

[Search](#)

Borough of Sea Bright, NJ

[Index](#)[Standard View](#)[New Laws](#)[ARTICLE V. Enforcement](#)[CHAPTER 57. ALCOHOLIC BEVERAGES](#)

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[Jump to Content](#)

[ARTICLE VI. Possession and Consumption by Persons Under Legal Age on Private Property](#)

[§ 57-30. Definitions.](#)[§ 57-31. Restrictions and penalties.](#)[§ 57-32. Exceptions.](#)

ARTICLE VI. Possession and Consumption by Persons Under Legal Age on Private Property
[Added 10-17-2000 by Ord. No. 18-00]

§ 57-30. Definitions.

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

GUARDIAN

A person who has qualified as a guardian of the underaged person pursuant to testamentary or court appointment.

RELATIVE

The underaged person's grandparent, aunt or uncle, sibling or any person related by blood or affinity.

§ 57-31. Restrictions and penalties.

A. Any person under the legal age who purchases alcoholic beverages, who knowingly possesses without legal authority or who knowingly consumes any alcoholic beverage on private property shall be punished by a fine of \$250 for a first offense and \$350 for any subsequent offense. The court shall, 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 possesses 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 or postponement period imposed by the court.

C. 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.

D. The court shall inform the person orally and in writing that if the person is convicted of operating a motor vehicle while the license is suspended or postponed, the person shall be subject to the penalties set forth in N.J.S.A. 39:3-40. The person shall be required to acknowledge, in writing, the receipt of this written notice. Failure to receive a written notice or failure to acknowledge in writing the receipt of such notice shall not be a defense to a 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 the nonresident driving privilege of that person based on the person's age and submit the required report to the Division of Motor Vehicles. 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.

§ 57-32. Exceptions.

A. This section does not 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 that person's parent, guardian or relative who is of 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 duties under the employment of a person who is licensed under Title 33 of the Revised Statutes. However, 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 a premises licensed for the sale of alcoholic beverages.

[\[Prev\]](#)
[Search](#)
[Terms of Service](#)

[\[Up\]](#)
[\[Contents\]](#)
[F.A.Q.](#)

[Index](#)
[Privacy Policy](#)

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