

AN ORDINANCE
1188-2003

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "ALCOHOLIC BEVERAGES" (ORDINANCE NO. C-424 AS AMENDED) ADOPTED FEBRUARY 18, 1975, ALSO KNOWN AS CHAPTER 137 ET SEQ. OF THE CODE OF THE CITY OF PERTH AMBOY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PERTH AMBOY:

SECTION 1. That **Chapter 137 Alcoholic Beverages Article I Licensing and Regulation** be amended by the addition of the following section:

Section Prohibiting possession, consumption of alcoholic beverage by an underage person on private property.

It is unlawful for any person under the legal age who, without legal authority, knowingly possesses or knowingly consumes an alcoholic beverage on private property. Violation of this ordinance shall be punishable by a fine of \$250.00 for a first offense and \$350.00 for any subsequent offense. In addition to the fine authorized for this offense, the court may 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. 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 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.

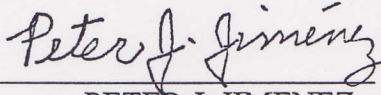
If the person convicted is not a New Jersey resident, the court shall suspend or postpone, as appropriate, the non-resident driving privilege of the person based on the age of the person and submit to the division the required report. The court shall not collect the license of a non-resident convicted under this section but shall furnish a report to the division who shall notify the appropriate officials.

This ordinance does not prohibit an underage person from 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.

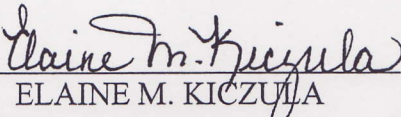
SECTION 2. All ordinances or part of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or phrase hereof shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses or phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

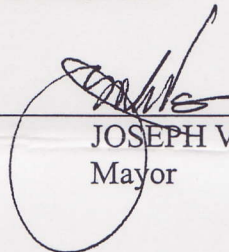
SECTION 5. This Ordinance shall take effect immediately upon passage, publication and approval according to law.


PETER J. JIMENEZ
Council President

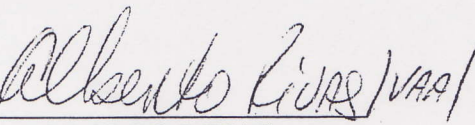
ATTEST:


ELAINE M. KICZULA
City Clerk

APPROVED:


2/27/03
JOSEPH VAS
Mayor

APPROVED AS TO FORM:


ALBERTO RIVAS
Director of Law

Adopted on First Reading: February 10, 2003

Published in The Home News Tribune: February 16, 2003

Adopted on Second and Final Reading: February 26, 2003

Published in The Home News Tribune: March 2, 2003

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