

Township of Lawrence  
County of Mercer

Ordinance No. 2089-11

**AN ORDINANCE AMENDING CHAPTER 3 OF THE LAWRENCE TOWNSHIP  
ADMINISTRATIVE CODE ENTITLED "ALCOHOLIC BEVERAGES"**

BE IT ORDAINED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that Chapter 3 of the Lawrence Township Administrative Code entitled "Alcoholic Beverages" be and is hereby amended by addition of the following new section:

**Section I**

**Section 3-33 Prohibition of Underage Drinking on Private Property**

**Definitions:**

- 1) Guardian- means a person who has qualified as a guardian of the underage person pursuant to testamentary or court appointment.
- 2) Relative- means the underage person's grandparent, aunt, uncle, sibling or any other person related by blood or affinity.
- 3) School- is defined as any public or private institution of learning or any post-secondary college or university.
- 4) School Public Safety Agency - is defined as any public or private agency that provides security and/or first responder medical treatment to students of a school.

**Section 3-33.1 Possession, consumption of alcoholic beverages by persons under legal age on private property prohibited**

It shall be unlawful for any person who is under the legal age to purchase alcoholic beverages to knowingly possess without legal authority or knowingly consume any alcoholic beverage on private property.

**Section 3-33.2 Violations and Penalties.**

Any person convicted or adjudicated for violating the terms of this ordinance shall be subject to the following fines:

- 1) First offense-\$250.00
- 2) Second or subsequent offenses - \$350.00
- 3) In addition, the court may, upon a finding of guilty, in addition to the fine authorized for this offense, suspend or postpone for six (6) months the driving privileges of the

defendant. 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 seventeen (17) years. If the defendant at the time of the imposition of the sentence has a valid driver's license issued, 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.

- 4) 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 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 in writing the 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.
- 5) If the person convicted under this ordinance 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 of Motor Vehicles the required report. The court shall not collect the license of a non-resident convicted under this Article. Upon receipt of a report by the court, the Division of Motor Vehicles shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

### **Section 3-33.3 Exceptions.**

- 1) Beverage consumption 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 ordinance 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;] a school of any type. However, this ordinance 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 the law against a person who is convicted of unlawful alcoholic beverage activity on or at premises licensed for the sale of alcoholic beverages.
- 3) **Lifeline Exemption**
  - A. An underage person and one or two other persons shall be immune from prosecution under this ordinance if:

1. one of the underage persons called 9-1-1 or a School Public Safety Agency and reported that another underage person was in need of medical assistance due to alcohol consumption; and
2. the underage person who called 9-1-1 or a School Public Safety Agency and, if applicable, one or two other persons acting in concert with the underage person who called 9-1-1 or a School Public Safety Agency and provided each of their names to the 9-1-1 operator or School Public Safety Agency; and
3. the underage person was the first person to make the 9-1-1 report or report to the School Public Safety Agency; and
4. the underage person and, if applicable, one or two other persons acting in concert with the underage person who made the 9-1-1 call or call to a School Public Safety Agency and remained on the scene with the person under the legal age in need of medical assistance until assistance arrived and cooperated with medical assistance and law enforcement personnel on the scene.

The underage person who received medical assistance shall also be immune from prosecution under this ordinance.

**Section II. Repealer.**

All ordinances or parts of same inconsistent with any of the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**Section III. Severability.**

If any section, paragraph, sentence, clause or phrase of this ordinance shall be declared invalid for any reason, the remaining portions of said ordinance shall not be affected thereby and shall remain in full force and effect.

**Section IV. Effective Date.**

This ordinance shall become effective twenty (20) days after adoption thereof.

Adopted: April 21, 2011

New Material Underlined \_\_\_\_\_ Deleted Material Bracketed [ ]

RECORD OF VOTE

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Bostock	X					X	
Mr. Kownacki	X						
Ms. Mount	X						
Mr. Powers	X						X
Mayor Puliti	X						

