

**ORDINANCE NO. 58-00**

**ORDINANCE AMENDING CHAPTER FOUR, ALCOHOLIC BEVERAGES, OF THE CODE OF THE TOWNSHIP OF RANDOLPH, COUNTY OF MORRIS, STATE OF NEW JERSEY, PROHIBITING THE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES BY UNDERAGED PERSONS ON PRIVATE PROPERTY PURSUANT TO N.J.S.A. 40:48-1 ET SEQ.**

**WHEREAS**, the Council of the Township of Randolph deems it is necessary to regulate the possession or consumption of alcoholic beverages by underaged persons in order to preserve the public health, safety and general welfare of the residents of the Township.

**BE IT ORDAINED**, by the Governing Body of the Township of Randolph, as follows:

**SECTION ONE**

Chapter Four, Alcoholic Beverages, of the Code of the Township of Randolph, is hereby amended by the addition of Article V, Possession or Consumption of Alcoholic Beverages by Underage Persons on Private Property, which shall read as follows:

**ARTICLE I. POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES BY UNDERAGE PERSONS ON PRIVATE PROPERTY.**

**Sec. 4-100. Possession or consumption of alcoholic beverages prohibited; Penalties Suspension of driving privileges.**

- (a) Any person under the legal age for purchasing alcoholic beverages who knowingly possesses, without legal authority, or who knowingly consumes any alcoholic beverage on private property, shall be subject, upon conviction, to a fine of \$150.00 for a first offense, and a fine of \$350.00 for any subsequent offense.
- (b) The court may, in addition to the sentence authorized for the offense, suspend or postpone, for up to six (6) months, the driving privilege of the defendant. Upon the conviction of any person under this Article, the court shall forward a report to the Division of Motor Vehicles (the "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 (6) 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 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.

- (d) 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 R.S.39:2-40. 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 R.S.39:3-40.
- (e) If the person convicted under this section 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.

**Sec. 4-101. Exception - Religious Observance, Presence of Parent or Guardian.**

- (a) Nothing in this Article shall prohibit an underaged 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 or consume alcoholic beverages.

- (b) As used in this section:

“Guardian” means a person who has qualified as a guardian of the underaged person pursuant to testamentary or court appointment, or other applicable laws, as determined by the court.

“Relative” means the underaged person’s grandparent, aunt, uncle, sibling, or any other person related by blood or affinity.

**Sec. 4-102. Exception - Performance of Employment.**

Nothing in this Article shall prohibit possession of alcoholic beverages by any such person while actually engaged in the performance of employment pursuant to an employment by a person who is 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, nothing in this Article shall be construed to preclude the imposition of a penalty under this Article, 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.

## **SECTION TWO**

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be judged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

## **SECTION THREE**

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistency.

## **SECTION FOUR**

This Ordinance shall take effect twenty (20) days after adoption, and publication in accordance with law.

ATTEST:

TOWNSHIP OF RANDOLPH  
COUNTY OF MORRIS  
STATE OF NEW JERSEY

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Frances S. Bertrand, R.M.C.  
Township Clerk

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Andrew J. Manning, Mayor