

BOROUGH OF PEAPACK AND GLADSTONE

ORDINANCE NO. 936

AN ORDINANCE PROHIBITING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES BY UNDERAGE PERSONS WITHOUT LEGAL AUTHORITY ON PRIVATE PROPERTY

WHEREAS, current law does not regulate the possession or consumption of alcoholic beverages by underage persons on private property; and

WHEREAS, the Police Department has requested an Ordinance regulating such behavior, and the Borough Council having considered the request and determined that the consumption of alcoholic beverage by underage persons is a danger to the public's health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Peapack and Gladstone, County of Somerset, as follows:

SECTION 1: Prohibited Conduct

a. Any person under the legal age, who, without legal authority, knowingly possesses or knowingly consumes an alcoholic beverage on private property shall be in violation of this section.

b. First offenses shall be punishable by a fine of Two Hundred Fifty (\$250.00) Dollars. Subsequent offenses shall be punishable by a fine of Three Hundred Fifty (\$350.00) Dollars.

c. The Municipal Court may, in addition to the monetary fine, suspend or postpone for six (6) 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 Municipal 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 Municipal Court pursuant to this section. If a person at the time of the imposition of 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.

The Municipal Court shall immediately collect the person's valid New Jersey driver's license at the imposition of sentence and forward it to the Division of Motor Vehicles with a report. If for any reason the license cannot be collected, the Municipal 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 Municipal Court. The Municipal 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 the receipt of such 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 a person convicted under this subsection is not a New Jersey resident, the Municipal Court shall suspend or postpone, as appropriate, the nonresident driving privilege of the person based on the age of the person and submit a report to the Division of Motor Vehicles. The Municipal Court shall not collect the license of a nonresident convicted under this section. The Division of Motor Vehicles will notify the appropriate officials in the nonresident's licensing jurisdiction.

SECTION 2: Exceptions

a. This Ordinance 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 legal age to purchase and consume alcoholic beverages.

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

c. This Ordinance shall not prohibit possession of alcoholic beverages by a person under the legal age while actually engaged in the performance of employment by a person who is licensed under Title 33 of the New Jersey 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 subsection 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 the state law against a person who is convicted of unlawful alcoholic beverage activity on or at premises licensed for the sale of alcoholic beverages.

This Ordinance shall become effective upon final adoption and publication according to law.

ATTEST:

BOROUGH OF PEAPACK AND GLADSTONE

MARGARET J. GOULD
BOROUGH CLERK

BY: _____
WILLIAM H. HORTON, MAYOR