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[§ 103-28. Possession or consumption by person under legal age.](#)

[Amended 2-9-1977 by Ord. No. 1977-6; 4-8-1982 by Ord. No. 1982-11; 5-7-2007 by Ord. No. 2007-10]

A. (Reserved) **Editor's Note:** Former Subsection A, regarding possession by persons under legal age, was repealed 6-8-2009 by Ord. No. 2009-20.

B. It is hereby unlawful for any person under the legal age to, without legal authority, knowingly possess or knowingly consume an alcoholic beverage on private property.

C. Violations and penalties.

(1) Any person found guilty of violating the terms of this section shall be subject to a fine of \$250 for a first offense and a fine of \$350 for any subsequent offense.

(2) In addition, the court may, upon a finding a guilty, in addition to the fine authorized for this offense, suspend or postpone for six months the driving privileges of the defendant. 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 the Division of Motor Vehicles stating the first and last day of the suspension or postponement period imposed by the court pursuant to this section.

(3) 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.

(4) If the defendant at the time of the imposition of the sentence has a valid driver's license issued by this state, the court shall immediately collect the license and forward it to the 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.

(5) 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 acknowledge 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.

(6) 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 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.

D. Exceptions.

(1) 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.

(2) This section shall not prohibit the possession of alcoholic beverages by any underaged 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 postsecondary 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.

E. Definitions. As used in this section, 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.

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