

ORDINANCE NO. 2006-1035

AN ORDINANCE PROHIBITING THE UNDERAGE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGE ON PRIVATE PROPERTY

BE IT ORDAINED by the Mayor and Council of the Borough of Manville in the County of Somerset and State of New Jersey, as follows:

SECTION 1. DEFINITIONS

As used in this ordinance:

"Guardian" means a person who has qualified as a guardian of the underaged person pursuant to testamentary or Court appointment.

"Relative" means the underaged person's grandparent, aunt or uncle, sibling, or any other person related by blood or affinity.

"Underage" or "underaged person" means the state of being, or an individual, under the legal age to purchase alcoholic beverages as provided in *N.J.S.A. 9:17B-1*.

SECTION 2. PROHIBITION

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

SECTION 3. EXEMPTIONS

This ordinance shall not 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 a parent, guardian or relative who has attained the legal age to purchase and consume alcoholic beverages.

This ordinance shall not prohibit possession of alcoholic beverages by 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; however, this ordinance shall not be construed to preclude the imposition of a penalty hereunder, or under *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.

SECTION 4. PENALTY

Upon conviction for violation of any provision of this ordinance the penalty for a first offense shall be a fine of \$250 for a first offense and a fine of \$350 for any subsequent offense.

SECTION 5. ADDITIONAL AUTHORIZED PENALTY

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 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 Motor Vehicle Commission 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.

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 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.

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*.

If the person convicted under such an 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 Commission 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 Commission shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

SECTION 6. CONSTRUCTION

Where consistent with the context in which used in this ordinance, words importing the singular shall include the plural; words importing the plural shall include the singular; and, words importing one gender shall include all other genders.

SECTION 7. INCONSISTENCY

Should any provision of this ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of said prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

SECTION 8. SEVERABILITY

In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

SECTION 9. PURPOSE OF CAPTIONS

Captions contained in this ordinance have been inserted only for the purpose of facilitating reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

SECTION 10. EFFECTIVE DATE

This ordinance shall be effective immediately upon final adoption, approval and publication in accordance with law.

STATEMENT OF PURPOSE

The purpose of this Ordinance is to prohibit the underage possession or consumption of alcoholic beverage on private property.

Borough of Manville

Angelo Corradino, Mayor

ATTEST:

Philip E. Petrone, Borough Clerk

ORDINANCE #2006-1035

FIRST READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		ASHER	√			
	√	OTRIMSKI	√			
√		PETROCK	√			
		PETRONE	√			
		QUICK	√			
		SZABO	√			
		MAYOR CORRADINO				

PASSED this 8th day of May, 2006.

Attest:

Philip E. Petrone, Borough Clerk

SECOND READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		ASHER	√			
		OTRIMSKI				√
√		PETROCK	√			
		PETRONE	√			
	√	QUICK	√			
		SZABO	√			
		MAYOR CORRADINO				

PASSED this 22nd day of May, 2006.

Attest:

Philip E. Petrone, Clerk