

1st Apr 2  
2nd Apr 16  
(legal not in paper)  
3rd May 7  
Effective  
MAY 27, 2012

**TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY**

**ORDINANCE #2012-2012-06**

**AN ORDINANCE AMENDING CHAPTER 157, ALCOHOLIC BEVERAGES, OF THE CODE OF THE TOWNSHIP OF LOWER**

WHEREAS, the Township has been requested to consider adopting an ordinance regarding underaged drinking on private property and after discussion agreed that the ordinance would be beneficial.

NOW, THEREFORE, BE IT RESOLVED as follows:

SECTION 1. Chapter 157, entitled Alcoholic Beverages, of the Revised General Ordinances is hereby amended to include the following new sections:

**§ 157-14. Unlawful possession or consumption.**

It shall be unlawful for any minor under the age of 21 years to knowingly possess or knowingly consume any alcoholic beverage upon private property without legal authority therefor except as otherwise set forth herein.

**A. Exceptions.**

1. A minor under the age of 21 years may possess or consume an alcoholic beverage in connection with a religious observance, ceremony or rite, or consume or possess an alcoholic beverage in the presence of and with the permission of a parent, guardian or relative, who has obtained the legal age to purchase and consume alcoholic beverages.

2. A minor under the age of 21 years may possess alcoholic beverages while actually engaged in the performance of employment by a person who is licensed under Title 33 of the Revised Statutes of the State of New Jersey, or while such minor is 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.

**B. Definitions.**

The definitions contained in N.J.S.A. 40:48-1.2c(2) are applicable to this article and are currently as follows:

1. **GUARDIAN:** A person who has qualified as a guardian of the underaged person, pursuant to testamentary or court appointment.

2. **RELATIVE:** The underaged person's grandparent, aunt, uncle, sibling, or any other person related by blood or affinity.

**C. Violations and penalties; suspension or postponement of driving privileges; Diversion Encouraged**

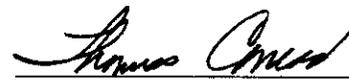
Anyone convicted of a violation of this article shall be subject to a fine of \$250 for the first offense and \$350 for any subsequent offense. In addition thereto, the sentencing court may, in addition to the fine authorized herein, suspend or postpone, for six months, the driving privileges of the defendant. If the defendant, at the time of sentencing, 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. Nothing in this section shall be deemed to prevent the Municipal Prosecutor, in the exercise of sound discretion, from proposing and the Court approving, without a plea of guilty, an informal diversionary program which would require an assessment of an underaged individual's possible alcohol dependency and/or an educational component related to the dangers of underage alcohol consumption.

SECTION 2. All other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

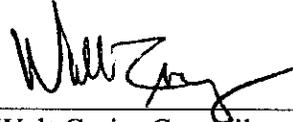
SECTION 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

SECTION 4. Upon final passage and publication according to law, a copy of this Ordinance shall forthwith be certified by an appropriate officer of the Township of Lower.

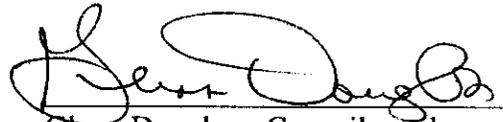
SECTION 5. This Ordinance shall take effect twenty (20) days after final passage and publication as provided by law provided.



Thomas Conrad, Councilmember



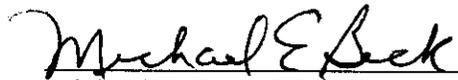
Walt Craig, Councilmember



Glenn Douglass, Councilmember



Kevin Hare, Councilmember



Michael E. Beck, Mayor

Attest:   
Claudia R. Kammer, Township Clerk

Adopted: May 7, 2012