

[Search](#)

Township of South Hackensack, NJ

[Index](#)[Standard View](#)[New Laws](#)[§ 158-15. Prohibition of the operation of ...](#)[CHAPTER 158. PEACE AND GOOD
ORDER](#)[§ 158-17. Prohibition of operation of ...](#)

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[§ 158-16. Prohibition of possession or consumption of alcoholic beverages by underaged persons on private property.](#)

[Added 10-12-2000 by Ord. No. 18-00]

A. It shall be unlawful for any person under the age at which a person is authorized to purchase and consume alcoholic beverages (N.J.S.A. 9:17B-1b, 21 years of age) who, without legal authority, knowingly possesses or knowingly consumes an alcoholic beverage on private property unless under the following circumstances:

- (1) When such possession or consumption is in connection with a religious observance, ceremony or rite; or
- (2) When such possession or consumption is in the presence of and with the permission of a parent, a person who has, qualified as a guardian of that underaged person pursuant to testamentary or court appointment or a person of or over the age at which a person is authorized to purchase and consume alcoholic beverages who is related to that underaged person by blood or affinity; or
- (3) When such possession or consumption is by any such underaged person while actually engaged in the performance of employment by a person who is licensed under the Alcoholic Beverage Law of the State of New Jersey or by any such underaged person while actively engaged in the preparation of food during his or her enrollment in a culinary arts or hotel management program at a county vocational school or post-secondary educational institution; however, nothing in this exception to the contrary shall preclude the imposition of a penalty under N.J.S.A. 33:1-81 or under any other section of the law against a person who is convicted of unlawful alcoholic beverages activity on or at premises licensed for the sale of alcoholic beverages.

B. A violation of this section shall be punishable by a fine of \$250 for the first offense and \$350 for any subsequent offense. In addition to the fines authorized herein, the Court may suspend or postpone for six months the driving privilege of the defendant. 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. 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. 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 a subsequent charge of a violation of N.J.S.A. 39:3-40. If a person convicted under such an 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 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.

[\[Prev\]](#)[\[Up\]](#)[\[Next\]](#)[Search](#)[\[Contents\]](#)[Index](#)[Terms of Service](#)[F.A.Q.](#)[Privacy Policy](#)

Font size: [Smaller](#) [Bigger](#)