

**ORDINANCE No. 6-2013
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY
OF PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER VI,
"ALCOHOLIC BEVERAGE CONTROL," TO ADD A NEW SECTION 6-6.2,
ENTITLED "POSSESSION AND CONSUMPTION ON PRIVATE PROPERTY,"
TO THE CODE OF THE BOROUGH OF BLOOMINGDALE**

Notice is hereby given that the above entitled ordinance was regularly, duly and finally passed at an Official Meeting of the Governing Body of the Borough of Bloomingdale on June 10, 2014.

Jane McCarthy, RMC
Municipal Clerk
Borough of Bloomingdale

Police

June 10, 2014
[Signature]
MAYOR
[Signature]

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BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Bloomingdale, in the County of Passaic and State of New Jersey, as follows:

SECTION 1. A new section 6-6.2 is to be added to the Code of the Borough of Bloomingdale, entitled "Possession and Consumption on Private Property," providing as follows:

6-6.2 Possession and Consumption on Private Property.

~~a. Possession and Consumption Prohibited. It shall be unlawful for any person under the legal age to, without legal authority, knowingly possess or knowingly consume an alcoholic beverage on private property, except as provided for in subsection (d) below.~~

b. Violations and Penalties. Any person convicted of violating the provisions of this article shall, in accordance with the provisions of N.J.S.A. 40:48-1, as amended, be punished by a fine not to exceed \$250 for the first offense and not to exceed \$350 for any subsequent offense.

c. Additional Penalties.

1. In addition to the fine authorized for this offense, the Court may 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 N.J.S.A. 40:48-1, as amended. 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.

2. 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 of Motor Vehicles 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 the first and last date of the license suspension period imposed by the Court.

3. 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. 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.

4. If a person convicted under this article is not a New Jersey resident, the Court shall suspend or postpone, as appropriate, the nonresident driving privilege of the person based on the age of the person and submit it to the Division of Motor Vehicles on the required report. The Court shall not collect the license of a nonresident convicted under this article. Upon receipt of a report from the Court, the Division of Motor Vehicles shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

d. Exceptions.

1. Nothing contained in this article is intended, nor shall it be construed, as prohibiting 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; provided that, if the underaged person is found to possess or consume an alcoholic beverage in the presence of and with the permission of a relative other than a parent or guardian, the police shall notify the parent or legal guardian, by certified mail, of the incident together with the name of the relative who gave permission for the possession or consumption of the alcoholic beverage by the underaged person. The notification shall include a request that the parent or guardian acknowledge and return a copy of the letter to the Police Department within 15 days of receipt.

2. As used in the preceding subsection 1, the following terms shall have the meanings set forth:

GUARDIAN

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

RELATIVE

The underaged person's grandparent, aunt or uncle, sibling, or any other persons related by blood or affinity.

3. Nothing contained in this article is intended nor shall it be construed as prohibiting 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; provided, however, that this article shall not be construed to preclude the imposition of a penalty under this section, N.J.S.A. 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.

SECTION 2. All ordinances or parts of ordinances of the Borough of Bloomingdale inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 4. This law shall take effect immediately upon final passage, approval and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the Work Session Meeting of the Governing Body of the Borough of Bloomingdale held in the Municipal Building on the 6th day of May, 2014, and the same shall come up for final passage at the Regular Business Meeting of the Governing Body to be held on the 10th day of June, 2014, at 7:00 P.M., at which time any persons interested shall be given the opportunity to be heard concerning said Ordinance

Jane McCarthy, Municipal Clerk