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## Town of Phillipsburg, NJ

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ARTICLE III. Underage Possession and Consumption on Private Property

[Adopted 7-12-2005 by Ord. No. O:2005-27]

§ 165-12. 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, uncle, sibling or any other person related by blood or affinity.

§ 165-13. Possession and consumption of by persons under legal age on private property prohibited.

It shall be unlawful for any person who is under the legal age to purchase alcoholic beverages, to knowingly possess without legal authority or knowingly consume any alcoholic beverage on private property.

§ 165-14. Violations and penalties.

A. Any person convicted of or adjudicated for violating the terms of this article shall be subject to the following fines:

(1) First offense: \$250.

(2) Second or subsequent offenses: \$350.

B. In addition, the court may, upon a finding of guilty, in addition to the fine authorized for this offense, suspend or postpone for six months the driving privileges of the defendant. Upon 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 the defendant at the time of the imposition of the sentence has a valid driver's license issued, the court shall immediately collect the license and forward it to the Division of Motor Vehicles 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 person orally and in writing that if the person is convicted of operating a motor vehicle during the period of suspension or postponement, the person shall be subject to the penalties set forth in N.J.S.A. 39:3-40. The defendant shall be required to acknowledge in writing the receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of the 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 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 of Motor Vehicles the required report. The court shall not collect the license of a nonresident convicted under this article. Upon receipt of a report by the court, the Division of Motor Vehicles shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

§ 165-15. Exceptions.

A. The prohibitions established by this article shall not apply to alcoholic beverage consumption in connection with a religious

observance, ceremony or rite or the consuming or possessing of 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. The prohibitions established by this article shall not apply to the possession of alcoholic beverages by an underage person while actually engaged in the performance of employment for a person who was 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 article shall not be construed to preclude the imposition of a penalty under this article, N.J.S.A. 33:1-81, or any other ordinance, statute or regulation, against a person who is convicted of unlawful alcoholic beverage activity on or at a premises licensed for the sale of alcoholic beverages.

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