

Ord.#30-2011

An Ordinance Supplementing Section Seven (Alcoholic Beverage Control), of the Revised General Ordinances of the Township of Mount Olive, County of Morris, State of New Jersey with the Addition of Chapter 78-7.1, Entitled "Possession or Consumption by Underage Persons."

CLERK:

Delivered to Mayor:

Date: 10/5/11

Time: 11:30 am

Signed: Lisa M. Kashway
Township Clerk

MAYOR:

Action by Mayor:

Approved: _____

Date: _____

Vetoed: ✓ _____

Date: 10/11/11 _____

(Reasons for which Mayor has withheld approval of ordinance, item or part thereof.)

Section 7.9.3 Exceptions

A. would appear to allow

consumption any place w/ a parent or

CLERK: Guardian Present

Signed: [Signature]
Mayor

Returned:

Date: 10/11/11 _____

Time: 3:30 _____

Not returned within the (10) days:

Date: _____

Signed: Lisa M. Kashway
Township Clerk

Ord. #30-2011

AN ORDINANCE SUPPLEMENTING SECTION SEVEN (ALCOHOLIC BEVERAGE CONTROL), OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MOUNT OLIVE, COUNTY OF MORRIS, STATE OF NEW JERSEY WITH THE ADDITION OF CHAPTER 78-7.1, ENTITLED "POSSESSION OR CONSUMPTION BY UNDERAGE PERSONS"

BE IT ORDAINED by the Municipal Council of the Township of Mount Olive, County of Morris, State of New Jersey, as follows:

SECTION 1. Chapter 78, Alcoholic Beverage, of the aforesaid Revised General Ordinances is hereby supplemented to establish a newly created subsection 78-7.1, "Possession or Consumption by Underage Persons to read as follows:

§ 7.9.1 Definitions.

As used in this article, the following terms shall have the meanings indicated:

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 grandparent, aunt or uncle, sibling, or any other person related by blood or affinity.

§ 7.9.2 Consumption of alcoholic beverages by underage person on private property prohibited.

It shall be unlawful for any person under the age of 21 years to purchase, sell, consume or have in his or her possession any alcoholic beverage in or upon any public or private street, highway, park, footway or other public or quasi-public place or in a private residence or upon any private property within the Township of Mount Olive, except as hereinafter provided or as may be permitted by State statute.

§ 7.9.3 Exceptions.

- A. Nothing contained in this article is intended, nor shall it be construed, as prohibiting 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; provided that, if the underaged person is found to possess or consume an alcoholic beverage in the presence of and with the permission of a relative other than a parent or guardian, the police shall notify

the parent or legal guardian, by certified mail, of the incident together with the name of the relative who gave permission for the possession or consumption of the alcoholic beverage by the underaged person. The notification shall include a request that the parent or guardian acknowledge and return a copy of the letter to the Police Department within 15 days of receipt.

- B. This article shall not prohibit the possession of alcoholic beverages by any underaged 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 section, 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.

§ 7.9.4 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 a fine of \$350 for any subsequent offense. In addition, the court may, upon a finding of guilty, in addition to the fine authorized for this offense, suspend or postpone for six months the driving privileges 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 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. If the defendant 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 Division of Motor Vehicles 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.
- 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 defendant 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 a 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 nonresident 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 nonresident convicted under this article. Upon receipt of a report by the court, the Division shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement

SECTION 2. All ordinances of the Township of Mount Olive which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 4. This Ordinance may be renumbered for purposes of codification.

SECTION 5. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.



PHIL TOBEY
Council President

Attest: 10/4/11

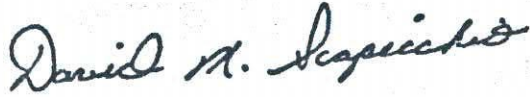

LISA M. LASHWAY
Mount Olive Township Municipal Clerk



MOUNT OLIVE TOWNSHIP

Interoffice Memorandum

TO: Lisa Lashway, Township Clerk

FROM: David Scapicchio, Mayor 

DATE: October 14, 2011

SUBJECT: Ordinance# 30-2011 – withdraw of veto

After much consideration and discussion with Sgt. Scott Van Ness, I now have a better understanding of the language in Ordinance#30-2011 and therefore withdraw my veto of same.

Thank you.

/cs