

DELAWARE TOWNSHIP
ORDINANCE #2012-13

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER III (POLICE REGULATIONS) OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF DELAWARE, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY TO AMEND SECTION 3:2.5 THAT DEALS WITH UNDERAGE POSSESSION AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES” #2012-13

BE IT ORDAINED by the Mayor and Township Committee of the Township of Delaware, County of Hunterdon and State of New Jersey as follows:

SECTION 1. Chapter III “POLICE REGULATIONS” Section 3-2 “DISORDERLY PERSONS” Subsection 3-2.5 “UNDERAGE POSSESSION AND/OR CONSUMPTION OF ALCOHOL” of the Revised General Ordinances of the Township of Delaware shall be amended to create a new subsection to read as follows:

3:2.6 Violations and Penalties

- a. Any person found guilty of violating the terms of Section 3:2.5 shall be subject to a fine of \$250 for a first offense and \$350 for any subsequent offense. Upon a finding of guilt for a second or subsequent offense, the court may also suspend or postpone for up to six months the person’s driving privileges in addition to the authorized fine. Upon the conviction of any person and suspension or postponement of the person’s driver’s license, the court shall forward a report to the New Jersey Motor Vehicle Commission (“Commission”) stating the first and last day of the suspension or postponement imposed by the court pursuant to this Section. If a person at the time of the imposition of the sentence is less than seventeen years of age, the period of ineligibility to obtain a license from the New Jersey Motor Vehicle Commission shall commence on the date the person turns seventeen (17) and shall run for a period of six (6) months from that date. If a person at the time of the imposition of the sentence has a valid driver’s license issued by this State, the court shall immediately collect the license and forward it to the Commission along with a 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 imposed by the court.

- b. 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. The 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 the written notice shall not be a defense to a subsequent charge of a violation of N.J.S.A. 39:3-40.
- c. If the person convicted under Section 3:2.5 is not a New Jersey resident, the court shall suspend or postpone, as appropriate, the non-resident driving privilege for the person based on the age of the person and submit to the Committee the required report. The court shall not collect the license of the non-resident convicted under Section 3:2.5.

SECTION 2. Severability. The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 3. Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4. Codification. This ordinance may be renumbered for codification purposes.

SECTION 5. Effective Date. This Ordinance shall take effect upon final passage and publication pursuant to law.

ATTEST:

Judith A. Allen, RMC
Township Clerk
Introduced 7/16/12 First Reading
Published 7/19/12
Amended at Public Hearing 8/13/12 First Reading
Published 8/23/12

Roger Locandro, Mayor

PLEASE TAKE NOTICE that the above Ordinance was amended and approved on first reading at a Regular Meeting of the Delaware Township Committee held on August 13, 2012. It will be considered on second reading for final adoption and will have a public hearing at a Regular Meeting beginning at 8:00 p.m. on September 10, 2012 at the Delaware Township Municipal Bldg., 570 Rosemont Ringoes Road (Rt. 604), Sergeantsville, NJ. At that time an opportunity will be given for all interested citizens to be heard.