

SENATE, No. 692

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED JANUARY 24, 2000

Sponsored by:

Senator LEONARD T. CONNORS, JR.

District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Prohibits possession or consumption of alcoholic beverages on private property by persons under legal drinking age.

CURRENT VERSION OF TEXT

As introduced.



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2

1 AN ACT concerning possession and consumption of alcoholic
2 beverages by underaged persons, supplementing Title 33 of the
3 Revised Statutes and amending P.L.1979, c.264 and P.L.1982,
4 c.77.

5
6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8
9 1. Section 1 of P.L.1979, c.264 (C.2C:33-15) is amended to read
10 as follows:

11 1. a. Any person under the legal age to purchase alcoholic
12 beverages who [~~knowingly possesses~~], without legal authority,
13 knowingly possesses or [~~who~~] knowingly consumes any alcoholic
14 beverage in any school, public conveyance, public place, or place of
15 public assembly, or motor vehicle, is guilty of a disorderly persons
16 offense, and shall be fined not less than [~~\$500.00~~] \$500.

17 b. [~~Whenever this offense is committed in a motor vehicle, the~~]
18 The court shall, in addition to the sentence authorized for [~~the~~] this
19 offense, suspend or postpone for six months the driving privilege of
20 the defendant. Upon the conviction of any person under this section,
21 the court shall forward a report to the Division of Motor Vehicles
22 stating the first and last day of the suspension or postponement period
23 imposed by the court pursuant to this section. If a person at the time
24 of the imposition of a sentence is less than 17 years of age, the period
25 of license postponement, including a suspension or postponement of
26 the privilege of operating a motorized bicycle, shall commence on the
27 day the sentence is imposed and shall run for a period of six months
28 after the person reaches the age of 17 years.

29 If a person at the time of the imposition of a sentence has a valid
30 driver's license issued by this State, the court shall immediately collect
31 the license and forward it to the division along with the report. If for
32 any reason the license cannot be collected, the court shall include in
33 the report the complete name, address, date of birth, eye color, and
34 sex of the person as well as the first and last date of the license
35 suspension period imposed by the court.

36 The court shall inform the person orally and in writing that if the
37 person is convicted of operating a motor vehicle during the period of
38 license suspension or postponement, the person shall be subject to the
39 penalties set forth in R.S.39:3-40. A person shall be required to
40 acknowledge receipt of the written notice in writing. Failure to
41 receive a written notice or failure to acknowledge in writing the
42 receipt of a written notice shall not be a defense to a subsequent
43 charge of a violation of R.S.39:3-40.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 If the person convicted under this section is not a New Jersey
2 resident, the court shall suspend or postpone, as appropriate, the
3 non-resident driving privilege of the person based on the age of the
4 person and submit to the division the required report. The court shall
5 not collect the license of a non-resident convicted under this section.
6 Upon receipt of a report by the court, the division shall notify the
7 appropriate officials in the licensing jurisdiction of the suspension or
8 postponement.

9 c. A person who violates the provisions of this section shall be
10 ordered by the court to perform community service for a period of not
11 more than 180 days. The community service so ordered shall be of a
12 form and on terms as the court shall deem appropriate for the
13 circumstances. All fines imposed upon persons who violate the
14 provisions of this section shall be paid to the probation office of the
15 county wherein the community service shall be performed and shall be
16 used exclusively to defray the cost incurred by the probation office,
17 agency, local governmental unit, or individual assigned supervisory
18 responsibility for that violator's community service. In addition [to the
19 general penalty prescribed for a disorderly persons offense], the court
20 may require any person who violates this act to participate in an
21 alcohol education or treatment program, authorized by the Department
22 of Health, for a period not to exceed the maximum period of
23 confinement prescribed by law for the offense for which the individual
24 has been convicted.

25 d. Nothing in this act shall apply to possession of alcoholic
26 beverages by any such person while actually engaged in the
27 performance of employment [pursuant to an employment permit issued
28 by the Director of the Division of Alcoholic Beverage Control, or for
29 a bona fide hotel or restaurant, in accordance with the provisions of
30 R.S.33:1-26] by a person who is licensed under Title 33 of the Revised
31 Statutes, or while actively engaged in the preparation of food while
32 enrolled in a culinary arts or hotel management program at a county
33 vocational school or post secondary educational institution; however,
34 this subsection shall not be construed to preclude the imposition of a
35 penalty under this section, R.S.33:1-81, or any other section of law
36 against a person who is convicted of unlawful alcoholic beverage
37 activity on or at premises licensed for the sale of alcoholic beverages.

38 e. The provisions of section 3 of P.L.1991, c.169 (C.33:1-81.1a)
39 shall apply to a parent, guardian or other person with legal custody of
40 a person under 18 years of age who is found to be in violation of this
41 section.

42 (cf: P.L.1997, c.161, s.1)

43

44 2. (New section) a. Any person under the legal age to purchase
45 alcoholic beverages who, without legal authority, knowingly possesses
46 or knowingly consumes an alcoholic beverage on private property

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1 shall be fined \$200 for a first offense and \$350 for a subsequent
2 offense; in addition, the person shall be ordered by the court to
3 perform community service for a period of not more than 180 days.
4 The community service so ordered shall be of a form and on terms as
5 the court shall deem appropriate for the circumstances.

6 b. All fines imposed upon persons who violate the provisions of
7 this section shall be paid to the probation office of the county wherein
8 the community service shall be performed and shall be used exclusively
9 to defray the cost incurred by the probation office, agency, local
10 governmental unit, or individual assigned supervisory responsibility for
11 that violator's community service.

12 c. This section shall not apply to an underaged person who
13 consumes or possesses an alcoholic beverage in connection with a
14 religious observance, ceremony, or rite or to an underaged person who
15 consumes or possesses an alcoholic beverage in the presence of and
16 with the permission of a parent or guardian who has attained the legal
17 age to purchase and consume alcoholic beverages. For the purposes
18 of this paragraph, guardian means a person who has qualified as a
19 guardian of the underaged person pursuant to testamentary or court
20 appointment.

21 d. Nothing in this act shall apply to possession of alcoholic
22 beverages by any such person while actually engaged in the
23 performance of employment by a person who is licensed under Title
24 33 of the Revised Statutes; however, this subsection shall not be
25 construed to preclude the imposition of a penalty under this section,
26 R.S.33:1-81, or any other section of law against a person who is
27 convicted of unlawful alcoholic beverage activity on or at premises
28 licensed for the sale of alcoholic beverages.

29 e. The court shall, in addition to the sentence authorized for this
30 offense, suspend or postpone for six months the driving privilege of
31 the defendant. Upon the conviction of any person under this section,
32 the court shall forward a report to the Division of Motor Vehicles
33 stating the first and last day of the suspension or postponement period
34 imposed by the court pursuant to this section. If a person at the time
35 of the imposition of a sentence is less than 17 years of age, the period
36 of license postponement, including a suspension or postponement of
37 the privilege of operating a motorized bicycle, shall commence on the
38 day the sentence is imposed and shall run for a period of six months
39 after the person reaches the age of 17 years.

40 If a person at the time of the imposition of a sentence has a valid
41 driver's license issued by this State, the court shall immediately collect
42 the license and forward it to the division along with the report. If for
43 any reason the license cannot be collected, the court shall include in
44 the report the complete name, address, date of birth, eye color, and
45 sex of the person as well as the first and last date of the license
46 suspension period imposed by the court.

1 The court shall inform the person orally and in writing that if the
2 person is convicted of operating a motor vehicle during the period of
3 license suspension or postponement, the person shall be subject to the
4 penalties set forth in R.S.39:3-40. A person shall be required to
5 acknowledge receipt of the written notice in writing. Failure to
6 receive a written notice or failure to acknowledge in writing the
7 receipt of a written notice shall not be a defense to a subsequent
8 charge of a violation of R.S.39:3-40.

9 If the person convicted under this section is not a New Jersey
10 resident, the court shall suspend or postpone, as appropriate, the
11 non-resident driving privilege of the person based on the age of the
12 person and submit to the division the required report. The court shall
13 not collect the license of a non-resident convicted under this section.
14 Upon receipt of a report by the court, the division shall notify the
15 appropriate officials in the licensing jurisdiction of the suspension or
16 postponement.

17

18 3. Section 4 of P.L.1982, c.77 (C.2A:4A-23) is amended to read
19 as follows:

20 4. Definition of delinquency. As used in this act, "delinquency"
21 means the commission of an act by a juvenile which if committed by
22 an adult would constitute:

23 a. A crime;

24 b. A disorderly persons offense or petty disorderly persons offense;
25 [or]

26 c. A violation of any other penal statute, ordinance or regulation;
27 or

28 d. A violation of section 2 of P.L. , c. (C.) (now pending
29 before the Legislature as this bill).

30 But, the commission of (1) an act which constitutes a violation of
31 chapter 3, 4, 6 or 8 of Title 39 of the Revised Statutes by a juvenile of
32 any age; (2) an act relating to the ownership or operation of a
33 motorized bicycle which constitutes a violation of chapter 3 or 4 of
34 Title 39 of the Revised Statutes by a juvenile of any age; (3) an act
35 which constitutes a violation of article 3 or 6 of chapter 4 of Title 39
36 of the Revised Statutes pertaining to pedestrians and bicycles, by a
37 juvenile of any age; (4) the commission of an act which constitutes a
38 violation of P.L.1981, c.318 (C.26:3D-1 et seq.), P.L.1981, c.319
39 (C.26:3D-7 et seq.), P.L.1981, c.320 (C.26:3D-15 et seq.), P.L.1985,
40 c.185 (C.26:3E-7 et seq.), P.L.1985, c.186 (C.26:3D-32 et seq.),
41 N.J.S.2C:33-13, P.L.1985, c.318 (C.26:3D-38 et seq.), P.L.1985,
42 c.381 (C.26:3D-46 et seq.), or of any amendment or supplement
43 thereof, by a juvenile of any age;(5) an act which constitutes a
44 violation of chapter 7 of Title 12 of the Revised Statutes relating to
45 the regulation and registration of power vessels, by a juvenile of any
46 age or section 2 of P.L.1987, c.453 (C.12:7-61); or (6) an act which

1 constitutes a violation of a municipal ordinance enacted pursuant to
2 section 2 of P.L.1992, c.132 (C.40:48-2.52) pertaining to curfew
3 ordinances shall not constitute delinquency as defined in this act. The
4 municipal court having jurisdiction over a case involving a violation by
5 a juvenile of a section of Title 26 listed in this subsection, Title 40
6 listed in this subsection or N.J.S.2C:33-13, shall forward a copy of the
7 record of conviction in that case to the Family Part intake service of
8 the county where the municipal court is located. If a municipal court
9 orders detention or imposes a term of imprisonment on a juvenile in
10 connection with a violation of Title 39 of the Revised Statutes, chapter
11 7 of Title 12 of the Revised Statutes, Title 40 of the Revised Statutes
12 or N.J.S.2C:33-13, that detention or term of imprisonment shall be
13 served at a suitable juvenile institution and not at a county jail or
14 county workhouse.

15 (cf: P.L.1997, c.383, s.1)

16

17 4. This act shall take effect immediately.

18

19

20

STATEMENT

21

22 This bill prohibits the possession or consumption of alcoholic
23 beverages on private property by persons under the legal age to
24 purchase alcoholic beverages.

25 The bill supplements Title 33 of the Revised Statutes (alcoholic
26 beverages) to provide that an underage person is prohibited from
27 possessing or consuming an alcoholic beverage on private property,
28 unless that possession or consumption is in connection with a religious
29 observance, ceremony or rite, or the underage person possesses or
30 consumes that beverage in the presence of and with the permission of
31 a parent or guardian who is of legal age. Violators would be subject
32 to a \$200 fine for a first offense and a \$350 fine for any subsequent
33 offense. In addition to the fine, the violator would be required to
34 perform up to 180 days of community service. Finally, the violator's
35 driving privileges are to be either suspended or postponed for six
36 months. The suspension is imposed in those cases where the violator
37 has a New Jersey driver's license; the postponement applies to
38 violators under the age of 17, pushing back the age at which they are
39 eligible for a New Jersey driver's license from 17 to 17 years and six
40 months.

41 The bill also amends section 1 of P.L.1979, c.264 (C.2C:33-15),
42 which prohibits the possession and consumption of alcoholic beverages
43 by underage persons in certain public places, to provide additional
44 sanctions. Under this bill, a violator would be required to perform up
45 to 180 days of community service and his driving privileges would be
46 suspended or postponed for a period of six months, depending upon

1 his age at the time of the offense. Currently, the court may impose
2 such a suspension or postponement only if the offense took place in a
3 motor vehicle.

4 The bill includes an exemption for underage persons who are
5 employed by alcoholic beverage licensees. This provision makes it
6 permissible for underage persons who, for example, are working as
7 waiters, waitresses, busboys, or stock boys in restaurants or liquor
8 stores to legally possess the alcoholic beverage they are delivering to
9 a customer or placing on display for sale.

10 Finally, the bill amends N.J.S.2A:4A:23 to include the illegal
11 possession or consumption of an alcoholic beverage by a underage
12 person on private property as an action which constitutes an act of
13 "delinquency" under the "New Jersey Code of Juvenile Justice,"
14 P.L.1982, c.77 (C.2A:4A-20 et seq.).

15 It is the committee's understanding that the actions of law
16 enforcement officers in enforcing the provisions of this act would be
17 governed by the Fourth Amendment of the United States Constitution,
18 made applicable to the states through the Fourteenth Amendment,
19 which prohibits unreasonable searches and seizures by government
20 agents. This law prohibits law enforcement officers from searching or
21 making arrests in private dwellings without a search warrant based
22 upon probable cause absent extraordinary circumstances.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 692**

STATE OF NEW JERSEY

DATED: MARCH 20, 2000

The Senate Law and Public Safety Committee reports favorably a Senate Committee Substitute for Senate Bill No. 692.

This bill permits a municipality to enact an ordinance prohibiting the possession or consumption of alcoholic beverages on private property by persons under the legal age to purchase alcoholic beverages.

Under the bill's provisions, the ordinance would provide that an underage person is prohibited from possessing or consuming an alcoholic beverage on private property, unless that possession or consumption is in connection with a religious observance, ceremony or rite, or the underage person possesses or consumes that beverage in the presence of and with the permission of a parent, guardian or relative who is of legal age. Violators would be subject to a \$250 fine for a first offense and a \$350 fine for any subsequent offense. The court also would have the discretion to suspend or postpone the violator's driving privileges for six months. The suspension would be imposed in those cases where the violator has a New Jersey driver's license; the postponement would apply to violators under the age of 17, pushing back the age at which they are eligible for a New Jersey driver's license from 17 to 17 years and six months.

Any ordinance enacted under this bill must include an exemption for underage persons who are employed by alcoholic beverage licensees. Such a provision makes it permissible for underage persons who, for example, are working as waiters, waitresses, busboys, or stock boys in restaurants or liquor stores to legally possess the alcoholic beverage they are delivering to a customer or placing on display for sale.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 692**

STATE OF NEW JERSEY

DATED: MAY 22, 2000

The Assembly Law and Public Safety Committee reports favorably the Senate Committee Substitute for Senate Bill No. 692.

The Senate Committee Substitute for Senate Bill No. 692 permits a municipality to enact an ordinance prohibiting the possession or consumption of alcoholic beverages on private property by persons under the legal age to purchase alcoholic beverages.

Under the provisions of the committee substitute, municipalities may enact ordinances prohibiting underage persons from possessing or consuming an alcoholic beverage on private property, unless that possession or consumption is in connection with a religious observance, ceremony or rite, or the underage person possesses or consumes that beverage in the presence of and with the permission of a parent, guardian or relative who is of legal age. Violators would be subject to a \$250 fine for a first offense and a \$350 fine for any subsequent offense. The court also would have the discretion to suspend or postpone the violator's driving privileges for six months. The suspension would be imposed in those cases where the violator has a New Jersey driver's license; the postponement would apply to violators under the age of 17, increasing the age at which they are eligible for a New Jersey driver's license from 17 to 17 years and six months.

Any ordinance enacted under the committee substitute must include an exemption for underage persons who are employed by alcoholic beverage licensees. Such a provision makes it permissible for underage persons who, for example, are working as waiters, waitresses, busboys, or stock boys in restaurants or liquor stores to legally possess the alcoholic beverage they are delivering to a customer or placing on display for sale.

The Senate Committee Substitute for Senate Bill No. 692 is identical to the Assembly Committee Substitute for Assembly Bill No. 1492, also reported by the committee on this date.

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 692

STATE OF NEW JERSEY
209th LEGISLATURE

ADOPTED MARCH 20, 2000

Sponsored by:

Senator LEONARD T. CONNORS, JR.

District 9 (Atlantic, Burlington and Ocean)

Senator ANTHONY R. BUCCO

District 25 (Morris)

SYNOPSIS

Permits municipalities to enact ordinance prohibiting possession or consumption of alcoholic beverages on private property by underage persons.

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate Law and Public Safety Committee.



1 **AN ACT** concerning possession and consumption of alcoholic
2 beverages by underaged persons, supplementing Title 40 of the
3 Revised Statutes and amending R.S.40:48-1.

4
5 1. (New section) a. A municipality may enact an ordinance
6 making it unlawful for any person under the legal age who, without
7 legal authority, knowingly possesses or knowingly consumes an
8 alcoholic beverage on private property. The ordinance shall provide
9 that a violation shall be punished by a fine of \$250 for a first offense
10 and \$350 for any subsequent offense.

11 b. The ordinance shall provide that the court may, in addition to
12 the fine authorized for this offense, suspend or postpone for six
13 months the driving privilege of the defendant. Upon the conviction of
14 any person and the suspension or postponement of that person's
15 driver's license, the court shall forward a report to the Division of
16 Motor Vehicles stating the first and last day of the suspension or
17 postponement period imposed by the court pursuant to this section.
18 If a person at the time of the imposition of a sentence is less than 17
19 years of age, the period of license postponement, including a
20 suspension or postponement of the privilege of operating a motorized
21 bicycle, shall commence on the day the sentence is imposed and shall
22 run for a period of six months after the person reaches the age of 17
23 years.

24 If a person at the time of the imposition of a sentence has a valid
25 driver's license issued by this State, the court shall immediately collect
26 the license and forward it to the division along with the report. If for
27 any reason the license cannot be collected, the court shall include in
28 the report the complete name, address, date of birth, eye color, and
29 sex of the person, as well as the first and last date of the license
30 suspension period imposed by the court.

31 The court shall inform the person orally and in writing that if the
32 person is convicted of operating a motor vehicle during the period of
33 license suspension or postponement, the person shall be subject to the
34 penalties set forth in R.S.39:3-40. A person shall be required to
35 acknowledge receipt of the written notice in writing. Failure to
36 receive a written notice or failure to acknowledge in writing the
37 receipt of a written notice shall not be a defense to a subsequent
38 charge of a violation of R.S.39:3-40.

39 If the person convicted under such an ordinance is not a New
40 Jersey resident, the court shall suspend or postpone, as appropriate,
41 the non-resident driving privilege of the person based on the age of the
42 person and submit to the division the required report. The court shall
43 not collect the license of a non-resident convicted under this section.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 Upon receipt of a report by the court, the division shall notify the
2 appropriate officials in the licensing jurisdiction of the suspension or
3 postponement.

4 c. (1) No ordinance shall prohibit an underaged person from
5 consuming or possessing an alcoholic beverage in connection with a
6 religious observance, ceremony, or rite or consuming or possessing an
7 alcoholic beverage in the presence of and with the permission of a
8 parent, guardian or relative who has attained the legal age to purchase
9 and consume alcoholic beverages.

10 (2) As used in this section:

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

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

15 d. No ordinance shall prohibit possession of alcoholic beverages
16 by any such person while actually engaged in the performance of
17 employment by a person who is licensed under Title 33 of the Revised
18 Statutes, or while actively engaged in the preparation of food while
19 enrolled in a culinary arts or hotel management program at a county
20 vocational school or post secondary educational institution; however,
21 no ordinance enacted pursuant to this section shall be construed to
22 preclude the imposition of a penalty under this section, R.S.33:1-81,
23 or any other section of law against a person who is convicted of
24 unlawful alcoholic beverage activity on or at premises licensed for the
25 sale of alcoholic beverages.

26

27 2. R.S.40:48-1 is amended to read as follows:

28 40:48-1. Ordinances; general purpose. The governing body of
29 every municipality may make, amend, repeal and enforce ordinances
30 to:

31 Finances and property. 1. Manage, regulate and control the
32 finances and property, real and personal, of the municipality;

33 Contracts and contractor's bonds. 2. Prescribe the form and
34 manner of execution and approval of all contracts to be executed by
35 the municipality and of all bonds to be given to it;

36 Officers and employees; duties, terms and salaries. 3. Prescribe
37 and define, except as otherwise provided by law, the duties and terms
38 of office or employment, of all officers and employees; and to provide
39 for the employment and compensation of such officials and employees,
40 in addition to those provided for by statute, as may be deemed
41 necessary for the efficient conduct of the affairs of the municipality;

42 Fees. 4. Fix the fees of any officer or employee of the
43 municipality for any service rendered in connection with his office or
44 position, for which no specific fee or compensation is provided. In the
45 case of salaried officers or employees, such fee shall be paid into the
46 municipal treasury;

1 Salaries instead of fees; disposition of fees. 5. Provide that any
2 officer or employee receiving compensation for his services, in whole
3 or in part by fees, whether paid by the municipality or otherwise, shall
4 be paid a salary to be fixed in the ordinance, and thereafter all fees
5 received by such officer or employee shall be paid into the municipal
6 treasury;

7 Maintain order. 6. Prevent vice, drunkenness and immorality; to
8 preserve the public peace and order; to prevent and quell riots,
9 disturbances and disorderly assemblages; to prohibit the consumption
10 of alcoholic beverages by underage persons on private property
11 pursuant to section 1 of P.L. , c. (C.) (now pending before the
12 Legislature as this bill);

13 Punish beggars; prevention of loitering. 7. Restrain and punish
14 drunkards, vagrants, mendicants and street beggars; to prevent
15 loitering, lounging or sleeping in the streets, parks or public places;

16 Auctions and noises. 8. Regulate the ringing of bells and the
17 crying of goods and other commodities for sale at auction or
18 otherwise, and to prevent disturbing noises;

19 Swimming; bathing costume; prohibition of public nudity. 9.
20 Regulate or prohibit swimming or bathing in the waters of, in, or
21 bounding the municipality, and to regulate or prohibit persons from
22 appearing upon the public streets, parks and places clad in bathing
23 costumes or robes, or costumes of a similar character; regulate or
24 prohibit persons from appearing upon State-owned lands within its
25 borders in a state of nudity;

26 Prohibit annoyance of persons or animals. 10. Regulate or
27 prohibit any practice tending to frighten animals, or to annoy or injure
28 persons in the public streets;

29 Animals; pounds; establishment and regulation. 11. Establish and
30 regulate one or more pounds, and to prohibit or regulate the running
31 at large of horses, cattle, dogs, swine, goats and other animals, and to
32 authorize their impounding and sale for the penalty incurred, and the
33 costs of impounding, keeping and sale; to regulate or prohibit the
34 keeping of cattle, goats or swine in any part of the municipality; to
35 authorize the destruction of dogs running at large therein;

36 Hucksters. 12. Prescribe and regulate the place of vending or
37 exposing for sale articles of merchandise from vehicles;

38 Building regulations; wooden structures. 13. Regulate and control
39 the construction, erection, alteration and repair of buildings and
40 structures of every kind within the municipality; and to prohibit, within
41 certain limits, the construction, erection or alteration of buildings or
42 structures of wood or other combustible material;

43 Inflammable materials; inspect docks and buildings. 14. Regulate
44 the use, storage, sale and disposal of inflammable or combustible
45 materials, and to provide for the protection of life and property from
46 fire, explosions and other dangers; to provide for inspections of

1 buildings, docks, wharves, warehouses and other places, and of goods
2 and materials contained therein, to secure the proper enforcement of
3 such ordinance;

4 Dangerous structures; removal or destruction; procedure. 15.
5 Provide for the removal or destruction of any building, wall or
6 structure which is or may become dangerous to life or health, or might
7 tend to extend a conflagration; and to assess the cost thereof as a
8 municipal lien against the premises;

9 Chimneys and boilers. 16. Regulate the construction and setting
10 up of chimneys, furnaces, stoves, boilers, ovens and other contrivances
11 in which fire is used;

12 Explosives. 17. Regulate, in conformity with the statutes of this
13 State, the manufacture, storage, sale, keeping or conveying of
14 gunpowder, nitroglycerine, dynamite and other explosives;

15 Firearms and fireworks. 18. Regulate and prohibit the sale and
16 use of guns, pistols, firearms, and fireworks of all descriptions;

17 Soft coal. 19. Regulate the use of soft coal in locomotives,
18 factories, power houses and other places;

19 Theaters, schools, churches and public places. 20. Regulate the
20 use of theaters, cinema houses, public halls, schools, churches, and
21 other places where numbers of people assemble, and the exits
22 therefrom, so that escape therefrom may be easily and safely made in
23 case of fire or panic; and to regulate any machinery, scenery, lights,
24 wires and other apparatus, equipment or appliances used in all places
25 of public amusement;

26 Excavations. 21. Regulate excavations below the established
27 grade or curb line of any street, not greater than eight feet, which the
28 owner of any land may make, in the erection of any building upon his
29 own property; and to provide for the giving of notice, in writing, of
30 such intended excavation to any adjoining owner or owners, and that
31 they will be required to protect and care for their several foundation
32 walls that may be endangered by such excavation; and to provide that
33 in case of the neglect or refusal, for 10 days, of such adjoining owner
34 or owners to take proper action to secure and protect the foundations
35 of any adjacent building or other structure, that the party or parties
36 giving such notice, or their agents, contractors or employees, may
37 enter into and upon such adjoining property and do all necessary work
38 to make such foundations secure, and may recover the cost of such
39 work and labor in so protecting such adjacent property; and to make
40 such further and other provisions in relation to the proper conduct
41 and performance of said work as the governing body or board of the
42 municipality may deem necessary and proper;

43 Sample medicines. 22. Regulate and prohibit the distribution,
44 depositing or leaving on the public streets or highways, public places
45 or private property, or at any private place or places within any such
46 municipality, any medicine, medicinal preparation or preparations

1 represented to cure ailments or diseases of the body or mind, or any
2 samples thereof, or any advertisements or circulars relating thereto,
3 but no ordinance shall prohibit a delivery of any such article to any
4 person above the age of 12 years willing to receive the same;

5 Boating. 23. Regulate the use of motor and other boats upon
6 waters within or bounding the municipality;

7 Fire escapes. 24. Provide for the erection of fire escapes on
8 buildings in the municipality, and to provide rules and regulations
9 concerning the construction and maintenance of the same, and for the
10 prevention of any obstruction thereof or thereon;

11 Care of injured employees. 25. Provide for the payment of
12 compensation and for medical attendance to any officer or employee
13 of the municipality injured in the performance of his duty;

14 Bulkheads and other structures. 26. Fix and determine the lines
15 of bulkheads or other works or structures to be erected, constructed
16 or maintained by the owners of lands facing upon any navigable water
17 in front of their lands, and in front of or along any highway or public
18 lands of said municipality, and to designate the materials to be used,
19 and the type, height and dimensions thereof;

20 Lifeguard. 27. Establish, maintain, regulate and control a
21 lifeguard upon any beach within or bordering on the municipality;

22 Appropriation for life-saving apparatus. 28. Appropriate moneys
23 to safeguard people from drowning within its borders, by location of
24 apparatus or conduct of educational work in harmony with the plans
25 of the United States volunteer life-saving corps in this State;

26 Fences. 29. Regulate the size, height and dimensions of any
27 fences between the lands of adjoining owners, whether built or erected
28 as division or partition fences between such lands, and whether the
29 same exist or be erected entirely or only partly upon the lands of any
30 such adjoining owners, or along or immediately adjacent to any
31 division or partition line of such lands. To provide, in such ordinance,
32 the manner of securing, fastening or shoring such fences. In the case
33 of fences thereafter erected contrary to the provisions thereof, the
34 governing body may provide for a penalty for the violation of such
35 ordinance, and in the case of such fence or fences erected or existing
36 at the time of the passage of any such ordinance, may provide therein
37 for the removal, change or alteration thereof, so as to make such fence
38 or fences comply with the provisions of any such ordinance;

39 Advertise municipality. 30. Appropriate funds for advertising the
40 advantages of the municipality;

41 Government Energy Aggregation Programs. 31. Establish
42 programs and procedures pursuant to which the municipality may act
43 as a government aggregator pursuant to sections 40 through 45 of
44 P.L.1999, c.23 (C.48:3-89 through C.48:3-94. Notwithstanding the
45 provisions of any other law, rule or regulation to the contrary, a
46 municipality acting as a government aggregator pursuant to P.L.1999,

1 c.23 (C.48:3-49 et al.) shall not be deemed to be a public utility
2 pursuant to R.S.40:62-24 or R.S.48:1-1 et seq. or be deemed to be
3 operating any form of public utility service pursuant to R.S.40:62-1 et
4 seq., to the extent such municipality is solely engaged in the provision
5 of such aggregation service and not otherwise owning or operating any
6 plant or facility for the production or distribution of gas, electricity,
7 steam or other product as provided in R.S.40:62-12.
8 (cf: P.L.1999, c.141, s.1)
9
10 3. This act shall take effect immediately.

P.L. 2000, CHAPTER 33, *approved June 28, 2000*
Senate Committee Substitute for
Senate, No. 692

1 AN ACT concerning possession and consumption of alcoholic
2 beverages by underaged persons, supplementing Title 40 of the
3 Revised Statutes and amending R.S.40:48-1.

4
5 1. (New section) a. A municipality may enact an ordinance
6 making it unlawful for any person under the legal age who, without
7 legal authority, knowingly possesses or knowingly consumes an
8 alcoholic beverage on private property. The ordinance shall provide
9 that a violation shall be punished by a fine of \$250 for a first offense
10 and \$350 for any subsequent offense.

11 b. The ordinance shall provide that the court may, in addition to
12 the fine authorized for this offense, suspend or postpone for six
13 months the driving privilege of the defendant. Upon the conviction of
14 any person and the suspension or postponement of that person's
15 driver's license, the court shall forward a report to the Division of
16 Motor Vehicles stating the first and last day of the suspension or
17 postponement period imposed by the court pursuant to this section.
18 If a person at the time of the imposition of a sentence is less than 17
19 years of age, the period of license postponement, including a
20 suspension or postponement of the privilege of operating a motorized
21 bicycle, shall commence on the day the sentence is imposed and shall
22 run for a period of six months after the person reaches the age of 17
23 years.

24 If a person at the time of the imposition of a sentence has a valid
25 driver's license issued by this State, the court shall immediately collect
26 the license and forward it to the division along with the report. If for
27 any reason the license cannot be collected, the court shall include in
28 the report the complete name, address, date of birth, eye color, and
29 sex of the person, as well as the first and last date of the license
30 suspension period imposed by the court.

31 The court shall inform the person orally and in writing that if the
32 person is convicted of operating a motor vehicle during the period of
33 license suspension or postponement, the person shall be subject to the
34 penalties set forth in R.S.39:3-40. A person shall be required to
35 acknowledge receipt of the written notice in writing. Failure to
36 receive a written notice or failure to acknowledge in writing the
37 receipt of a written notice shall not be a defense to a subsequent
38 charge of a violation of R.S.39:3-40.

39 If the person convicted under such an ordinance is not a New
40 Jersey resident, the court shall suspend or postpone, as appropriate,

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 the non-resident driving privilege of the person based on the age of the
2 person and submit to the division the required report. The court shall
3 not collect the license of a non-resident convicted under this section.
4 Upon receipt of a report by the court, the division shall notify the
5 appropriate officials in the licensing jurisdiction of the suspension or
6 postponement.

7 c. (1) No ordinance shall prohibit an underaged person from
8 consuming or possessing an alcoholic beverage in connection with a
9 religious observance, ceremony, or rite or consuming or possessing an
10 alcoholic beverage in the presence of and with the permission of a
11 parent, guardian or relative who has attained the legal age to purchase
12 and consume alcoholic beverages.

13 (2) As used in this section:

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

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

18 d. No ordinance shall prohibit possession of alcoholic beverages
19 by any such person while actually engaged in the performance of
20 employment by a person who is licensed under Title 33 of the Revised
21 Statutes, or while actively engaged in the preparation of food while
22 enrolled in a culinary arts or hotel management program at a county
23 vocational school or post secondary educational institution; however,
24 no ordinance enacted pursuant to this section shall be construed to
25 preclude the imposition of a penalty under this section, R.S.33:1-81,
26 or any other section of law against a person who is convicted of
27 unlawful alcoholic beverage activity on or at premises licensed for the
28 sale of alcoholic beverages.

29

30 2. R.S.40:48-1 is amended to read as follows:

31 40:48-1. Ordinances; general purpose. The governing body of
32 every municipality may make, amend, repeal and enforce ordinances
33 to:

34 Finances and property. 1. Manage, regulate and control the
35 finances and property, real and personal, of the municipality;

36 Contracts and contractor's bonds. 2. Prescribe the form and
37 manner of execution and approval of all contracts to be executed by
38 the municipality and of all bonds to be given to it;

39 Officers and employees; duties, terms and salaries. 3. Prescribe
40 and define, except as otherwise provided by law, the duties and terms
41 of office or employment, of all officers and employees; and to provide
42 for the employment and compensation of such officials and employees,
43 in addition to those provided for by statute, as may be deemed
44 necessary for the efficient conduct of the affairs of the municipality;

45 Fees. 4. Fix the fees of any officer or employee of the
46 municipality for any service rendered in connection with his office or

1 position, for which no specific fee or compensation is provided. In the
2 case of salaried officers or employees, such fee shall be paid into the
3 municipal treasury;

4 Salaries instead of fees; disposition of fees. 5. Provide that any
5 officer or employee receiving compensation for his services, in whole
6 or in part by fees, whether paid by the municipality or otherwise, shall
7 be paid a salary to be fixed in the ordinance, and thereafter all fees
8 received by such officer or employee shall be paid into the municipal
9 treasury;

10 Maintain order. 6. Prevent vice, drunkenness and immorality; to
11 preserve the public peace and order; to prevent and quell riots,
12 disturbances and disorderly assemblages; to prohibit the consumption
13 of alcoholic beverages by underage persons on private property
14 pursuant to section 1 of P.L. , c. (C.) (now pending before the
15 Legislature as this bill);

16 Punish beggars; prevention of loitering. 7. Restrain and punish
17 drunkards, vagrants, mendicants and street beggars; to prevent
18 loitering, lounging or sleeping in the streets, parks or public places;

19 Auctions and noises. 8. Regulate the ringing of bells and the
20 crying of goods and other commodities for sale at auction or
21 otherwise, and to prevent disturbing noises;

22 Swimming; bathing costume; prohibition of public nudity. 9.
23 Regulate or prohibit swimming or bathing in the waters of, in, or
24 bounding the municipality, and to regulate or prohibit persons from
25 appearing upon the public streets, parks and places clad in bathing
26 costumes or robes, or costumes of a similar character; regulate or
27 prohibit persons from appearing upon State-owned lands within its
28 borders in a state of nudity;

29 Prohibit annoyance of persons or animals. 10. Regulate or
30 prohibit any practice tending to frighten animals, or to annoy or injure
31 persons in the public streets;

32 Animals; pounds; establishment and regulation. 11. Establish and
33 regulate one or more pounds, and to prohibit or regulate the running
34 at large of horses, cattle, dogs, swine, goats and other animals, and to
35 authorize their impounding and sale for the penalty incurred, and the
36 costs of impounding, keeping and sale; to regulate or prohibit the
37 keeping of cattle, goats or swine in any part of the municipality; to
38 authorize the destruction of dogs running at large therein;

39 Hucksters. 12. Prescribe and regulate the place of vending or
40 exposing for sale articles of merchandise from vehicles;

41 Building regulations; wooden structures. 13. Regulate and control
42 the construction, erection, alteration and repair of buildings and
43 structures of every kind within the municipality; and to prohibit, within
44 certain limits, the construction, erection or alteration of buildings or
45 structures of wood or other combustible material;

46 Inflammable materials; inspect docks and buildings. 14. Regulate

1 the use, storage, sale and disposal of inflammable or combustible
2 materials, and to provide for the protection of life and property from
3 fire, explosions and other dangers; to provide for inspections of
4 buildings, docks, wharves, warehouses and other places, and of goods
5 and materials contained therein, to secure the proper enforcement of
6 such ordinance;

7 Dangerous structures; removal or destruction; procedure. 15.
8 Provide for the removal or destruction of any building, wall or
9 structure which is or may become dangerous to life or health, or might
10 tend to extend a conflagration; and to assess the cost thereof as a
11 municipal lien against the premises;

12 Chimneys and boilers. 16. Regulate the construction and setting
13 up of chimneys, furnaces, stoves, boilers, ovens and other contrivances
14 in which fire is used;

15 Explosives. 17. Regulate, in conformity with the statutes of this
16 State, the manufacture, storage, sale, keeping or conveying of
17 gunpowder, nitroglycerine, dynamite and other explosives;

18 Firearms and fireworks. 18. Regulate and prohibit the sale and
19 use of guns, pistols, firearms, and fireworks of all descriptions;

20 Soft coal. 19. Regulate the use of soft coal in locomotives,
21 factories, power houses and other places;

22 Theaters, schools, churches and public places. 20. Regulate the
23 use of theaters, cinema houses, public halls, schools, churches, and
24 other places where numbers of people assemble, and the exits
25 therefrom, so that escape therefrom may be easily and safely made in
26 case of fire or panic; and to regulate any machinery, scenery, lights,
27 wires and other apparatus, equipment or appliances used in all places
28 of public amusement;

29 Excavations. 21. Regulate excavations below the established
30 grade or curb line of any street, not greater than eight feet, which the
31 owner of any land may make, in the erection of any building upon his
32 own property; and to provide for the giving of notice, in writing, of
33 such intended excavation to any adjoining owner or owners, and that
34 they will be required to protect and care for their several foundation
35 walls that may be endangered by such excavation; and to provide that
36 in case of the neglect or refusal, for 10 days, of such adjoining owner
37 or owners to take proper action to secure and protect the foundations
38 of any adjacent building or other structure, that the party or parties
39 giving such notice, or their agents, contractors or employees, may
40 enter into and upon such adjoining property and do all necessary work
41 to make such foundations secure, and may recover the cost of such
42 work and labor in so protecting such adjacent property; and to make
43 such further and other provisions in relation to the proper conduct
44 and performance of said work as the governing body or board of the
45 municipality may deem necessary and proper;

46 Sample medicines. 22. Regulate and prohibit the distribution,

1 depositing or leaving on the public streets or highways, public places
2 or private property, or at any private place or places within any such
3 municipality, any medicine, medicinal preparation or preparations
4 represented to cure ailments or diseases of the body or mind, or any
5 samples thereof, or any advertisements or circulars relating thereto,
6 but no ordinance shall prohibit a delivery of any such article to any
7 person above the age of 12 years willing to receive the same;

8 Boating. 23. Regulate the use of motor and other boats upon
9 waters within or bounding the municipality;

10 Fire escapes. 24. Provide for the erection of fire escapes on
11 buildings in the municipality, and to provide rules and regulations
12 concerning the construction and maintenance of the same, and for the
13 prevention of any obstruction thereof or thereon;

14 Care of injured employees. 25. Provide for the payment of
15 compensation and for medical attendance to any officer or employee
16 of the municipality injured in the performance of his duty;

17 Bulkheads and other structures. 26. Fix and determine the lines
18 of bulkheads or other works or structures to be erected, constructed
19 or maintained by the owners of lands facing upon any navigable water
20 in front of their lands, and in front of or along any highway or public
21 lands of said municipality, and to designate the materials to be used,
22 and the type, height and dimensions thereof;

23 Lifeguard. 27. Establish, maintain, regulate and control a
24 lifeguard upon any beach within or bordering on the municipality;

25 Appropriation for life-saving apparatus. 28. Appropriate moneys
26 to safeguard people from drowning within its borders, by location of
27 apparatus or conduct of educational work in harmony with the plans
28 of the United States volunteer life-saving corps in this State;

29 Fences. 29. Regulate the size, height and dimensions of any
30 fences between the lands of adjoining owners, whether built or erected
31 as division or partition fences between such lands, and whether the
32 same exist or be erected entirely or only partly upon the lands of any
33 such adjoining owners, or along or immediately adjacent to any
34 division or partition line of such lands. To provide, in such ordinance,
35 the manner of securing, fastening or shoring such fences. In the case
36 of fences thereafter erected contrary to the provisions thereof, the
37 governing body may provide for a penalty for the violation of such
38 ordinance, and in the case of such fence or fences erected or existing
39 at the time of the passage of any such ordinance, may provide therein
40 for the removal, change or alteration thereof, so as to make such fence
41 or fences comply with the provisions of any such ordinance;

42 Advertise municipality. 30. Appropriate funds for advertising the
43 advantages of the municipality;

44 Government Energy Aggregation Programs. 31. Establish
45 programs and procedures pursuant to which the municipality may act
46 as a government aggregator pursuant to sections 40 through 45 of

1 P.L.1999, c.23 (C.48:3-89 through C.48:3-94. Notwithstanding the
2 provisions of any other law, rule or regulation to the contrary, a
3 municipality acting as a government aggregator pursuant to P.L.1999,
4 c.23 (C.48:3-49 et al.) shall not be deemed to be a public utility
5 pursuant to R.S.40:62-24 or R.S.48:1-1 et seq. or be deemed to be
6 operating any form of public utility service pursuant to R.S.40:62-1 et
7 seq., to the extent such municipality is solely engaged in the provision
8 of such aggregation service and not otherwise owning or operating any
9 plant or facility for the production or distribution of gas, electricity,
10 steam or other product as provided in R.S.40:62-12.
11 (cf: P.L.1999, c.141, s.1)

12

13 3. This act shall take effect immediately.

14

15

16

17

18 _____
19 Permits municipalities to enact ordinance prohibiting possession or
20 consumption of alcoholic beverages on private property by underage
persons.

CHAPTER 33

AN ACT concerning possession and consumption of alcoholic beverages by underaged persons, supplementing Title 40 of the Revised Statutes and amending R.S.40:48-1.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.40:48-1.2 Enactment of ordinance prohibiting possession, consumption of alcoholic beverages by underaged person on private property, permitted.

1. a. A municipality may enact an ordinance making it unlawful for any person under the legal age who, without legal authority, knowingly possesses or knowingly consumes an alcoholic beverage on private property. The ordinance shall provide that a violation shall be punished by a fine of \$250 for a first offense and \$350 for any subsequent offense.

b. The ordinance shall provide that the court may, in addition to the fine authorized for this offense, suspend or postpone for six months the driving privilege of the defendant. Upon the 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 17 years.

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 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.

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 R.S.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 R.S.39:3-40.

If the person convicted under such an 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 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.

c. (1) No ordinance shall prohibit an underaged 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.

(2) As used in this section:

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

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

d. No ordinance shall prohibit 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; however, no ordinance enacted pursuant to this section shall be construed to preclude the imposition of a penalty under this section, R.S.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.

2. R.S.40:48-1 is amended to read as follows:
Ordinances; general purpose.

40:48-1. Ordinances; general purpose. The governing body of every municipality may make, amend, repeal and enforce ordinances to:

Finances and property. 1. Manage, regulate and control the finances and property, real and personal, of the municipality;

Contracts and contractor's bonds. 2. Prescribe the form and manner of execution and approval of all contracts to be executed by the municipality and of all bonds to be given to it;

Officers and employees; duties, terms and salaries. 3. Prescribe and define, except as otherwise provided by law, the duties and terms of office or employment, of all officers and employees; and to provide for the employment and compensation of such officials and employees, in addition to those provided for by statute, as may be deemed necessary for the efficient conduct of the affairs of the municipality;

Fees. 4. Fix the fees of any officer or employee of the municipality for any service rendered in connection with his office or position, for which no specific fee or compensation is provided. In the case of salaried officers or employees, such fee shall be paid into the municipal treasury;

Salaries instead of fees; disposition of fees. 5. Provide that any officer or employee receiving compensation for his services, in whole or in part by fees, whether paid by the municipality or otherwise, shall be paid a salary to be fixed in the ordinance, and thereafter all fees received by such officer or employee shall be paid into the municipal treasury;

Maintain order. 6. Prevent vice, drunkenness and immorality; to preserve the public peace and order; to prevent and quell riots, disturbances and disorderly assemblages; to prohibit the consumption of alcoholic beverages by underage persons on private property pursuant to section 1 of P.L.2000, c.33 (C.40:48-1.2);

Punish beggars; prevention of loitering. 7. Restrain and punish drunkards, vagrants, mendicants and street beggars; to prevent loitering, lounging or sleeping in the streets, parks or public places;

Auctions and noises. 8. Regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises;

Swimming; bathing costume; prohibition of public nudity. 9. Regulate or prohibit swimming or bathing in the waters of, in, or bounding the municipality, and to regulate or prohibit persons from appearing upon the public streets, parks and places clad in bathing costumes or robes, or costumes of a similar character; regulate or prohibit persons from appearing in a state of nudity upon all lands within its borders which are under the jurisdiction of the State including, without limitation, all lands owned by, controlled by, managed by or leased by the State;

Prohibit annoyance of persons or animals. 10. Regulate or prohibit any practice tending to frighten animals, or to annoy or injure persons in the public streets;

Animals; pounds; establishment and regulation. 11. Establish and regulate one or more pounds, and to prohibit or regulate the running at large of horses, cattle, dogs, swine, goats and other animals, and to authorize their impounding and sale for the penalty incurred, and the costs of impounding, keeping and sale; to regulate or prohibit the keeping of cattle, goats or swine in any part of the municipality; to authorize the destruction of dogs running at large therein;

Hucksters. 12. Prescribe and regulate the place of vending or exposing for sale articles of merchandise from vehicles;

Building regulations; wooden structures. 13. Regulate and control the construction, erection, alteration and repair of buildings and structures of every kind within the municipality; and to prohibit, within certain limits, the construction, erection or alteration of buildings or structures of wood or other combustible material;

Inflammable materials; inspect docks and buildings. 14. Regulate the use, storage, sale and disposal of inflammable or combustible materials, and to provide for the protection of life and property from fire, explosions and other dangers; to provide for inspections of buildings, docks, wharves, warehouses and other places, and of goods and materials contained therein, to secure the proper enforcement of such ordinance;

Dangerous structures; removal or destruction; procedure. 15. Provide for the removal or destruction of any building, wall or structure which is or may become dangerous to life or health, or might tend to extend a conflagration; and to assess the cost thereof as a municipal lien against the premises;

Chimneys and boilers. 16. Regulate the construction and setting up of chimneys, furnaces, stoves, boilers, ovens and other contrivances in which fire is used;

Explosives. 17. Regulate, in conformity with the statutes of this State, the manufacture, storage, sale, keeping or conveying of gunpowder, nitroglycerine, dynamite and other explosives;

Firearms and fireworks. 18. Regulate and prohibit the sale and use of guns, pistols, firearms, and fireworks of all descriptions;

Soft coal. 19. Regulate the use of soft coal in locomotives, factories, power houses and other places;

Theaters, schools, churches and public places. 20. Regulate the use of theaters, cinema houses, public halls, schools, churches, and other places where numbers of people assemble, and the exits therefrom, so that escape therefrom may be easily and safely made in case of fire or panic; and to regulate any machinery, scenery, lights, wires and other apparatus, equipment or appliances used in all places of public amusement;

Excavations. 21. Regulate excavations below the established grade or curb line of any street, not greater than eight feet, which the owner of any land may make, in the erection of any building upon his own property; and to provide for the giving of notice, in writing, of such intended excavation to any adjoining owner or owners, and that they will be required to protect and care for their several foundation walls that may be endangered by such excavation; and to provide that in case of the neglect or refusal, for 10 days, of such adjoining owner or owners to take proper action to secure and protect the foundations of any adjacent building or other structure, that the party or parties giving such notice, or their agents, contractors or employees, may enter into and upon such adjoining property and do all necessary work to make such foundations secure, and may recover the cost of such work and labor in so protecting such adjacent property; and to make such further and other provisions in relation to the proper conduct and performance of said work as the governing body or board of the municipality may deem necessary and proper;

Sample medicines. 22. Regulate and prohibit the distribution, depositing or leaving on the public streets or highways, public places or private property, or at any private place or places within any such municipality, any medicine, medicinal preparation or preparations represented to cure ailments or diseases of the body or mind, or any samples thereof, or any advertisements or circulars relating thereto, but no ordinance shall prohibit a delivery of any such article to any person above the age of 12 years willing to receive the same;

Boating. 23. Regulate the use of motor and other boats upon waters within or bounding the municipality;

Fire escapes. 24. Provide for the erection of fire escapes on buildings in the municipality, and to provide rules and regulations concerning the construction and maintenance of the same, and for the prevention of any obstruction thereof or thereon;

Care of injured employees. 25. Provide for the payment of compensation and for medical attendance to any officer or employee of the municipality injured in the performance of his duty;

Bulkheads and other structures. 26. Fix and determine the lines of bulkheads or other works or structures to be erected, constructed or maintained by the owners of lands facing upon any navigable water in front of their lands, and in front of or along any highway or public lands of said municipality, and to designate the materials to be used, and the type, height and dimensions thereof;

Lifeguard. 27. Establish, maintain, regulate and control a lifeguard upon any beach within or bordering on the municipality;

Appropriation for life-saving apparatus. 28. Appropriate moneys to safeguard people from drowning within its borders, by location of apparatus or conduct of educational work in harmony with the plans of the United States volunteer life-saving corps in this State;

Fences. 29. Regulate the size, height and dimensions of any fences between the lands of adjoining owners, whether built or erected as division or partition fences between such lands, and whether the same exist or be erected entirely or only partly upon the lands of any such adjoining owners, or along or immediately adjacent to any division or partition line of such lands. To provide, in such ordinance, the manner of securing, fastening or shoring such fences. In the case of fences thereafter erected contrary to the provisions thereof, the governing body may

provide for a penalty for the violation of such ordinance, and in the case of such fence or fences erected or existing at the time of the passage of any such ordinance, may provide therein for the removal, change or alteration thereof, so as to make such fence or fences comply with the provisions of any such ordinance;

Advertise municipality. 30. Appropriate funds for advertising the advantages of the municipality;

Government Energy Aggregation Programs. 31. Establish programs and procedures pursuant to which the municipality may act as a government aggregator pursuant to sections 40 through 45 of P.L.1999, c.23 (C.48:3-89 through C.48:3-94). Notwithstanding the provisions of any other law, rule or regulation to the contrary, a municipality acting as a government aggregator pursuant to P.L.1999, c.23 (C.48:3-49 et al.) shall not be deemed to be a public utility pursuant to R.S.40:62-24 or R.S.48:1-1 et seq. or be deemed to be operating any form of public utility service pursuant to R.S.40:62-1 et seq., to the extent such municipality is solely engaged in the provision of such aggregation service and not otherwise owning or operating any plant or facility for the production or distribution of gas, electricity, steam or other product as provided in R.S.40:62-12.

3. This act shall take effect immediately.

Approved June 28, 2000.

Office of the Governor
NEWS RELEASE

PO BOX 004
TRENTON, NJ 08625

CONTACT: Jayne O'Connor
609-777-2600

RELEASE: June 28, 2000

Gov. Whitman Signs Bill to Fight Underage Drinking

Gov. Christie Whitman today signed legislation that will enable municipalities to enact an ordinance to prohibit the possession or consumption of alcoholic beverages on private property by persons less than 21 years of age.

"This legislation will enable municipalities to take steps to prevent underage persons from illegally consuming alcoholic beverages in areas where they once could drink and not be affected by the law," stated Whitman. "This also ensures that communities are not negatively affected by the poor behavior of underage drinkers."

The ordinance must contain four exemptions. First, it must exempt underage drinking done in connection with a religious observance, ceremony or rite. Second, it must exempt underage drinking done in the presence and with the permission of a parent, guardian or relative who is of legal age. Third, it must provide an exemption to allow underage persons to work for restaurants, liquor stores, or other alcoholic beverages licensees. And fourth, it must exempt underage persons engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a vocational or post-secondary school.

Violators of any ordinance would be subject to a \$200 fine for a first offense and a \$350 fine for any subsequent offense, and could be required to perform community service. The bill would also allow the court to suspend a driver's privileges for up to six months.

S-692, was sponsored by Senators Leonard T. Connors, Jr. (R-Atlantic/Burlington/Ocean) and Anthony R. Bucco (R-Morris) and Assembly Members Rose Marie Heck (R-Bergen), Joseph V. Doria, Jr. (D-Hudson), Christopher J. Connors (R-Atlantic/Burlington/Ocean), Kenneth C. LeFevre (R-Atlantic) and Jeffrey W. Moran (R-Atlantic/Burlington/Ocean).