

[Search](#)

Borough of Shrewsbury, NJ

[Index](#)[Standard View](#)[New Laws](#)[§ 63-10. Violations and penalties.](#)[CHAPTER 63. ALCOHOLIC BEVERAGES](#)

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[§ 63-11. Possession or consumption of alcoholic beverages by underaged persons on private property: specific penalties.](#)

[Added 5-21-2007 by Ord. No. 897]

A. Restrictions and penalties. Any person under the legal age to purchase alcoholic beverages who, without legal authority, knowingly possesses or who knowingly consumes any alcoholic beverage on private property shall be punished by a fine of \$250 for a first offense and \$350 for any subsequent offenses.

(1) The court may, in addition to the fine authorized for this offense, suspend or postpone for six months the driving privilege of the defendant. 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 New Jersey Division of Motor Vehicles 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 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.

(2) 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 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.

(3) 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.

(4) 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 privileges in the State of New Jersey of the person based on the age of the person and submit to the Motor Vehicle 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 Motor Vehicle Commission shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

B. Exceptions:

(1) This provision shall not apply to or prohibit an underaged 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 their parent, guardian or relative who has attained the legal age to purchase and consume alcoholic beverages. As used herein, "guardian" means a person who has qualified as a guardian of the underaged person pursuant to testimony or court appointment, and "relative" means the underaged person's grandparent, aunt or uncle, sibling or any other person related by blood or affinity.

(2) This provision shall not apply to or prohibit possession of alcoholic beverages by any such underaged person while actually engaged in performance of employment by a person or facility 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 the county vocational school or post-secondary educational institution; however, no ordinance enacted pursuant to this section shall 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.

C. If any section, paragraph, subparagraph, clause or provision of this section shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subparagraph, clause or provision so adjudged and the remainder of this section shall be deemed valid and effective.

[\[Prev\]](#)
[Search](#)
[Terms of Service](#)

[\[Up\]](#)
[\[Contents\]](#)
[F.A.Q.](#)

[Index](#)
[Privacy Policy](#)

Font size: [Smaller](#) [Bigger](#)