

LEGAL NOTICE
ORDINANCE NO.76
2002
TOWNSHIP OF WAYNE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER
38 (ALCOHOLIC BEVERAGES) OF THE CODE OF THE
TOWNSHIP OF WAYNE.

BE IT ORDAINED by the Municipal Council of the Township of Wayne, in the County of Passaic, State of New Jersey, as follows:

SECTION 1. Chapter 38 (Alcoholic Beverages) of the Code of the Township of Wayne is hereby amended and supplemented by establishing an Article VIII (Possession or Consumption on Private Property) to read as follows:

Article VIII
Possession or Consumption on Private Property

§ 38-32. As used in this Article the following words shall have the meaning indicated:

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

"RELATIVE" means the underaged person's grandparent, aunt or uncle, sibling, or any other person related by blood or affinity.

§ 38-33. **Possession or Consumption Prohibited on Private Property**

Except as hereinafter provided, 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. The provisions of this Article shall not apply:

- a. To any underage person who consumes or possesses an 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.
- b. To any underage 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.

§ 38-34. Violation and Penalty.

- a. Any person convicted of a violation of this Article 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.
- b. Upon conviction the court may, in addition to the fine, suspend or postpone for six months the driving privilege of the defendant. In the event a driver's license is suspended, 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 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 reached 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 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.A. 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.A. 39:3-40*.

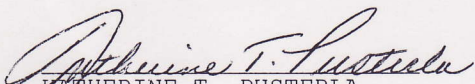
- c. If the person convicted under this ordinance is not a New Jersey resident, the court shall suspend or postpone, as appropriate, the non-resident driving privilege of the person based on the age of the person and submit to the Division the required report. The court shall not collect the license of a non-resident 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.

SECTION 2. If any section, sub-section, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 3. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This ordinance shall take effect twenty (20) days after final passage and publication as prescribed by law.

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF AN ORDINANCE ADOPTED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WAYNE AT A REGULAR MEETING HELD ON NOVEMBER 6, 2002.


KATHERINE T. PUSTERLA
TOWNSHIP CLERK