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Township of Colts Neck, NJ

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ARTICLE III. Possession or Consumption by Underage Persons on Private Property

[Adopted 5-9-2001]

§ 73-7. Purpose.

The purpose of this article is to provide for the enforcement of P.L. 2000, c.33. **Editor's Note: See N.J.S.A. 40:48-1.2.**

§ 73-8. Definitions.

As used in 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 grandparent, aunt or uncle, sibling or any other person related by blood or affinity.

§ 73-9. Possession; consumption of alcoholic beverages by person under legal age on private property; penalty.

A. Any person under the legal age to purchase alcoholic beverages who knowingly possesses without legal authority or who knowingly consumes without legal authority any alcoholic beverage on private property shall be punished by a fine of no less than \$250 for a first offense and no less than \$350 for any subsequent offense. The court may, in addition to any fines and penalties authorized for this offense, suspend or postpone for up to six months the driving privileges of the defendant and/or order a term of community service.

[Amended 6-11-2008]

B. Upon the conviction of any person and the suspension or postponement of that person's driver's license, the court shall forward a report to Division of Motor Vehicles stating the first and last day of the suspension or postponement period imposed by the court pursuant to this article. 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. 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 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 of a violation of N.J.S.A. 39:3-40.

D. The court shall, of any person convicted under this section who is not a New Jersey resident, 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 article. Upon receipt of a report by the court, the Division shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

§ 73-10. Exceptions.

A. 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.

B. This article shall not prohibit the possession of alcoholic beverages by any underage person while actually engaged in the performance of employment by a person who has 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 article 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.

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