

aforesaid limitation, however, shall not be deemed to prohibit the grant of an application for a new plenary retail consumption license to a person operating a hotel or motel containing at least one hundred (100) bona fide guest sleeping rooms; provided, however, that there shall be no renewal or transfer of such a newly issued license except for or to premises operated as a hotel or motel containing at least one hundred (100) bona fide guest sleeping rooms. (1969 Code § 6-6; Ord. No. 592)

#### **6-4 REGULATIONS OF LICENSES.**

##### **6-4.1 Hours of Sale.**

No licensee shall sell, serve, deliver, or allow, permit or suffer the sale, service or delivery of any alcoholic beverages or permit the consumption of any alcoholic beverages on licensed premises between the hours of 2:00 a.m. and 7:00 a.m. (1969 Code § 6-9; Ord. No. 2003-15 § 1)

##### **6-4.2 New Year's Day.**

Provisions of subsection 6-4.1 shall not apply on January 1. On that day alcoholic beverages may not be sold, served, delivered to or consumed in the licensed premises between the hours of 4:30 a.m. and 7:00 a.m. (1969 Code § 6-9)

##### **6-4.3 Sales to Certain Persons.**

No licensee or employee of a licensee shall sell, serve or deliver, directly or indirectly, any alcoholic beverages to any intoxicated person or person under the legal age, or permit the consumption of alcoholic beverages on any licensed premises by any of the above-named persons. (New)

##### **6-4.4 Closing Provisions.**

During the hours when the sale, service, delivery or consumption of alcoholic beverages on licensed premises is prohibited, all licensed premises must remain closed for business except for the sale, service, delivery or consumption of food and/or non-alcoholic beverages. A licensed premises which remains open when the sale, service, delivery or consumption of alcoholic beverages on licensed premises is prohibited, shall close to the public that portion of the licensed premises which is utilized for the sale, service, delivery or consumption of alcoholic beverages. (1969 Code § 6-10; Ord. No. 94-13)

#### **6-5 PERSONS UNDER THE LEGAL AGE.**

##### **6-5.1 Sale of Alcoholic Beverages.**

No licensee shall sell, serve, deliver or allow, permit or suffer the service or delivery of any alcoholic beverage, directly or indirectly, to any person under the legal age. (New)

##### **6-5.2 Entering Premises.**

It shall be unlawful for a person under the legal age 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. (New)

##### **6-5.3 Consumption; Purchase.**

It shall be unlawful for a person under the legal age 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. (New)

##### **6-5.4 Misrepresentation of Age.**

It shall be unlawful for a person to misrepresent or misstate his or her age or the age of any other person for the purpose of inducing any retail license to sell, serve or deliver any alcoholic beverage to a person under the legal age. (New)

##### **6-5.5 Violations and Penalties.**

Any person who shall violate any of the provisions of this section shall be deemed and adjudged to be a

disorderly person, and upon conviction thereof and in accordance with N.J.S.A. 33:1-81, P.L. 1985, c. 113, shall be punished by a fine of not less than one hundred (\$100.00) 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 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. (New)

#### **6-6 REVOCATION OF LICENSE.**

Any license issued under this chapter may be suspended or revoked for violation of any of the provisions of this chapter or any provision of any applicable statute or any of the rules or regulations of the State Director of Alcoholic Beverage Control.

Proceedings for suspension or revocation shall be in accordance with the provisions of N.J.S.A. 33:1-31 by service of a five (5) day notice of charges preferred against the licensee and affording a reasonable opportunity for hearing. Suspension or revocation of a license shall be in addition to any other penalty which may be imposed for a violation of this chapter. (New)

#### **6-7 POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON PRIVATE PROPERTY BY MINORS.**

##### **6-7.1 Possession or Consumption of Alcoholic Beverages on Private Property by Minors Prohibited.**

It shall be unlawful for any person under the legal age to knowingly possess or consume an alcoholic beverage on private property without legal authority. (Ord. No. 2005-07 § 1)

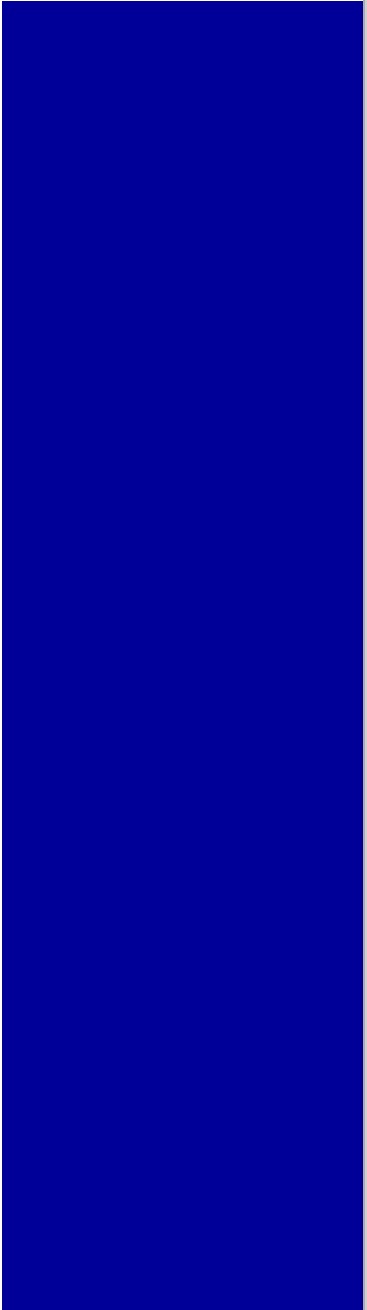
##### **6-7.2 Exceptions.**

The prohibition set forth herein shall not apply to:

- a. The consumption or possession of an alcoholic beverage in connection with a religious observance, ceremony or rite or to the consumption or possession of 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. For purposes of this section, the term "guardian" is defined as person who has qualified as a guardian of the underage person pursuant to testamentary or court appointment, and the term "relative" is defined as the underage person's grandparent, aunt or uncle, sibling, or any other person related by blood or affinity.
- b. The possession of alcoholic beverages by an underage person while actively engaged in the performance of employment by a person or entity 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 or a County vocational school or post-secondary educational institution.  
(Ord. No. 2005-07 § 1)

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

- a. Any person who shall violate any provision of this section shall, upon conviction thereof, be subject to a fine of not more than five hundred (\$500.00) dollars.
- b. The Court may, in addition to the imposition of the fine authorized herein, suspend or postpone the driving privileges of a person convicted of an offense hereunder. Upon the conviction of any such person and the suspension or postponement of that person's driver's 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. If a person at the time of the imposition of the 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.

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- c. The Court may inform the person convicted of an offense hereunder orally and in writing that, if said person is convicted of operating a motor vehicle during the period of license suspension or postponement, said person shall be subject to the penalty set forth in N.J.S.A. 39:3-40, and said person shall be required to provide written acknowledgement of the receipt of the written notice.
  - d. If a person convicted hereunder is not a New Jersey resident, the Court shall suspend or postpone, as appropriate, the nonresident driving privilege of the person based upon the age of the person and submit a report of said action to the Motor Vehicle Commission.  
(Ord. No. 2005-07 § 1)
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