

CITY OF UNION CITY

**AN ORDINANCE OF THE CITY OF UNION CITY PROHIBITING THE
POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON
PRIVATE PROPERTY BY MINORS**

WHEREAS, the Board of Commissioners of the City of Union City have determined it to be in the best interests of the citizens of the City of Union City to take all measures to prevent the underage consumption and possession of alcoholic beverages by minors in the City; and

WHEREAS, minors have been drinking on private property in the City, and as a consequence getting into car accidents, injuring themselves and others in the City; and

WHEREAS, such measures will protect the City's minors other residents, which may be harmed if this type of dangerous activity continues in the City; and

WHEREAS, such measures will promote the health and safety of the citizens of the City; and

BE IT ORDAINED BY THAT the City of Union City Code is hereby amended by adding Section 4-18.6 , to read as follows:

§ 4-18.6. Consumption by minors on private property.

A. No person under the legal age to consume alcoholic beverages shall knowingly possess or knowingly consume alcoholic beverages on private property. Any person found to be in violation of this subsection shall be punished by a fine of \$250 for a first offense and \$350 for any subsequent offense. In addition to the fine authorized for this offense, the Court may suspend or postpone for six months the driving privileges of that person's driver's license. Upon conviction, the Municipal 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. 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.

- B. 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 New Jersey State Division of Motor Vehicles 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.
- C. 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 or a violation of N.J.S.A. 39:3-40.
- D. If the person convicted under this subsection 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 subsection. Upon receipt of a report by the Court, the Division shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.
- E. Pursuant to N.J.S.A. 2C:33-17, a person who makes real property owned, leased or managed by him available to, or leaves that property in the care of, another person with the purpose

that alcoholic beverages will be made available for consumption by, or will be consumed by, persons who are under the legal age for consuming alcoholic beverages is guilty of a disorderly persons offense.

F. Exceptions. No person shall be convicted for violating this subsection if:

- (1) The person consumes or possesses the alcoholic beverage in connection with a religious observance, ceremony or rite or consumes or possesses 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. As used in this subsection, "relative" means the underaged person's grandparent, aunt or uncle, sibling or any other person related by blood or affinity. The term "guardian" means a person who has qualified as a guardian of the underaged person pursuant to testamentary or court appointment.
- (2) The person is 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, this subsection does not preclude the imposition of a penalty under this section, N.J.S.A. or any other section of law against a person who is convicted of unlawful alcoholic beverage activity on or at the premises licensed for the sale of alcoholic beverages.
- (3) This article 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.

Section 2. If a court of competent jurisdiction shall declare any section, paragraph, subsection, clause or provision of this Ordinance invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

Section 3. All ordinances or parts of ordinances of the City of Union City heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. This ordinance shall take effect after final passage and publication as provided by law.

I, William Senande, Deputy Municipal Clerk of the City of Union City, in the County of Hudson, New Jersey, DO HEREBY CERTIFY that the foregoing is a true and correct copy of an Ordinance adopted by the Board of Commissioners of the City of Union City, Hudson County, New Jersey at a meeting held on July 5, 2005.

IN WITNESS WHEREOF, I, the Deputy Municipal Clerk, have hereunto set my hand and affixed the corporate seal of the City, this March 29, 2007.



WILLIAM SENANDE