

SUSSEX BOROUGH
ORDINANCE NO. 2016-17

AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX AND
STATE OF NEW JERSEY AMENDING SECTION 6.5, ENTITLED "MINORS",
OF CHAPTER VI, ENTITLED "ALCOHOLIC BEVERAGE CONTROL", OF THE
GENERAL REVISED ORDINANCES OF THE BOROUGH OF SUSSEX TO ADD
SUBSECTION 6-5.7 ENTITLED
"CONSUMPTION OR POSSESSION PROHIBITED ON PRIVATE PROPERTY"
AND SUBSECTION 6-5.8 ENTITLED "PENALTIES"

BE IT ORDAINED by the Mayor and Council of the Borough of Sussex as follows:

Section 1. Section 6.5, Entitled "Minors", of Chapter VI, entitled "Alcoholic Beverage Control", of the General Revised Ordinances of the Borough of Sussex is amended to add a subsection as follows:

6-5.7 Consumption or Possession Prohibited on Private Property

- (a) The consumption or possession of alcoholic beverages of any type on private property by a person who is under the legal age and without legal authority is prohibited.
- (b) The provisions of this Section 6-5.7 shall not prohibit any 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. "Guardian" means a person who has qualified as a guardian pursuant to testamentary or court appointment. "Relative" means the underage person's grandparent, aunt or uncle, sibling or any other person related by blood or affinity.
- (c) The provisions of this Section 6-5.7 as to underage possession of alcoholic beverages shall not apply to any such person while actually engaged in the performance of employment by a person who is licensed under Title 33 of the New Jersey 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.
- (d) This section shall not be construed to preclude the imposition of a penalty under N.J.S. 33:1-81, or any other section of law, against a person who is convicted of unlawful alcoholic beverage activities on or at premises licensed for the sale of alcoholic beverages.

6-5.8 Penalties

- (a) Any person who shall violate any provision of Section 6-5.7 shall be subject to a fine of two hundred fifty dollars (\$250.00) for the first offense, and three hundred fifty dollars (\$350.00) for any subsequent offense. Upon conviction the court may, in addition to the fine, suspend or postpone for six months the driving privileges of the violator.
- (b) In the event a driver's license is suspended, the court shall forward a report to the New Jersey Motor Vehicle Commission (MVC) 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 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 MVC along

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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 gender of the person, as well as the first and last day of the license suspension period imposed by the court. The court shall also 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, that person shall be subject to the penalties set forth in N.J.S. 39:3-40. A person shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice shall not be a defense to a subsequent charge of a violation of N.J.S. 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 non-resident driving privilege of the person based on the age of the person and submit to the MVC the required report. The court shall not collect the license of a non-resident convicted under this section. Pursuant to N.J.S. 40:48-1.2, upon receipt of a report by the court, the MVC shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

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 but shall remain in full force and effect.

Section 3. Repealer.

All ordinances or parts of ordinances or resolutions inconsistent with or contrary to the provisions of this Ordinance are hereby repealed to the extent of such inconsistency or contrariness.

Section 4. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the attached Ordinance #2016-17 was introduced at a regular meeting of the Mayor and Council of the Borough of Sussex, Sussex County, New Jersey, held on the 16th day of August, 2016 and passed on first reading, and that such Ordinance will be further considered for final passage and adoption at the regular meeting of the Mayor and Council to be held on the 6th day of September, 2016 at Borough Hall, 2 Main Street, in the Borough of Sussex, at 7:30 p.m., and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance.

Mark Zschack, Borough Clerk

Katherine Little, Mayor

Introduced: August 16, 2016
Adopted: