

Ordinance 07-06

AN ORDINANCE PROVIDING FOR UNLAWFUL POSSESSION OR
CONSUMPTION

WHEREAS, the Township Committee of the Township of Sandyston has determined that law enforcement should be able to act upon underage drinking on private property.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Sandyston, County of Sussex and State of New Jersey that the following article shall be added to the code of the Township of Sandyston:

§ 35-1 Unlawful possession or consumption.

It shall be unlawful for any person under the legal age who, without legal authority, knowingly possesses or knowingly consumes an alcoholic beverage on private property; and

A. This article does 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 article does not prohibit possession of alcoholic beverages by any such person while actually engaged in the performance of 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, no provision of this article shall 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.

§ 35-2 Violations and penalties:

A. Any person under the legal age to purchase alcoholic beverages who, without legal authority, knowingly possesses or who knowingly consumes any alcoholic beverage on private property shall, upon conviction, be punished by a fine of \$250 for a first offense and \$350 for any subsequent offense. The court may, in addition to the fine authorized for this offense, suspend or postpone for six months the driving privilege of the defendant.

B. Upon the conviction of any 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 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 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 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 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 subsequent charge of a violation of N.J.S.A. 39:3-40.

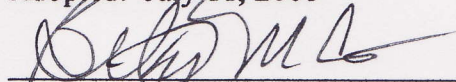
E. The court shall, of any person convicted under this section who is not a New Jersey resident, suspend or postpone, as appropriate, the nonresident driving privilege of the person based on the age of the person and submit to the Division the required report. The court shall not collect the license of a nonresident convicted under this 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.

§. 35-3 Definitions:

- A. **GUARDIAN** — A person who has qualified as a guardian of the underaged person pursuant to testamentary or court appointment.
- B. **RELATIVE** — The underaged person's grandparent, aunt or uncle, sibling or any other person related by blood or affinity.

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Introduced: June 6, 2006

Adopted: July 11, 2006



Betsy M. Cuneo
Municipal Clerk