

ORDINANCE NO. 00-13
BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY
AN ORDINANCE TO REVISE, AMEND AND
SUPPLEMENT THE CODE OF THE BOROUGH OF
NORTH PLAINFIELD, CHAPTER VI ENTITLED
“ALCOHOLIC BEVERAGE CONTROL” TO
PROHIBIT POSSESSION OR CONSUMPTION OF
ALCOHOLIC BEVERAGES ON PRIVATE
PROPERTY BY UNDERAGE PERSONS

WHEREAS, the Borough of North Plainfield Police Department has recommended that for health, safety and welfare reasons, no person under the legal age to purchase alcoholic beverages should be permitted to possess or consume alcoholic beverages on private property; and,

WHEREAS, Chapter VI, §6-5 of the Code of the Borough of North Plainfield, as it currently stands, does not prohibit underage persons from possessing or consuming alcoholic beverages on private property; and,

WHEREAS, on June 28, 2000, P.L. 2000, c.33 was enacted by the Legislature which permits municipalities to enact ordinances to prohibit the possession or consumption of alcoholic beverages on private property by underage persons.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of North Plainfield, County of Somerset, State of New Jersey that the Code of the Borough of North Plainfield, Chapter VI entitled, “Alcoholic Beverage Control” is hereby revised, amended and supplemented as follows:

6-5.4 Underage Possession or Consumption of Alcoholic Beverages on Private Property Prohibited.

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 section 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 (6) 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 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 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.

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 R.S. 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 of a violation of R.S. 39:3-40.

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.

Exceptions.

No person shall be convicted for violating this Ordinance if:

(a) 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 section, "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.

(b) 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 Ordinance does not preclude the imposition of a penalty under this section, R.S. 33:1-81, 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.

NOW, THEREFORE, BE IT FURTHER ORDINANED that:

1. All ordinances or portions of ordinances which are inconsistent with this Ordinance shall be repealed as to their inconsistencies only.

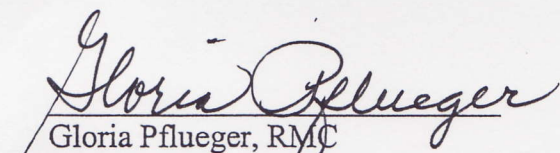
2. If any provision or paragraph of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions or paragraphs of this Ordinance, except so far as the provision or paragraph so declared invalid shall be separable from the remainder or any portion thereof.

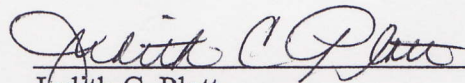
3. This Ordinance shall take effect, after final passage, twenty (20) days following action or inaction by the mayor as provided by law or an override of a mayoral veto by the council, whichever is applicable and publication in accordance with law, unless a resolution is adopted, pursuant to N.J.S.A. 40:69A-181(b), declaring an emergency and providing that this Ordinance shall take effect at an earlier date.


INTRODUCED: September 11, 2000
 PASSED: September 11, 2000
 PUBLISHED: September 14, 2000
 ADOPTED: September 25, 2000
 ROLL CALL: AYES: Glicklich, Hitchcock, McGarry, Righetti, Rudy, Platt
 NAYS: None
 ABSTAIN: None
 ABSENT: Berger

APPROVED BY THE MAYOR: September 25, 2000

ATTEST:


 Gloria Pflueger, RMC


 Judith C. Platt
 Council President


 Janice Allen, Mayor