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## Township of Plainsboro, NJ

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### ARTICLE III. Consumption or Possession by Minors on Private Property

[Adopted 4-9-2008 by Ord. No. 0-08-05]

#### § 49-8. Prohibition.

It is hereby unlawful for any person under the legal age ("underage person") who, without legal authority, knowingly possesses or knowingly consumes 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.

#### § 49-9. Exemptions.

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, guardian or relative who has attained the legal age to purchase or consume alcoholic beverages; or

B. The possession of an alcoholic beverage 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; or

C. Possessing an alcoholic beverage while actually engaged in the performance of employment by a person who is licensed under Title 33 of the Revised Statutes.

#### § 49-10. 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.

#### § 49-11. 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.

#### § 49-12. Driving privilege suspension.

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 article. Upon receipt of a report by the court, the Division shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

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