

**BOROUGH OF PENNINGTON  
ORDINANCE NO. 2007-14**

**AN ORDINANCE PROHIBITING UNDERAGE DRINKING ON PRIVATE  
PROPERTY AND SUPPLEMENTING PART II OF THE CODE OF THE  
BOROUGH OF PENNINGTON**

**WHEREAS**, the legal drinking age in New Jersey is 21.

**WHEREAS**, adolescence is a period when young people attempt to mature and become independent. Unfortunately, peer pressure and the need to belong to a group can result in risky and sometimes dangerous behavior. Underage drinking is one of these behaviors, and often results in serious medical, legal, and public health ramifications.

**WHEREAS**, statistics from the Centers for Disease Control and the National Institutes of Health, as well as medical and public health studies world-wide, note the deleterious consequences of underage drinking. These include, but are not limited to, drinking and driving, suicide, sexual assault, and high-risk sex. Causal links between early alcohol use and alcohol dependence have been demonstrated in longitudinal medical and epidemiological studies.

**WHEREAS**, by developing a rigorous and congruent set of legal enforcement laws aimed at curbing underage drinking in Hopewell Valley, the community serves notice that it places its concern for the health and safety of its young people at the forefront.

**WHEREAS**, it is clear that reducing underage drinking will not only require a comprehensive underage drinking ordinance, but a broad array of community-based efforts to monitor the activities of youth and decrease youth access to alcohol. However, while a comprehensive underage drinking ordinance will not solve problems of underage drinking in and of itself, it will – through its very existence – provide a useful adjunct to educational and counseling efforts already in place.

**WHEREAS**, an ordinance regulating underage drinking is supported by the Hopewell Advisory Board of Health, the Hopewell Township Health Department, the Hopewell Valley Municipal Alliance, the Boards of Health of Pennington Borough, Hopewell Township and Hopewell Borough, the Hopewell Valley Regional School System, the Mercer County Prosecutor's Office and all Hopewell Valley police and law enforcement agencies.

**NOW, THEREFORE**, be it ordained by the Borough Council of the Borough of Pennington, that Part II of the Code of the Borough of Pennington, concerning "General Legislation," be supplemented by adding the following:

**Chapter \_\_\_\_ . UNDERAGE DRINKING**

**1. Alcoholic beverage consumption by minors.**

It is hereby unlawful for any person under the legal age ("underage person") who, without legal authority, knowingly possesses or knowingly consumes an alcoholic beverage on private property. No person shall be considered to knowingly possess an alcoholic beverage merely because he or she is present where alcoholic beverages are being consumed.

**2. Exemptions to prohibition on alcohol possession and consumption by minors.**

A person under the legal age shall not be prohibited from (a) possessing or consuming an alcoholic beverage in connection with a religious observance, ceremony, or rite or possessing or consuming an alcoholic beverage in the presence of or with the written permission of such person's parent or guardian or relative who has attained the legal age to purchase or consume alcoholic beverages; or (b) possessing an alcoholic beverage 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.

**3. Good Samaritan Exemption**

Any person who affirmatively requests assistance from authorities (such as via a 911 call) or from an off-site adult (such as a parent, guardian or neighboring resident) for the purpose of seeking aid for a person who is suffering from the effects of alcohol or otherwise is in need of medical assistance shall not be charged under this ordinance with underage possession or consumption of alcohol on private property, as long as assistance is provided as a result of such request. In an instance where such an affirmative request for assistance is made, and the person to whom assistance is provided is under twenty-one, that person also shall not be charged under the ordinance with underage possession or consumption of alcohol on private property.

#### **4. Call for Aid Exemption**

Any person who is a resident of a dwelling on private property and affirmatively requests assistance from authorities (such as via a 911 call) or from an off-site adult (such as a parent, guardian or neighboring resident) for the purpose of controlling or removing non-residents who are on that property shall not be charged under this ordinance with underage possession or consumption of alcohol on private property, as long as assistance is provided as a result of such request.

#### **5. Definitions.** As used in this Section:

"Guardian" means a person who has qualified as a guardian of the underage person pursuant to testamentary or court appointment.

"Relative" means the underage person's grandparent, aunt or uncle, sibling, or any other person related by blood or affinity.

#### **6. Penalties for possession or consumption of alcohol by minors.**

A violation by an underage person of this Article shall be punished by a fine of \$250 for a first offense, and \$350 for any subsequent offense. In addition, the Court may, in its discretion, require the performance of community-related service.

#### **7. Driving privilege suspension of minors for violation of Article.**

(a) The court may, in addition to the penalty authorized for this offense, suspend or postpone for six months the driving privileges of the defendant underage person. Upon the conviction of any underage 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 (Division) stating the first and last day of the suspension or postponement period imposed by the court pursuant to this Article. 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 reached the age of 17 years.

(b) If an underage person at the time of the imposition of a sentence has a valid driver's license issued by this State, the court may immediately collect the license and forward it to the Division 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.

(c) The court shall inform the underage 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 the underage person convicted under this Article 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 the required report. The court shall not collect the license of a non-resident convicted under this section. Upon receipt of a report by the court, the Division shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

#### **8. Mandatory alcohol counseling for violation of Article.**

(a) Any person 18 years of age or younger who is convicted of a violation of this section shall be required to complete a court-approved alcohol counseling program.

(b) Any person 19 years of age or older who is convicted of a second or subsequent violation of this section shall be required to complete a court-approved alcohol counseling program.

#### **9. Annual Review**

The Chief of Police and the Health Officer will annually present to the governing body a report on the effectiveness of this ordinance.

#### **10. Repealer**

If any section of this ordinance is adjudged invalid, such adjudication shall apply only to the specific section so adjudged and the remainder of the ordinance shall be deemed valid.

**11. Effective Date**

This ordinance shall take effect upon passage and publication, in accordance with law.

Introduced: \_\_\_\_\_

Advertised: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

Adoption: \_\_\_\_\_

Advertised: \_\_\_\_\_

Attest:

Approved:

\_\_\_\_\_  
Elizabeth Sterling, Borough Clerk

\_\_\_\_\_  
Anthony Persichilli, Mayor