

ORDINANCE NO. 05-17

AN ORDINANCE OF THE BOROUGH OF POMPTON LAKES  
PROHIBITING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC  
BEVERAGES BY UNDERAGE PERSONS

WHEREAS, New Jersey P.L. 2000, Chapter 33 signed into law on June 28, 2000, permits municipalities to enact Ordinances prohibiting possession or consumption of alcoholic beverages on private property by underage persons; and

WHEREAS, the Mayor and Council of the Borough of Pompton Lakes have concluded that the implementation of this law within the Borough of Pompton Lakes will provide a benefit to the health, safety, and welfare of the residents of the Borough of Pompton Lakes; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey as follows:

**Consumption of Alcohol by Persons Under the Legal Age on Private Property**

**Consumption by Underage Persons**

A. 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.

B. The prohibitions described herein shall 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.

C. As used in this section, "guardian" means a person who has qualified as a guardian of the underage person pursuant to a testamentary or court appointment, and "relative" means the underage person's grandparent, aunt or uncle, sibling, or any other person related by blood or affinity.

D. Nothing contained in this Article shall prohibit possession of alcoholic beverages by any such underage person while actually engaged in the performance of employment by a person who is licensed under Title 33 of the revised statutes of the State of New Jersey, or while actively engaged in preparation of food while enrolled in a culinary arts or hotel management program at a county vocational school, or post secondary educational institution; however, nothing in this section shall be construed to preclude the imposition of penalty under this section, R.S. 33:1-81, or any other section of law against a person who is convicted of unlawful alcoholic beverage activity on or at premises licensed for the sale of alcoholic beverages.

**Penalties**

A. Any violation of this Article shall be punished by a fine of \$250.00 for a first offense, and \$350 for any subsequent offense.

B. 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, 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 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.

C. If a person at the time of the imposition of a sentence has a valid driver's license issued by the 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.

D. If the person convicted under such an ordinance 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. Upon receipt of a report by the court, the Division shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

E. The court may, under appropriate circumstances and to the extent permitted by law, order that a person convicted under this Ordinance undergo alcoholic counseling.

If any Article of this Ordinance or its application to any person or circumstances shall be adjudged invalid, such determination shall not affect the remaining provisions of this Ordinance, and the application of such remaining provisions shall not be affected thereby and shall remain in full force and effect, and to this end, the provisions of this Ordinance are severable.

This Ordinance is not meant to repeal any provisions of the Revised code of the Borough of Pompton Lakes other than those designated herein, but to add to its requirements, and all Ordinances or parts thereof inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency only.

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

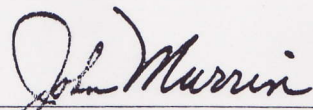
INTRODUCED BY COUNCILMAN:  
SECONDED BY COUNCILMAN:

AYES:


NAYS:

PASSED: 9-28-05

APPROVED:

  
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JOHN F. MURRIN, MAYOR

ATTEST:

  
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CAROL KEHOE, BOROUGH CLERK