

**TOWNSHIP OF CHESTERFIELD
ORDINANCE 2010-17**

**AN ORDINANCE SUPPLEMENTING CHAPTER 66 OF THE CODE OF THE
TOWNSHIP OF CHESTERFIELD ENTITLED "ALCOHOLIC BEVERAGES"**

WHEREAS, recognizing the dangers of alcohol to both underage consumers and the general public, the Chief of Police recommends that the Township of Chesterfield enact an ordinance to limit underage consumption of alcohol within the Township's borders; and

WHEREAS, the Township Committee of the Township of Chesterfield concurs with the recommendation from the Chief of Police; and

WHEREAS, N.J.S.A. §2C:33-15 currently makes it a criminal violation for underage drinking in place of public assembly and motor vehicles; and

WHEREAS, N.J.S.A. §40:48-1.2 permits municipalities to enact ordinances to curb underage drinking on private property; and

WHEREAS, the statute was recently amended, via P.L. 2009 c. 133, to create "safe harbor" standards whereby immunity from prosecution is established in those situations where an individual calls 9-1-1 to report a health emergency stemming from an underage drinking event; and

WHEREAS, the Township Committee believes it is in the best interest of the Township and its residents to supplement the Code to establish underage drinking violations with the safe harbor provisions.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Chesterfield, County of Burlington, State of New Jersey that Chapter 66 of the Code of the Township of Chesterfield be and is hereby amended and supplemented as follows:

SECTION ONE. Chapter 66 of the Township Code entitled "alcoholic Beverages" is hereby amended and supplemented to add the following new sections:

§ 66-33 Alcoholic Beverage Consumption by Minors

It is hereby unlawful for any person under the legal age (“underage person”) who, without legal authority, knowingly possesses or knowingly consumes an alcoholic beverage on private property. No person shall be considered to knowingly possess an alcoholic beverage merely because he or she is present where alcoholic beverages are being consumed.

§ 66-34 Exemptions to Prohibition on Alcohol Possession and Consumption by Minors

A person under the legal age shall not be prohibited from:

- A. Possessing or consuming an alcoholic beverage in connection with a religious observance, ceremony, or rite or possessing or consuming an alcoholic beverage in the presence of, or with the written permission of such person’s parent or guardian or relative who has attained the legal age to purchase or consume alcoholic beverages; or
- B. The possession of an alcoholic beverage 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.

§ 66-35 Good Samaritan Exemption

Any person who affirmatively requests assistance from authorities (such as via a 9-1-1 call) or from an off-site adult (such as a parent, guardian or neighboring resident) for the purpose of seeking aid for a person who is suffering from the effects of alcohol or otherwise is in need of medical assistance shall not be charged under this ordinance with underage possession or consumption of alcohol on private property, as long as assistance is provided as a result of such request. In an instance where such an affirmative request for assistance is made, and the person to whom assistance is provided is under twenty-one, that person also shall not be charged under the ordinance with underage possession or consumption of alcohol on private property.

§ 66-36 Call for Aid Exemption

Any person who is a resident of a dwelling on private property and affirmatively requests assistance from authorities (such as via 9-1-1 call) or from an off-site adult (such as a parent, guardian or neighboring resident) for the purpose of controlling or removing non-residents who are on that property shall not be charged under this ordinance with underage possession of consumption of alcohol on private property, as long as assistance is provided as a result of such request.

§ 66-37 Definitions

As used in this Chapter, the following words shall have the following meanings:

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.

§ 66-38 Penalties for Possession or Consumption of Alcohol by Minors

A violation by an underage person of this Chapter shall be punished by a fine of \$250 for a first offense, and \$350 for any subsequent offense. In addition, the Court may, in its discretion, require the performance of community-related service.

§ 66-39 Driving Privilege Suspension of Minors for Violation of Article

- A. The court may, in addition to the penalty authorized for this offense, suspend or postpone for six (6) months the driving privileges of the defendant underage person. Upon conviction of any underage 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 ("Division") stating the first and last day of the suspension or postponement period imposed by the court pursuant to this Article. 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.

- B. If an underage person at the time of the imposition of a sentence has a valid driver's license issued by this State, the court may 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.
- C. The court shall inform the underage 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 written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to subsequent a charge of a violation of N.J.S.A. 39:3-40.
- D. If the underage person convicted under this Article is not a New Jersey resident, the court shall 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.

SECTION TWO: All Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency.

SECTION THREE: If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.

SECTION FOUR: This ordinance shall take effect immediately upon final passage and publication according to law.

CHESTERFIELD TOWNSHIP COMMITTEE

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Introduced: October 28, 2010  
 Adopted: