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ARTICLE III. Underage Possession and Consumption on Private Property

[Adopted 4-10-2001 (Sec. 14:18 of the 1975 General Ordinances)]

§ 114-16. Definitions.

For purposes of this article providing for the prohibition of underage possession or consumption of alcoholic beverage on private property, the following terms shall be defined as follows:

GUARDIAN

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

RELATIVE

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

§ 114-17. Possession and consumption prohibited.

It shall be unlawful for a person under the legal age to possess or consume 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.

§ 114-18. Prohibited purchases.

It shall be unlawful for a person under the legal age to purchase alcoholic beverages, attempt to purchase or have another purchase for him or her any alcoholic beverage with the Township of Burlington.

§ 114-19. Misrepresentation of age.

It shall be unlawful for any person under the legal age to purchase, possess or consume alcoholic beverages to misrepresent his or her age for the purpose of inducing any licensee or employee of such licensee to sell, serve or deliver any alcoholic beverage to him or her within the Township of Burlington.

§ 114-20. Evidentiary effect of possession of open container.

It shall be unlawful for any person under the legal age to purchase, possess or consume alcoholic beverages, or to have in his or her possession any opened bottle or can of alcoholic beverage, and the possession thereof shall be prima facie evidence of having consumed or imbibed of the contents thereof.

§ 114-21. Waiver.

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1). In accordance with P.L. 2000, c. 33, **Editor's Note:** See N.J.S.A. 40:48-2.1. no ordinance shall prohibit possession of alcoholic beverages by any person under the legal age 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; however, this section 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.

§ 114-22. Violations and penalties.

Any person who shall be adjudged guilty of violating this article before a proper Court shall be fined \$250 for a first offense and a \$350 fine for any subsequent offense, in the discretion of the Court. The Court also has the discretion to suspend or postpone the violator's driving privileges for six months. This suspension may be imposed in those cases where the violator has a New Jersey driver's license; the postponement shall 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.

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