

### **6-6.3 Unlawful Acts by Persons Under Legal Age for Purchase of Alcoholic Beverages; Disorderly Persons.**

It shall be unlawful for:

- a. A person under the legal age for purchasing alcoholic beverages to enter any premises licensed for the retail sale of alcoholic beverages for the purpose of purchasing, or having served or delivered to him or her, any alcoholic beverage; or
- b. A person under the legal age for purchasing alcoholic beverages to consume any alcoholic beverage on premises licensed for the retail sale of alcoholic beverages, or to purchase, attempt to purchase or have another purchase for him or her any alcoholic beverage; or
- c. Any person to enter any premises licensed for the retail sale of alcoholic beverages for the purpose of purchasing, or to purchase alcoholic beverages, for another person who does not because of his/her age have the right to purchase and consume alcoholic beverages.

Any person who shall violate any of the provisions of this subsection shall be deemed and adjudged to be a disorderly person, and upon conviction thereof, in accordance with N.J.S.A. 33:1-81, as amended, shall be punished by a fine of not less than five hundred (\$500.00) dollars. In addition, the Court shall suspend the person's license to operate a motor vehicle for six (6) months or prohibit the person from obtaining a license to operate a motor vehicle in this State for six (6) months beginning on the date he/she becomes eligible to obtain a license or on the date of conviction, whichever is later. In addition to the general penalty prescribed for an offense, the Court may require any person under the legal age to purchase alcoholic beverages who violates this act to participate in an **alcohol** education or treatment program authorized by the Department of Health for a period not to exceed the maximum period of confinement prescribed by law for the offense for which the individual has been convicted. (N.J.S.A. 33:1-81; 1974 Code § 50-9; New)

## **6-7 ALCOHOLIC BEVERAGES; POSSESSION AND CONSUMPTION BY UNDERAGED PERSONS.**

### **6-7.1 Consumption on Private Property.**

#### *a. Definitions.*

*Guardian* shall mean a person who has qualified as a guardian of the underage person pursuant to a testamentary or Court appointment.

*Relative* shall mean the underage person's grandparent, aunt or uncle, sibling or any other person related by blood or affinity.

(Ord. No. 2012-24-OAB)

### **6-7.2 Consumption of Alcoholic Beverages by Underage Person on Private Property Prohibited.**

It is unlawful for any person under the legal age to, without legal authority, knowingly possess or knowingly consume an alcoholic beverage on private property. (Ord. No. 2012-24-OAB)

### **6-7.3 Violations and Penalties.**

- a. Any person found guilty of violating the terms of this section shall be subject to a fine of two hundred fifty (\$250.00) dollars for a first offense and a fine of three hundred fifty (\$350.00) dollars for any subsequent offense. In addition, the Court may, upon a finding of guilt, in addition to the fine authorized for this offense, suspend or postpone for six (6) months the driving privileges of the defendant. Upon the conviction of any person and the suspension or postponement of that person's drivers license, the Court shall forward a report to the Motor Vehicle Commission 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 seventeen (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 (6) months after the person reaches the age of seventeen (17) years.

If the defendant at the time of the imposition of the sentence has a valid drivers license issued by this State, the Court shall immediately collect the license and forward it to the Motor Vehicle Commission 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.

- b. 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. The defendant 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 the 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 section 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 Commission 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 Commission shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

(Ord. No. 2012-24-OAB; N.J.S.A. 40:48-1.2)

#### **6-7.4 Exceptions.**

- a. This section 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.
- b. This section shall not prohibit the possession of alcoholic beverages by any underage person while actually engaged in the performance of employment by a person who was 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 section shall not be construed to preclude the imposition of a penalty under this section, N.J.S.A. 33:1-81, or any other section of law against a person who is convicted of unlawful alcoholic beverage activity on or at premises licensed for the sale of alcoholic beverages.

(Ord. No. 2012-24-OAB)

#### **6-7.5 Underage Possession or Consumption; Exemption from Prosecution.**

- a. An underage person and one or two other persons, if applicable, shall be immune from prosecution under this section prohibiting any person under the legal age who, without legal authority, knowingly possesses or knowingly consumes an alcoholic beverage on private property if:
  - 1. One of the underage persons called 9-1-1 and reported that another underage person was in need of medical assistance due to **alcohol** consumption;
  - 2. The underage person who called 9-1-1 and, if applicable, one or two other persons acting in concert with the underage person who called 9-1-1 provided each of their names to the 9-1-1 operator;
  - 3. The underage person was the first person to make the 9-1-1 report; and
  - 4. The underage person and, if applicable, one or two other persons acting in concert with the underage person who made the 9-1-1 call remained on the scene with the person under the legal age in need of medical assistance until assistance arrived and cooperated with medical assistance and law enforcement personnel on the scene.
- b. The underage person who received medical assistance as provided in paragraph a. of this subsection shall also be immune from prosecution under this section prohibiting the possession or consumption of an alcoholic beverage on private property.

(Ord. No. 2012-24-OAB)