

Date:

July 12, 2005 1st Reading
July 21, 2005 Legal Adv.
Aug 18, 2005 Legal Adv.
Aug 9, 2005 2nd Reading
and Final Passage

Ordinance No.

3074

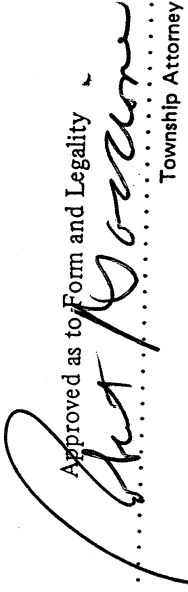
ORDINANCE

of the

Township of Belleville, N. J.

OIR# 1 7-12-05
OIR# 2 8-9-05

Approved as to Form and Legality



Mayor

Township Attorney

Factual contents certified to by

Title

Council Member .. STRUMPO, J. O. BURKE. Presents the following Ordinance
Council Member *Kennedy* Moved for the adoption of the Ordinance
Seconded by Council Member *DiVincenzo, B. Berke*

"AN ORDINANCE PREVENTING THE CONSUMPTION OF ALCOHOL BY ANYONE UNDER THE LEGAL AGE ON PRIVATE PROPERTY"

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF BELLEVILLE, NEW JERSEY:

WHEREAS, the Mayor and Council of the Township of Belleville have determined it to be in the best interests of the citizens of the Township of Belleville to take all measures to prevent the underage consumption and possession of alcoholic beverages by those under the legal age to do so in the Township; and

WHEREAS, such measures will promote the health and safety of the citizens of the Township;

NOW THEREFORE BE IT ORDAINED, by the Municipal Council of the Township of Belleville, New Jersey that the following resolution is adopted.

SECTION 1- Possession or Consumption of Alcoholic Beverage on Private Property by Minors Prohibited

It shall be unlawful for any person under the legal age to knowingly possess or consume an alcoholic beverage on private property without legal authority.

SECTION 2-Exceptions

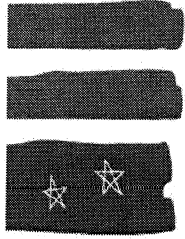
1. The consumption or possession of an alcoholic beverage in connection with a religious observance, ceremony or rite or to the consumption or possession of an alcoholic beverage in the presence of and permission of a parent, guardian or relative who has attained the legal age to purchase and consume alcoholic beverages. For purposes of this section the term "guardian" is defined as a person who has qualified as a guardian of the underage person's grandparent, aunt or uncle,

1. Upon the conviction of any person for a violation of this ordinance, the court shall impose a fine of \$250.00 for the first offense and \$350.00 for any subsequent offense.
2. In addition, the court may suspend or postpone for six (6) 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 that the first and last day of the suspension or postponement period imposed sentence is less than seventeen (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(6) months after the person reaches the age of 17 years.
3. If the person at the time of the imposition of a sentence has a valid driver's license issued by the State of New Jersey, the court shall immediately collect the license and forward same to the Division of Motor Vehicles along with the report required hereunder. 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.
4. The court shall inform the person orally and in writing that if such 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.
5. If a person convicted under this 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 the required report to the Division of Motor Vehicles. The court shall not collect the license of a non-resident convicted under this ordinance. Upon receipt of a report by the court, the division shall give required notice to appropriate officials in the licensing jurisdiction of the suspension or postponement.

SECTION 4- Effective Date

This ordinance shall take effect twenty (20) days after final adoption and publication required by law.

Adopted by the Municipal Council of the Township of Belleville, N. J. — Date <i>Aug. 9, 2005</i>			
COUNCIL MEMBER	YES	NO	N.Y. AB.
KENNEDY			
RECORD OF VOTE			



The Partnership For A
Drug-Free New Jersey

Implementation of P.L. 2000, c.33 Private Property Ordinance Survey

Survey Due August 14th, 2009

Municipality Belleville

County Essex

1.) Has your municipality enacted legislation as per the Private Property Law, P.L. 2000, c. 33?

Yes, if so when 8-9-2005

No

2.) If you answered yes question #1, is your legislation identical to P.L. 2000, c. 33?

Yes

No, if so how does it differ _____

Please attach additional pages if necessary.

3.) If you answered no to question #1, do you plan to enact this legislation?

Yes, if so when _____

No, if not for what reason _____

Completed By Kelly A. Capranagh
Kelly A. Capranagh, Municipal Clerk
RETURN TO: PARTNERSHIP FOR A DRUG-FREE NEW JERSEY

155 Milburn Avenue
Millburn, New Jersey 07401
Phone: 973-467-2100 Fax 973-467-2188