

ORDINANCE 2014-20

ORDINANCE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, PROHIBITING CONSUMPTION OF ALCOHOLIC BEVERAGES BY UNDERAGE PERSON ON PRIVATE PROPERTY

Be it ordained by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, that Chapter 29 entitled "Alcoholic Beverages Consumption by Underage Person on Private Property Prohibited" be added to the Barnegat Township General Code Book.

§29. Alcoholic beverages consumption by underage person on private property prohibited.

§29.1 It is hereby unlawful for any person under the legal age to, without legal authority, knowingly possess or knowingly consume an alcoholic beverage on private property.

§29.2. Violations and penalties.

1. 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.

2. 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.
3. 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.

§29.3. Exceptions.

1. 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.
2. 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 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.

§29.4. Adult permitting or encouraging underage violation.

1. No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned

by the person or under the person's control. This subsection does not apply to alcohol beverages used exclusively as part of a religious service.

2. Any person or corporation who or which rents any private premises or dwelling unit to persons who are under the age of 21 years shall be required to take all reasonable steps to prevent the furnishing or serving of alcoholic beverages by such persons to others or the use of alcoholic beverages by the tenants themselves during the period of said tenancy. A person or corporation who or which rents such private premises or dwelling unit to such person and who or which fails to take such reasonable steps shall be deemed for purposes of this section of the Code to be the person who furnished, served or allowed the furnishing and serving of alcoholic beverages to any minor who shall use or serve alcoholic beverages in said premises.
3. 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.

§29.5 Training:

Each and every liquor licensee is required to ensure all front of the house employees (Managers, Servers, Hosts, Bartenders, & Bussers) are certified and keep current a certification in Alcohol Management. TIPS (Training for Intervention Procedures) and TAMS (Techniques of Alcohol Management) certifications will be accepted. Additional programs may be acceptable to be determined on an individual basis. The licensee will keep on record a copy of employee certification #'s and expiration dates as part of employee files and upon request shall attach all TIPS or TAMS program current cards to their E141A forms for inspection.

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced on first reading at a regular meeting of the Barnegat Township Committee held on the 28th day of July, 2014, and will be considered for second reading and final adoption at a regular meeting of said Committee to be held on the 18th day of August, 2014, at 900 West Bay Avenue, Barnegat, New Jersey at which time and place any person wishing to be heard on the subject shall be given an opportunity to be so heard.

Sharon L. Auer
Acting Municipal Clerk