

**ORDINANCE NO. 6-2016**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING PART  
II ENTITLED GENERAL LEGISLATION OF THE CODE OF THE  
TOWNSHIP WITH THE INCLUSION OF A NEW CHAPTER 83 TO BE  
ENTITLED "POSSESSION AND CONSUMPTION OF ALCOHOLIC  
BEVERAGES ON PRIVATE PROPERTY"**

**BE IT ORDAINED**, by the Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey as follows:

**SECTION 1.** Part II of the General Legislation of the Code of the Township of Hanover is hereby amended and supplemented with the inclusion of a new Chapter 83 to be entitled "Possession and Consumption of Alcoholic Beverages on Private Property," as follows:

§83-1. Possession and Consumption Prohibited. It shall be unlawful for any person under the legal age to, without legal authority, knowingly possess or knowingly consume an alcoholic beverage on private property, except as provided for in Section 83-4. below.

§83-2. Violations and Penalties. Any person convicted of violating the provisions of this Chapter shall, in accordance with the provisions of N.J.S.A. 40:48-1, as amended, be punished by a fine not to exceed \$250 for the first offense and not to exceed \$350 for any subsequent offense.

§83-3. Additional Penalties.

A. In addition to the fine authorized for this offense, the Court may suspend or postpone for six months the driving privilege of the defendant. In the event the Court exercises its discretion and imposes a suspension or postponement of the defendant's driving privilege, the Court shall forward a report to the New Jersey Motor Vehicle Commission stating the first and last day of the suspension or postponement period imposed by the Court pursuant to N.J.S.A. 40:48-1, as amended. 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 a person at the time of the imposition of a sentence has a valid driver's license issued by this state, the Court shall immediately collect the license and forward it to the New Jersey Motor Vehicle Commission 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 the first and last date of the license suspension period imposed by the Court.

C. 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. A person 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 a written notice shall not be a defense to a subsequent charge of a violation of N.J.S.A. 39:3-40.

D. If a person convicted under this Chapter 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 it to the New Jersey Motor Vehicle Commission on the required report. The Court shall not collect the license of a nonresident convicted under this article. Upon receipt of a report from the Court, the New Jersey Motor Vehicle Commission shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

#### §83-4. Exceptions.

A. Nothing contained in this Chapter is intended, nor shall it be construed, as prohibiting an under-aged 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 under-aged 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 under-aged 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. As used in the preceding Subsection A, the following terms shall have the meanings set forth:

#### GUARDIAN

A person who has qualified as a guardian of the under-aged person pursuant to testamentary or court appointment.

#### RELATIVE

The under-aged person's grandparent, aunt or uncle, sibling, or any other persons related by blood or affinity.

C. Nothing contained in this Chapter is intended nor shall it be construed as prohibiting possession of alcoholic beverages by any such person while actually

engaged in the performance of employment by a person who is 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; provided, however, that 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.

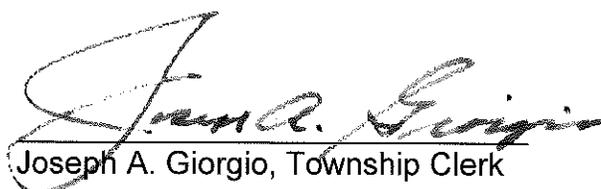
**SECTION 2.** All ordinances or parts of ordinances of the Township of Hanover inconsistent herewith are repealed to the extent of such inconsistency.

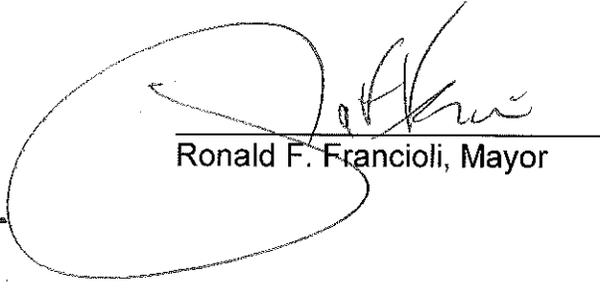
**SECTION 3.** If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

**SECTION 4.** This Ordinance shall take effect in accordance with law.

TOWNSHIP COMMITTEE  
TOWNSHIP OF HANOVER  
COUNTY OF MORRIS  
STATE OF NEW JERSEY

ATTEST:

  
Joseph A. Giorgio, Township Clerk

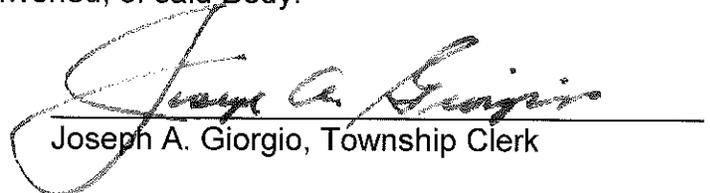
  
Ronald F. Francioli, Mayor

DATE OF INTRODUCTION: February 11, 2016  
DATE OF ADOPTION: February 25, 2016

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**CERTIFICATION**

I, Joseph A. Giorgio, Township Clerk of the Township of Hanover, County of Morris and State of New Jersey, do hereby certify the foregoing to be a true copy of an ordinance adopted by the Township Committee of said Township on the 25<sup>th</sup> day of February, 2016, at a meeting duly convened, of said Body.

  
Joseph A. Giorgio, Township Clerk