

**ORDINANCE NO. 0705**

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE  
CITY OF SALEM, CHAPTER 69 ALCOHOLIC BEVERAGES TO  
PROHIBIT THE CONSUMPTION OF ALCOHOLIC BEVERAGES BY  
AN UNDERAGE PERSON ON PRIVATE PROPERTY IN THE CITY OF  
SALEM, SALEM COUNTY, NEW JERSEY**

**BE IT HEREBY ORDAINED** by the Common Council of the City of Salem in the County of Salem and State of New Jersey, that Chapter 69 of the City Code is hereby amended to include the following as new Article IV:

**ARTICLE IV**

**Underage Drinking on Private Property**

**§ 69-20. Possession or Consumption By Underage Persons on Private Property**

No person shall offer or serve any alcoholic beverage to a person under legal age in any public or quasi-public place within the City of Salem. No person who has ownership or control of any premises, whether public or quasi-public, or supervision of any event, shall permit, suffer or allow the consumption of an alcoholic beverage by a person under legal age in or upon any such premises or at any such event within the City of Salem.

**§69-21. Violations and Penalties.**

- A. Any person found guilty of violating the terms of this ordinance shall be subject to a fine of \$250.00 for the first offense and a fine of \$350.00 for any subsequent offense; and/or in the discretion of the court, perform community service for a period not to exceed 180 days. 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 the conviction of any person and the 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 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 bike, 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 drivers license issued by this state, 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 collect, 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.



- B. 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 N.J.S.A. 3:3-40. The defendant 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 the written notice shall not be a defense to a subsequent charge of a violation of N.J.S.A. 39:3-40.
- C. If the person convicted under this ordinance 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.

#### **§ 69-22. Exceptions.**

- A. This ordinance 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.
- B. This ordinance shall not prohibit the possession of alcoholic beverages by any underage person while actually engaged in the performance of employment by a person who has 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 ordinance shall not be construed to preclude the imposition of a penalty under this section, N.J.S.A.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.

#### **§69-23. Definitions.**

As used in this article, the following terms shall have the meanings indicated.

GUARDIAN - means a person who has qualified as a guardian of the underage person Pursuant to a testamentary or court appointment .

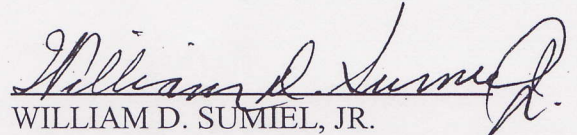
RELATIVE - means the underage person's grandparent, aunt or uncle, sibling, or any other person related by blood or affinity.

Section 3. If any part or parts of this Ordinance are for any reason held to be invalid such adjudication shall not affect the validity of the remaining portions of this

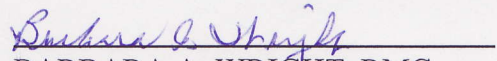
Ordinance.

Section 4. All Ordinances or parts of Ordinances which are inconsistent herewith are repealed but only to the extent of such inconsistency. All other parts of Chapter 69 (Alcoholic Beverages) not inconsistent herewith are ratified and confirmed.

Section 5. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

  
WILLIAM D. SUMIEL, JR.  
Council President

**NOTICE** is hereby given that the foregoing Ordinance was introduced and passed at the meeting of the Common Council of the City of Salem on March 5, 2007 and further said Council will hold a hearing and consider said Ordinance for final passage at a meeting to be held on March 19, 2007 at 7:00 p.m. at the Municipal Building, 1 New Market Street which time all persons interested may appear for or against the passage of said Ordinance.

  
BARBARA A. WRIGHT, RMC  
City Clerk