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# Township of West Amwell, NJ

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## ARTICLE II. Underage Drinking on Private Property

[Adopted 4-18-2007 by Ord. No. 11-2007]

## § 53-9. Prohibitions.

Pursuant to the provisions of N.J.S.A. 40:48-1.2, it shall be unlawful for any person who is under the legal age to purchase alcoholic beverages, to knowingly possess same without legal authority or knowingly consume any alcoholic beverage on private property.

## § 53-10. Exceptions; definitions.

Notwithstanding the above-mentioned provision, in accordance with N.J.S.A. 40:48-1.2c, nothing in § [53-9](#) shall serve to prohibit:

A. 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.

B. Definitions. For the purposes of this article, the following terms shall have the meanings indicated:

## GUARDIAN

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

## RELATIVE

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

C. The possession of alcoholic beverages by 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 postsecondary educational institution; however, this section shall not be construed to preclude the imposition of a penalty under this article, N.J.S.A. 33:1-81, or any other section of the law against a person who is convicted of unlawful alcoholic beverage activity on or at premises licensed for the sale of alcoholic beverages.

## § 53-11. Violations and penalties.

A. Any person convicted for violating the terms of this article shall be subject to the following fines:

(1) First offense: \$250.

(2) Second or subsequent offenses: \$350.

(3) In the event of a second or subsequent conviction for this offense, the court may require the underage person to complete an alcohol counseling program selected by the court.

B. Additionally, the court may, upon a finding of guilty, in addition to the fine authorized for this offense, suspend or postpone for six months the driving privileges of the defendant.

(1) Upon 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.

(2) 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.

(3) If the defendant at the time of the imposition of the sentence has a valid driver's license issued by this state, the court shall immediately collect the license and forward it to the 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.

(4) 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 suspension or postponement, the person shall be subject to the penalties set forth in N.J.S.A. 39:3-40. The individual shall be required to acknowledge in writing the receipt of the written notice. 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.

(5) If the person convicted under this article 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 of Motor Vehicles the required report. The court shall not collect the license of a nonresident person convicted under this section. Upon receipt of a report by the court, the Division of Motor Vehicles shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

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