

**TOWNSHIP OF MANALAPAN
ORDINANCE NO. 2009-21**

**AN ORDINANCE AMENDING AND SUPPLEMENTING
THE MUNICIPAL CODE OF THE TOWNSHIP OF MANALAPAN
CHAPTER 55 ALCOHOLIC BEVERAGES
IN ORDER TO AMEND SECTION 55-8 MINORS
TO INCLUDE REGULATIONS PROHIBITING POSSESSION OR
CONSUMPTION OF ALCOHOLIC BEVERAGES
BY UNDERAGE PERSONS ON PRIVATE PROPERTY**

WHEREAS, Municipalities are empowered to make, amend, repeal and enforce ordinances pursuant to N.J.S.A. 40:48-1 et. seq.; and

WHEREAS, it is the intention of the Township Committee to amend the Municipal Code of the Township of Manalapan Chapter 55 Alcoholic Beverages in order to amend and supplement Chapter 55-8 Minors to include regulations prohibiting possession or consumption of alcoholic beverages by underage persons on private property;

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Manalapan, County of Monmouth, and State of New Jersey as follows:

Section I.

The following section shall be added to the Ordinance.

Section 55-8C. Definitions

As used in this section:

“Guardians” means a person who has qualified as a guardian of the underaged person pursuant to testamentary or court appoint.

“Relative” means the underaged person’s grandparent, aunt or uncle, sibling, or any other person related by blood or affinity.

Section II.

The following section shall be added to the ordinance.

Section 55-8D. Possession, consumption of alcoholic beverages by persons under legal age on private property.

It shall be unlawful for any person under the legal age who, without legal authority defined herein, knowingly possesses or knowingly consumes an alcoholic beverage on private property.

Section III.

The following section shall be added to the ordinance.

Section 55-8E. Exceptions.

A person under the legal age shall be deemed to possess or consume an alcoholic beverage without legal authority if said possession or consumption is not in connection with any of the following:

1. In connection with a religious observance, ceremony or rite; or
2. 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; or
3. By each such person while actually engaged in the performance of employment by a person licensed under Title 33 (The Alcoholic Beverage Control Law) or while actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a county vocational or post-secondary educational institution.

Section IV.

The following section shall be added to the ordinance.

Section 58-8F. Violation and Penalties.

A violation of this Ordinance shall be punishable by a fine of \$250.00 for the first offense, and \$350.00 for any subsequent offense. In addition to any fine imposed, the Court may suspend or postpone for 6 months the driving privilege of the defendant in accordance with the procedures set forth in N.J.S.A. 40:48-1.2 and amendments thereto which are hereby incorporated herein by reference.

Section V.

Severability.

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

Section VI.

Repealer.

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency or conflicts.

Section VII.

Effective Date.

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