

**TOWNSHIP OF RIVERSIDE**

**ORDINANCE NO. 2006 - #27**

**AMENDING CHAPTER 106 GOVERNING ALCOHOLIC BEVERAGES TO PROHIBIT UNDERAGE DRINKING ON PRIVATE PROPERTY**

**WHEREAS**, *N.J.S.A.* 40:48-1.2 permits a municipality to enact an ordinance making it unlawful for any person under the legal age who, without legal authority, knowingly possesses or knowingly consumes an alcoholic beverage on private property; and

**WHEREAS**, the Police Chief of the Township of Riverside has requested the Township Committee to consider the passage of such an ordinance; and

**WHEREAS**, the Township Committee has reviewed this request and desires to honor it in order to assist the Police Chief and the Police Department with enforcement against underage drinking.

**NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED** by the Township Committee of the Township of Riverside, County of Burlington, State of New Jersey, that Chapter 106 governing alcoholic beverages is hereby amended to add Section 106-8 as follows:

**§ 106-8. Under age drinking on private property prohibited; exceptions.**

- A. Prohibition. It shall be unlawful for any person under the legal age to, without legal authority, knowingly possess or knowingly consume an alcoholic beverage on private property.
- B. Violation; Fine and Punishment.
  - 1. The first violation of this subsection is punishable by a fine of \$250.00. Any subsequent offense is punishable by a fine of \$350.00
  - 2. In addition to the fine authorized above, the Court may also suspend or postpone for six months the driving privilege of the defendant. Upon the conviction of any person and suspension or postponement of that person's drivers license, the Court shall forward a report to the Division of Motor Vehicles stating the first and last day of the suspension or postponement imposed by the Court pursuant to this section. If a person at the time of the imposition of the 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 the 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 a report. If for any reason the driver's 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 imposed by the Court.

C. Notice. 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. 39:3-40*. The person shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge a receipt of a written notice shall not be a defense to a subsequent charge of a violation of *R.S. 39:3-40*.

D. Non-resident of New Jersey. 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 the Division the required report. The Court shall not collect the license of a non-resident convicted under this section. Upon receipt of the report by the Court, the Division shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

E. Exceptions. No ordinance shall 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.

As used in this section, "guardian" shall mean a person who has qualified as a guardian of the underage person pursuant to testamentary or Court appointment. "Relative" shall mean the underage person's grandparent, aunt or uncle, sibling, or any other person related by blood or affinity.

This ordinance does not prohibit the possession of alcoholic beverages by any such person while actually engaged in the performance of employment by a person who is licensed under Title 3 of the revised statutes, or while actively engaged in the preparation of food while enrolled in the culinary arts or hotel management program at a county vocational school or post-secondary educational institution; however, nothing within this section shall be construed to preclude the imposition of a 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 for the sale of alcoholic beverages.

Section 2. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected thereby and shall remain in full force and effect.

Section 4. Repealer. All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provision of this Ordinance are hereby repealed in their entirety.

Section 5. Effective Date. This Ordinance shall take effect after publication and passage according to law.

**SUSAN DYDEK, ACTING TOWNSHIP CLERK  
RIVERSIDE TOWNSHIP**