

**BOROUGH OF NEW PROVIDENCE
ORDINANCE 2009-15**

**AN ORDINANCE OF THE BOROUGH OF NEW PROVIDENCE, COUNTY OF UNION,
STATE OF NEW JERSEY, SUPPLEMENTING CHAPTER 109 OF THE CODE OF THE
BOROUGH OF NEW PROVIDENCE ENTITLED "ALCOHOLIC BEVERAGES"**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of New Providence, County of Union and State of New Jersey as follows:

1. Chapter 109 of the Code of the Borough of New Providence is amended to add Article III, entitled "Possession and Consumption of Alcoholic Beverages by Juveniles on Private Property", as follows:

§109-7. Purpose.

Regulation of the consumption of alcoholic beverages by juveniles on private property is necessary to protect the health, safety and well being of juveniles and the residents of the Borough of New Providence, as authorized pursuant to N.J.S.A. 40:48-1.2.

§109-8. Definitions.

As used in this Article, the following definitions apply.

JUVENILE -- means any person under the age of eighteen (18) years old.

GUARDIAN – means a person who has qualified as a guardian of the juvenile person pursuant to a testamentary or court appointment.

RELATIVE – means the juvenile's grandparent, aunt, uncle, sibling, or any other person related by blood or affinity.

§109-9. Possession, Consumption of Alcoholic Beverages by Juveniles on Private Property; Penalty.

A. Any juvenile who, without legal authority, knowingly possesses or who knowingly consumes any alcoholic beverages on private property shall be punished by a fine of two hundred fifty dollars (\$250.00) for a first offense and three hundred fifty dollars (\$350.00) for any subsequent offense. The municipal court may, in addition to the fine authorized for this offense, suspend or postpone for six months the driving privilege of the defendant.

B. Upon conviction of any person and the suspension of that person's driver's license, the municipal court shall forward a report to the Motor Vehicle Commission stating the first and last day of the suspension period imposed by the court

pursuant to this section. If a person at the time of the imposition of a 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 months after the person reaches the age of seventeen (17) years.

C. 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 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.

D. 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.

E. The court shall, if any person convicted under this article is not a New Jersey resident, suspend or postpone, as appropriate, the nonresident 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 nonresident convicted under this section.

§109-10. Exceptions.

A. This article does not prohibit a juvenile from consuming or possessing an alcoholic beverage on private property 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.

B. This article does not prohibit possession of alcoholic beverages by a juvenile 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 post-secondary educational institution. However, this article

shall not be construed to preclude the imposition of a penalty 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.

2. This ordinance shall take effect as provided by law.

Introduced: October 12, 2009
Public Hearing: October 26, 2009
Adopted: October 26, 2009

BOROUGH OF NEW PROVIDENCE
COUNTY OF UNION
STATE OF NEW JERSEY

John A. Thoms, Mayor

Attest:

Wendi B. Barry, Clerk