

WANTAGE TOWNSHIP

AN ORDINANCE AMENDING CHAPTER VI “ALCOHOLIC BEVERAGE CONTROL” BY AMENDING §6-5 CONCERNING “MINORS” AS WELL AS ADDING A NEW ARTICLE REGARDING CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES ON PRIVATE PROPERTY BY UNDERAGED PERSONS

Ordinance #2002-22

WHEREAS, N.J.S.A. 40:48-1 has been amended to allow a municipality to adopt an ordinance making it unlawful for any person under the legal age to, without legal authority, knowingly possesses or consume an alcoholic beverage on private property; and,

WHEREAS, the Committee of the Township of Wantage deem such an ordinance to be in the best interest of the community.

NOW, THEREFORE, BE IT ORDAINED by the Committee of the Township of Wantage, County of Sussex and State of New Jersey, that existing §6-5 is amended and a new §6-5A is added to the alcoholic beverage control regulations as follows:

Section 1. Existing §6-5 “Minors” is amended throughout to substitute the number “21” for the number “18”.

Section 2. A new subsection §6-5A is hereby adopted, entitled “**Possession and Consumption of Alcoholic Beverages by Underage Persons.**”

§6-5A.1. Definitions.

- a. “Guardian” means a person who has qualified as a guardian of the underage person pursuant to testamentary or court appointment.
- b. “Relative” means the underage person’s grandparent, aunt or uncle, sibling or any other person related by blood or affinity.

§6-5A.2. Consumption or Possession Prohibited on Private Property. The consumption or possession of alcoholic beverages of any type on private property by a person who is under the legal age and without legal authority is prohibited.

§6-5A.3. Exceptions.

- a. The provision of this section shall not apply to any underage person who consumes or possesses an 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.
- b. The provisions of this chapter as to possession of alcoholic beverages shall not apply to any such person while 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.

This section shall not be construed to preclude the imposition of a penalty under section R.S. 33:1-81, or any other section of law against a person who is convicted of unlawful alcoholic beverage activities on or at premises licensed for the sale of alcoholic beverages.

§6-5A.4. Violation and Penalty.

- a. Any person who shall violate any section of this ordinance shall be subject to a fine of two hundred fifty dollars (\$250.00) for the first offense, and three hundred fifty dollars (\$350.00) for any subsequent offense.
- b. Upon conviction the court may, in addition to the fine, suspend or postpone for six months the driving privilege of the defendant. In the event a driver's license is suspended, 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. 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 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 reached 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 day of the license suspension period imposed by the court.

The court shall also 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, that 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 shall not be a defense to a subsequent charge of a violation of R.S. 39:3-40.

- c. 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.

Section 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected thereby and shall remain in full force and effect.

Section 4. Repealer. All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

Section 5. Effective Date. This ordinance shall take effect after publication and passage according to law.

ATTEST:

Richard H. Sytsema, Mayor

James R. Doherty, Clerk/Administrator

NOTICE is given that this ordinance amendment was introduced and passed upon first reading at a meeting of the Mayor and Township Committee of the Township of Wantage, in the County of Sussex, New Jersey, held on June 27, 2002. It will be further considered for final passage with the proposed ordinance after public hearing at a meeting of the Mayor and Township Committee to be held in the Wantage Township Municipal Building, 888 Route 23, Wantage, New Jersey 07461, on August 8, 2002, at 8:00 o'clock P.M., and copies of the ordinance will be made available at the Clerk's office in the Municipal Building to members of the general public.

James R. Doherty, Clerk/Administrator

INTERPRETIVE STATEMENT

Wantage Township Ordinance No. 2002-22

Consumption/possession of alcoholic beverages on private property by underage persons

In accordance with N.J.S.A. 40:48-1, this ordinance prohibits consumption or possession of alcoholic beverages on private property by persons under the legal drinking age. The only exceptions to this ordinance are: (1) for the consumption or possession of alcoholic beverages in connection with a religious event; or (2) the consumption or possession in the presence of and with the permission of a parent, guardian or relative over the legal drinking age; or (3) when underage person(s) are actually engaged in employment by a person licensed under Title 33 of the New Jersey Statutes or engaged in the preparation of food in a culinary arts or hotel management program in a vocational school or post-secondary education institution.

Violation of the ordinance shall result in a fine of \$250 for the first offense and \$350 for any subsequent offense. Additionally, a person's drivers license may be suspended or postponed for six months.