court pursuant to this article. 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 reached the age of 17 years.

B. If an underage person at the time of the imposition of a sentence has a valid driver's license issued by this state, the court may 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.

C. The court shall inform the underage 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.

D. If the underage 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.

§ 63-9. Mandatory alcohol counseling for violation of article.

A. Any person 18 years of age or younger who is convicted of a violation of this article shall be required to complete a court-approved alcohol counseling program.

B. Any person 19 years of age or older who is convicted of a second or subsequent violation of this article shall be required to complete a court-approved alcohol counseling program.

§ 63-10. Annual review.

The Chief of Police and the Health Officer will annually present to the governing body a report on the effectiveness of this article.

[\[Prev\]](#)

[Search](#)

[Terms of Service](#)

[\[Up\]](#)

[\[Contents\]](#)

[F.A.Q.](#)

[Index](#)

[Privacy Policy](#)

Font size: [Smaller](#) [Bigger](#)