

City of Lambertville

Ordinance 18-2011

An Ordinance Amending and Supplementing Chapter IV – Police Regulations, Section 4, Consumption of Alcoholic Beverages To Regulate the Underage Possession or Consumption of Alcoholic Beverages on Private Property

WHEREAS, underage drinking has serious, unsafe and unhealthy consequences; and,

WHEREAS, N.J.S.A. 40:48-1.2 permits municipalities to regulate by ordinance consumption and possession of alcoholic beverages by underage individuals on private property; and

WHEREAS, the Office of the Hunterdon County Prosecutor has recommended adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Lambertville, County of Hunterdon, and State of New Jersey, as follows:

CHAPTER 4, SECTION 4: CONSUMPTION OF ALCOHOLIC BEVERAGES

SECTION 4.1 CONSUMPTION IN PUBLIC PLACES

4-4.1 a Consumption. No person shall consume or offer to another for consumption, any alcoholic beverages, on or upon:

- Any public street, sidewalk, park, playground or in, on or upon any land or building owned or occupied by any Federal, State, County or municipal government.
- Any place to which the public at large is invited, provided that nothing herein shall be construed to prohibit the consumption or sale of alcoholic beverages within the licensed premises of a plenary retail consumption liquor licensee, or the consumption of wine within a bona fide restaurant (Ord. #80-8, §1).

4-4.1 b Possession. No person shall have in his possession or possess any alcoholic beverage in, on or upon:

- Any public street, sidewalk, park, playground, or in, on or upon any land or building owned or occupied by any Federal, State, County or municipal government unless the same is contained within a closed or sealed container.
- Any place to which the public at large is invited unless the same is contained within a closed or sealed container, provided that nothing herein shall be construed to prohibit the possession of alcoholic beverages within the licensed premises of a plenary retail consumption liquor licensee, or the possession of wine within a bona fide restaurant (Ord. #80-8, §2).

4-4.1 c Permitted Exceptions. Notwithstanding anything contained in this section to the contrary, the Mayor and City Council may, by motion and application being made therefore, permit the possession and consumption of alcoholic beverages within premises not covered by a plenary

retail consumption license, for special functions or social events. This permission, if granted, shall be consistent with the Alcoholic Beverage Control Law and the regulations enacted pursuant thereto, and such further conditions as may be imposed by the Mayor and City Council (Ord. #80-8, §3).

4-4.2 UNDERAGE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON PRIVATE PROPERTY

Pursuant to N.J.S.A. 40:48-1.2, Chapter IV of the City of Lambertville is amended and supplemented by the addition thereto of a new Article 4-4.2, as follows:

Underage Possession or Consumption of Alcoholic Beverages on Private Property – It is unlawful for any person under the legal age to purchase alcoholic beverages, without legal authority, knowingly possess or knowingly consume an alcoholic beverage on private property.

DEFINITIONS

Guardian – A person who has qualified as a guardian of the underage person pursuant to a testamentary or court appointment.

Relative – The underage person’s parent, grandparent, aunt or uncle, sibling or any other person related by blood or affinity.

4-4.2 a Exceptions

- This article 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.
- This article shall not prohibit the possession of alcoholic beverages by any underage 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 post-secondary educational institution, however, this article shall not be construed to preclude the imposition of a penalty under this article, N.J.S.A. 33:1-81 or any other section of law against a person that is convicted of unlawful alcoholic beverage activity on or at premises licensed for the sale of alcoholic beverages.

4-4.2 b Violations and Penalties

a. Any person found guilty of violating the terms of this article shall be subject to a fine of \$250 for a first offense and \$350 for any subsequent offense. Upon a finding of guilt, the court may also suspend or postpone for six months the person’s driving privileges in addition to the authorized fine. Upon the conviction of any person and suspension or postponement of the person’s driver’s license, the court shall forward a report to the New Jersey Motor Vehicle

Commission (“Commission”) stating the first and last day of the suspension or postponement imposed by the court pursuant to this section. If a person at the time of the imposition of the sentence is less than seventeen 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 this sentence is imposed and shall run for a period of six months after the person reaches the age of seventeen years. If the person 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 Commission along with a 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 imposed by the Court.

b. 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 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 the written notice shall not be a defense to a subsequent charge of violation of N.J.S.A. 39:3-40.

c. If the person convicted under this article is not a New Jersey resident, the court shall suspend or postpone, as appropriate, the non-resident driving privilege for 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 the non-resident convicted under this article.

4-4.3.a Repealer: All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

4-4.3 b Severability: If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, subsection, clause, or provision so adjudged the remainder of this ordinance shall be deemed valid and enforceable.

4-4.3 c Effective Date. This ordinance shall take effect upon the final passage and publication in accordance with law.

ATTEST:

Cynthia L. Ege, CMR, RMC, Acting City Clerk

David M. DelVecchio, Mayor

Introduced: June 20, 2011

Public Hearing: July 18, 2011

Final adoption: