

ORDINANCE NO. 304

AN ORDINANCE ESTABLISHING PROHIBITIONS WITH RESPECT TO
POSSESSION, USE AND CONSUMPTION OF ALCOHOLIC BEVERAGES
BY PERSONS UNDER LEGAL AGE ON PRIVATE PROPERTY AND ESTABLISHING
VIOLATIONS AND PENALTIES FOR THE AFORESAID RESTRICTIONS
IN AND BY THE VILLAGE OF
LOCH ARBOUR, MONMOUTH COUNTY

BE IT ORDAINED by the Board of Trustees of the Village of Loch Arbour as follows:

Section 1. Purpose. The purpose of this Ordinance is to provide for the enforcement of P.L. 2000, c. 33.

Section 2. Definitions. As used in this Section:

Guardian shall mean a person who has qualified as a guardian of the underaged person pursuant to testamentary or court appointment.

Relative shall mean the underaged person's grandparent, aunt or uncle, sibling, or any person related by blood or affinity that has attained the legal age for the purchase or consumption of alcoholic beverages.

Section 3. Restrictions and Penalties.

- a) Any person under the legal age to purchase alcoholic beverages who knowingly possesses without legal authority or who knowingly consumes any alcoholic beverage on private property within the Village of Loch Arbour shall be subject to a fine of two hundred fifty (\$250.00) dollars for a first offense and three hundred fifty (\$350.00) dollars for any subsequent offense.
- b) No person shall invite, induce or knowingly allow any person under the legal age for purchasing alcoholic beverages to be served with, have in his or her possession, or consume any alcoholic beverage on private property within the Village of Loch Arbour. Said person shall be subject to a fine of two hundred fifty (\$250.00) dollars for a first offense and three hundred fifty (\$350.00) dollars for any subsequent offense.
- c) The Court may, in addition to the fine authorized for these offenses, suspend or postpone for six months the driving privilege of the defendant.
- d) Upon conviction of any person and the suspension or postponement of that person's driver's license, 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 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.
- e) 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 date of the license suspension period imposed by the Court.
- f) 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 R.S. 39:3-40. A person shall be required to acknowledge receipt of 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 R.S.39:3-40.
- g) The Court shall, of any person convicted under this section who is not a New Jersey resident, 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.

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Section 4. *Exceptions.*

- a) This section does 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 within his or her own place of residency.
- b) This section does 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. However, this Ordinance shall not be construed to preclude the imposition of a penalty under this section, R.S. 33:1-81 or any other section of law against a person who is convicted of unlawful alcoholic beverage activity on or at a premises licensed for the sale of alcoholic beverages.

Section 5. *Severability.*

- a. If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subparagraph, clause or provision so adjudged and the remainder of this Ordinance shall be deemed effective and valid.
- b. All Ordinances or parts of Ordinances of the Village of Loch Arbour that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistencies.

Section 6. *Effective date.* This Ordinance shall take effect immediately upon its adoption and publication according to law.

CERTIFICATION

I, LORRAINE CARAFA, CLERK OF THE VILLAGE OF LOCH ARBOUR, do hereby certify the above is a true and exact copy of the Ordinance adopted by the Board of Trustees of the Village of Loch Arbour, County of Monmouth after a public hearing thereon, on the 3rd day of March, 2004.

Lorraine Carafa, R.M.C.
Village Clerk

Introduction: February 4, 2004

First publication: February 13, 2004

Public hearing: March 3, 2004

Adoption: March 3, 2004

Final publication: March 11, 2004